

RUSSELL D. THOMASON

91ST JUDICIAL DISTRICT
CRIMINAL DISTRICT ATTORNEY

100 WEST MAIN, SUITE 204
EASTLAND, TEXAS 76448

254-629-2659
FAX - 254-629-3361

February 13, 2019

RQ-0275-KP

The Honorable Ken Paxton
Texas Attorney General
P.O. Box 12548
Austin, Texas 78711

FILE # ML-48507-19

I.D. # 48507

Dear Attorney General Paxton

I have received a request from Mayor Joe Pilgrim and City Attorney Barbara Boulware-Wells for the City of Ranger requesting an attorney general opinion to clarify the ability of a City Manager in a Home Rule City to serve as both the City Manager and the Interim or Permanent Police Chief.

Since only certain officials are allowed to request an opinion from your office, I was approached by the Mayor to see if I might submit this request on the City's behalf. As the Criminal District Attorney for Eastland County, please find attached the formal request from Mayor Pilgrim and Ms. Boulware-Wells as well as the background thereto.

Please do not hesitate to contact me if you need any additional information.

Respectfully,

Russell D. Thomason
Criminal District Attorney
Eastland County, Texas

The Knight Law Firm, LLP
Attorneys at Law

Executive Office Terrace Suites
223 West Anderson Lane
Suite A-105
Austin, Texas 78752
Tel: 512.323.5778
Fax: 512.323.5773
www.cityattorneytexas.com
attorneys@cityattorneytexas.com

January 29, 2019

Opinion Committee
Office of the Attorney General
State of Texas
209 West 14th Street
Eighth Floor
Austin, Texas 78701

Re: City of Ranger, Home Rule City –
Clarification as to whether the current City Manager may also be appointed to serve as the
Interim and/or permanent Police Chief

Dear Opinion Committee

The City of Ranger is a home-rule city that employs a City Manager. A while back, the then current Police Chief left and the City Council appointed the City Manager as the Interim Police Chief while they searched for a new Police Chief. As more fully described in the memorandum, the City Manager is fully credentialed to serve as the Police Chief. Having received no candidates that either meet the standards desired and/or surpass the credentials of the City Manager, the City Council continued to have the City Manager serve in an interim capacity. There are some on the City Council that have even considered appointing him as the permanent Police Chief.

Some citizens of the City have questioned the ability of the City to have the City Manager serve in both positions, even in an interim capacity. As the City Attorney, I was asked and wrote an opinion memorandum but was unable to be in attendance at the meeting. While a majority of the Council seemed to believe the situation was allowed, there was at least one member on the Council who firmly was against it. As a compromise and to settle the matter, the City Council voted to request an opinion from your office be sought to put this issue behind the City. The Criminal District Attorney, Russ Thomason, has graciously agreed to forward this request for an Attorney General's opinion as he also believes it to be in the City's best interests to be afforded your insight and understanding of applicable laws and regulations.

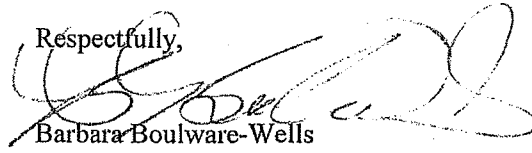
Please find attached the memorandum and supporting documentation concerning this matter that I have offered. The City Council desires to have the following questions answered:

1) Can a City Manager of a Home Rule City also be appointed as interim Police Chief or is this a conflict of interest or does this violate the doctrine of incompatibility, dual office holding, the Constitution or State law?

2) Can the City Manager of a Home Rule City also be appointed as the permanent Police Chief or would that be a conflict of interest or violate the doctrine of incompatibility, dual office holding, the Constitution or State law?

If I can be of any assistance or provide you further information, please do not hesitate to contact me or Mayor Pilgrim.

Respectfully,

A handwritten signature in black ink, appearing to read 'Barbara Boulware-Wells', written over a horizontal line.

Barbara Boulware-Wells
City Attorney, City of Ranger

Attachments

cc: Mayor Joseph Pilgrim
Chad Roberts, City Manager