## NOTICE OF CITY OF COMMERCE SPECIAL ELECTION

## TO THE REGISTERED VOTERS OF COMMERCE, HUNT COUNTY, TEXAS:

NOTICE IS HEREBY GIVEN that a Special Election to amend the Charter of the City of Commerce, Texas will be held in the City of Commerce, Texas on May 7, 2016 between the hours of 7:00 A.M. and 7:00 P.M. for the purpose of submitting to the qualified voters of the City of Commerce, Texas, ten (10) ballot propositions for amendments to the City Charter.

Location of Polling Place: The entire City shall constitute one election precinct for this election and the Commerce City Hall, 1119 Alamo Street, Commerce, Texas, is hereby designated the polling place.

Early voting by person appearance will be held at 1119 Alamo Street, Commerce, Texas. Early voting for the election shall begin on Monday, April 25, 2016, and end Tuesday, May 3, 2016, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be as set forth below:

| Dates | Hours |
| :---: | :---: |
| Monday, April 25, 2016, | 8:15 a.m. to $4: 45$ p.m. |
| Tuesday, April 26, 2016 | 7:00 a.m. to 7:00 p.m. |
| Wednesday, April 27, 2016 | 8:15 a.m. to $4: 45$ p.m. |
| Thursday, April 28, 2016 | 7:00 a.m. to 7:00 p.m. |
| Friday, April 29, 2016 | 8:15 a.m. to $4: 45$ p.m. |
| Monday, May 2, 2016 | 7:00 a.m. to 7:00 p.m. |
| Tuesday, May 3, 2016 | 7:00 a.m. to 7:00 p.m. |

## Applications for ballot by mail shall be mailed to:

Acting City Secretary, Early Voting Clerk
1119 Alamo Street
Commerce, Texas 75428
Applications for ballots by mail must be received no later than the close of business on Tuesday, April 26, 2016.

The official ballots to be used in said election shall be prepared in accordance with Sections 52.072 and 52.073 of the Election Code of the State of Texas for submission to qualified voters of the City of Commerce, and shall have printed thereon the following PROPOSITIONS to be expressed substantially as follows so the voters may cast their ballots either "FOR" or "AGAINST" to approve or reject each proposition:

## CITY CHARTER AMENDMENTS

Place an ' $X$ ' in the square underneath each statement indicating the way you wish to vote.

## PROPOSITION NO. 1

Should Section 13 of the City Charter, relating to the municipal court, be amended to read as follows:

## "Section 13. The municipal court.

There is hereby established a municipal court, which shall have the jurisdiction and powers as allowed under the laws of the State of Texas, and as may be conferred by the city council, and the municipal court judge shall serve solely at the pleasure of the city council."

VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO. 2

Should Section 18 of the City Charter, relating to the city council, be amended to read as follows:
"Sec. 18. - The city council.
Except as otherwise provided in the charter, all powers of the City of Commerce shall be vested in the city council of five (5) members, consisting of the mayor and four other council members. The members of the city council shall:
(1) be elected from the city at large;
(2) except for the mayor, be elected by place number;
(3) serve without compensation; and
(4) serve for three-year terms."

VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO. 3

Should Section 18 of the City Charter, relating to the city council, be amended by the addition of Section 18.2 thereto, to read as follows:

## "Section 18.2. Qualifications for members of city council.

Each member of the council shall be at least eighteen years of age or older, a citizen of the United States of America, a resident of the State of Texas for at least twelve (12) months as of the deadline for filing for office and a bona fide resident residing within the territorial limits of the City of Commerce for at least twelve (12) months as of the deadline for filing for office, and must present to the City Secretary a current voter's identification card and a valid photo ID that matches the card for verification purposes; and shall not have delinquent ad valorem taxes, or have been convicted of a felony, been adjudged to be mentally incompetent by a court, or be disqualified by reason of any provision of any other section of this Charter or of Chapter 141 of the Texas Election Code. For the purposes of this section, a bona fide residence shall be defined as a place in which the person actually resides, prima facie evidence of which may include a utility account in the name of the person, or his/her spouse, parent or child with whom he/she actually resides."

VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO 4

Should Section 19 of the City Charter, relating to the organization of the city council, be amended to read as follows:

## "Section 19. Organization of the city council.

The terms of service for city council members shall be for a term of three (3) years, and shall be staggered as follows:

Place One and Place Three<br>Place Two and Place Four<br>Mayor

The Mayor and the City Council members shall be elected from the City at large by a majority vote of the qualified voters at an election held for that purpose. In the event no candidate for the office of Mayor or Council member shall receive a majority of the votes cast for said office, a run-off election shall be held no earlier than the 10th or later than the 30th day after the date the final canvass of the regular election is completed, at which time the names of the two candidates having the greatest number of votes in the regular election shall be placed on the ballot. Such runoff election shall be conducted in the same manner as a regular election."

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VOTE: FOR ם AGAINST
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## PROPOSITION NO. 5

Should Section 20 of the City Charter, relating to vacancies of city council offices, be amended by the addition of Section 20.1 thereto, to read as follows:

## "Section 20.1. Forfeiture of office.

A) A member of the council shall immediately forfeit or be removed from his/her office by the council or by any other means authorized by law for:

1. Ceasing to possess any of the qualifications specified in this section or in any other section of the Charter, including but not limited to, residency requirements;
2. Delinquencies on ad valorem taxes while in office;
3. Willful violation of any express prohibition of this Charter;
4. Failure to attend three (3) consecutive regular meetings or six (6) regular meetings of the council within any single council term year without being excused by the council;
5. Willful violation of any code of ethics or conflicts of interest provision under state or federal law, or city ordinance;
6. Misconduct, malfeasance, incompetence, inability or willful neglect in performance of official duties;
7. Being convicted of a felony or any offense involving moral turpitude, being placed on felony probation or placed on deferred adjudication for a felony or any offense involving moral turpitude, or being otherwise subject to any type of court supervision following disposition or resolution of a felony charge or any offense involving moral turpitude;
B) A removal action by the council may be instituted on its own initiative, or shall be instituted upon petition by twenty-five or more Commerce residents who are registered voters and eligible to vote in the City of Commerce elections, and any final decision to remove a member shall be by the majority vote of council members holding office with the exception of the challenged member. The challenged member shall have the right to written articles of removal, an opportunity to be heard, to be represented by counsel, to summon witnesses who shall be required to give testimony, and to reasonable advance notice of the hearing. The burden of proof shall be on those bringing the charges. The hearing shall be open to the public and the conclusions and findings of the council shall be final. If the member is removed, a complete statement of the reasons therefore shall be filed with the City Secretary. The council shall additionally have the authority to reprimand or suspend a member for a period of no more than 30 days if removal is not warranted.
C) The council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records.
D) Pending charges for removal, the council may suspend the challenged member from office for a period not to exceed thirty days by the majority vote of all council members holding office, with the exception of the challenged member.
E) A member who is removed from office, whether pursuant to this section, by recall or other legal proceedings, or who resigns after any such proceedings have been initiated, shall not be eligible to be appointed to or run as a candidate for city office for two years from the date of removal, recall or resignation."

## VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO. 6

Should Section 27, Subsection (4) of the City Charter, relating to powers of city council members, be amended to read as follows:

## "Section 27. Powers of city council members, Subsection (4).

(4) To inquire by resolution into the conduct of any office, department, or agency of the City of Commerce and make investigations as to municipal affairs."

VOTE: FOR $\square \quad$ AGAINST

## PROPOSITION NO. 7

Should Section 28 of the City Charter, relating to investigation by city council, be amended to read as follows:

## "Section 28. Investigation by city council.

The city council shall have power to inquire by resolution into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for such purposes may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers, and other evidence as ordered under the provisions of this section of this Charter shall constitute a misdemeanor and shall be punishable by fine not exceeding two hundred dollars (\$200.00)."

VOTE: FOR $\square \quad$ AGAINST

## PROPOSITION NO. 8

Should Section 31 of the City Charter, relating to responsibility of the city manager, be amended to read as follows:

## "Section 31. Responsibility of the city manager.

The city manager shall be responsible to the city council for the efficient and economical administration of the city government. The city manager shall have the power to remove all department heads. The city manager may appoint for an indefinite term only, and shall have the power to remove all other employees of the administrative services of the City of Commerce, excepting as otherwise provided in this Charter. The city manager may authorize the head of a department to appoint and remove subordinates in said respective department."

## VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO. 9

Should Section 32 of the City Charter, relating to city council acting through city manager, be amended to read as follows:

## "Section 32. City council to act through city manager.

Neither the city council, nor any of its members, shall direct the appointment or removal of any person from office by the city manager or by any of his or her subordinates. Except for the purpose of inquiry by resolution, the city council and its members shall deal with the administrative service solely through the city manager. Neither the council, nor any member thereof, shall give any instruction to any subordinate of the city manager, either publicly or privately."

VOTE: FOR $\quad$ AGAINST

## PROPOSITION NO. 10

Should Section 35 of the City Charter, relating to the city secretary, be amended to read as follows:

## "Section 35. The city secretary.

The city secretary shall be appointed and removed upon recommendation of the city manager with approval from the city council. It is the duty of the city secretary to keep the records of the city council, and to serve also as ex officio treasurer of the City of Commerce. The city secretary shall countersign all checks and bonds, and shall serve as clerk of the city council and keep the journal of its proceedings."

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\text { VOTE: FOR } \quad \square \quad \text { AGAINST }
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