

ORDINANCE _____

AN ORDINANCE ORDERING A SPECIAL ELECTION IN THE CITY OF KILLEEN, TEXAS, TO CONSIDER AN INITIATIVE ORDINANCE THAT WOULD ELIMINATE ENFORCEMENT OF LOW-LEVEL MARIJUANA OFFENSES IN THE CITY OF KILLEEN; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; NAMING THE EARLY VOTING CLERK; DESIGNATING EARLY VOTING POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

WHEREAS, on May 25, 2022, an initiative petition supporting an ordinance that would eliminate low-level marijuana enforcement in the City of Killeen was filed with the City Secretary’s office; and,

WHEREAS, the City of Killeen Charter states that any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the city equal in number to at least 25% of the number of voters in the last municipal election of the mayor and at-large councilmembers; and,

WHEREAS, the May 7, 2022 general election had a voter turnout of 4,072 resulting in the required number of registered City of Killeen voters signing the petition needing to be at least 1,018; and,

WHEREAS, on May 14, 2022 at a regular meeting of the City Council, the City Secretary certified that following her review, the initiative petition had a sufficient number of signatures and was filed and completed as required by charter; and,

WHEREAS, the City Council held a public hearing on the submitted initiative ordinance on July 26, 2022; and,

WHEREAS, per charter, if the City Council fails to pass the ordinance or it is passed in a different form than set forth in the petition, the ordinance shall be submitted to the electors; and,

WHEREAS, the City Council voted in opposition on July 26, 2022 of passing the ordinance resulting in the ordinance being required to be submitted to the electors;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION 1. That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a special election be held in Bell County, Texas, on November 8, 2022, for the purpose of submitting to the qualified voters of the City, the consideration of amending the code of ordinances to eliminate enforcement of low-level marijuana offenses. Any reference in this ordinance hereinafter to “Election Day” shall mean November 8, 2022.

SECTION 2. That the vote shall be upon an official ballot prepared in such manner as will permit the voters “FOR” or “AGAINST” the proposition submitted, with the proposition to be set forth on the official ballots in substantially the following form:

Proposition A

Shall the ordinance specified in the initiative petition be approved to: prohibit Killeen police officers from issuing citations or making arrests for Class A or B misdemeanor possession of marijuana offenses except in limited circumstances, prohibit Class C citations for drug paraphernalia in lieu of a possession of marijuana charge, prohibit the use of city funds or personnel to perform testing to confirm whether a substance meets the legal definition of marijuana except in limited circumstances, prohibit Killeen police officers from considering the odor of marijuana or hemp to constitute probable cause for any search or seizure except in limited circumstances, require that Killeen police officers receive training on the ordinance, require that policies and procedures be updated in accordance with the ordinance, require regular open meetings with stakeholders to discuss practices related to the ordinance, provide that a violation of the ordinance may subject a Killeen police officer to discipline, and require a report within three months of adoption of the ordinance and annually thereafter to be submitted to City Council concerning implementation of the ordinance?

SECTION 3. The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

SECTION 4. Each qualified voter who desires to cast an early vote or who expects to be absent on the date of the election shall be entitled to an official ballot and to cast such ballot in accordance with the applicable provisions of Title 7, V.T.C.A., Election Code, beginning October 24, 2022, and continuing through November 4, 2022. The Bell County Elections Administrator will be the early voting clerk. Early voting will be conducted in person, October 24, 2022 through October 28, 2022 (Monday – Friday, 8:00 a.m. – 5:00 p.m.), October 29, 2022 (Saturday, 7:00 a.m. – 7:00 p.m.), October 30, 2022 (Sunday, 12:00 p.m. – 6:00 p.m.) and October 31, 2022 through November 4, 2022 (Monday – Friday, 7:00 a.m. – 7:00 p.m.). The main early voting polling place is identified as the Bell County

Courthouse Annex located at 550 East 2nd Avenue, Belton 76513. In addition to the main early polling place, branch early voting locations are as follows (subject to change):

Belton - Bell County Courthouse Annex, 550 East 2nd Ave

Killeen - Bell County Annex, 304 Priest Drive

Killeen - Jackson Professional Learning Center, 902 Rev R A Abercrombie Dr.

Killeen - Senior Center @ Lions Club Park, 1700 E. Stan Schleuter Loop, Killeen, TX 76542

Temple - Temple ISD Administration Bldg, 401 Santa Fe Way

Salado - Salado Church of Christ, 217 North Stagecoach

Harker Heights - Parks & Recreation Center, 307 Millers Crossing

Applications for ballot by mail may be mailed by common or contract carrier to:

Bell County Elections Department

P. O. Box 1629

Belton, Texas 76513

The deadline to submit an application for ballot by mail (ABBM) is October 28, 2022 (must be received, not postmarked).

SECTION 5. All resident qualified electors of the City of Killeen shall be permitted to vote at the election.

SECTION 6. The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on Election Day and for early voting.

SECTION 7. Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City Hall, the official city website and at three (3) other public places in the City at least thirty (30) days prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than fourteen (14) days prior to the date set for the election.

SECTION 8. Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

SECTION 9. It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of August 2022, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

APPROVED

Debbie Nash-King, MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, INTERIM CITY ATTORNEY