

NUMBER, SELECTION, TERM MAYOR AND THE COUNCIL

Section 22. The members of the City Council of the City of Killeen shall be composed of a mayor and seven councilmembers. Four (4) of the councilmembers shall represent "single member districts," such districts being numbered and designated 1, 2, 3, and 4, and defined in this charter or by ordinance hereafter passed. The mayor and three (3) of the councilmembers shall represent the city at large. Such council shall be elected in the following manner:

~~At an election held on a uniform election date in even-numbered years, a mayor and three councilmembers shall be elected by a plurality vote of the city at large for a term of two (2) years. The mayor or any councilmember elected prior to the adoption of this amendment shall serve until November 2027. Beginning in November 2027, and thereafter, A~~at an election held on ~~a~~the November uniform election date in odd-numbered years, there shall be elected a mayor and seven councilmembers, each to serve a term of two (2) years. A mayor and three councilmembers shall be elected by a plurality vote of the city at large, and four councilmembers, one ~~councilmember~~ from each of the single member districts 1, 2, 3, and 4, by a plurality vote of the registered voters residing within each district,~~to serve a term of two (2) years.~~ All elections are to be held in a manner provided in Article IX of this charter and in accordance with state law.

The members of the City Council shall serve not more than three (3) terms in succession in any one office, in whole or in part, whether appointed (to fill an unexpired portion of a term) or elected, and until their successors shall have been elected and qualified and they shall be ineligible to succeed themselves or another councilmember for an additional successive term;~~except if any member of the City Council holding office desires to run for a different office than that which the member holds, at the next election, the member must resign and vacate their present office immediately upon filing for a different office and his resignation shall be effective on the date of such resignation.~~ For the purposes of this provision there shall be only two offices: the office of the mayor and the office of the councilmember.

VACANCIES

Section 26. A vacancy in the council of the City of Killeen, except the office of Mayor, shall be filled by a majority vote of the remaining members of the council, by the selecting of a person possessing all the qualifications prescribed by Section 23 of

this Article, and who shall be a bona fide resident of the district in which the vacancy occurs; unless the vacancy in office is that of a councilmember at large, in which case the person selected to fill the vacancy shall be a bona fide resident of the City of Killeen without regard to the district in which he resides. However, if the ~~remaining members of the council are unable to appoint members due to a lack of quorum, vacancy occurs within 90 days before a regular municipal election, the vacancy is not required to be filled. Where more than one vacancy shall develop at any one time,~~ then a special election shall be called on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law, ~~in order to fill those vacancies. and that occurs on or after the 30th day after the date the ordinance calling the election is adopted, and any vacancy shall be filled in the same manner as herein provided for general election.~~ If the Mayor protem succeeds to the office of Mayor under the provisions of Section 25 of this Article, then ~~his~~the office of ~~that~~ councilmember shall be considered vacant within the meaning of this Section.

MUNICIPAL ELECTIONS

Section 93. The regular election for the choice of members of the council as provided in Section 22 of Article III of this Charter, shall be held ~~each every odd-numbered~~ year on ~~an~~the authorized November uniform Election Date provided for in the Texas Election Code. The council may, by resolution, order a special election on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law as may be authorized by law. The Council shall set the date of all other elections in accordance with applicable provisions of the Election Code, Local Government Code, Constitution and other general laws of the State of Texas.

FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

Section 103. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within ~~ten~~thirty days after the petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The city clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons

than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing ~~his~~the examination of the petition, the city clerk shall certify the result thereof to the council at its regular meeting. If ~~he~~the city clerk shall certify that the petition is insufficient, ~~he~~the city clerk shall set forth in ~~his~~the certification the particulars in which it is defective and shall at once notify the committee of the petitioners of ~~his~~the findings.

AMENDMENT OF PETITIONS

Section 104. An initiative or referendum petition may be amended at any time within ~~ten~~thirty days after the notification of insufficiency has been sent by the city clerk, by filing a supplementary petition upon additional papers and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition and, if the petition is still insufficient, ~~he shall~~ file ~~his~~a certificate to that effect in ~~his~~the city clerk's office and notify the committee of petitioners of ~~his~~the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

CONSIDERATION BY COUNCIL

Section 106. Whenever the council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the council by the city clerk. The council may adopt the ordinance but only if the ordinance is consistent with the laws of this state. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

SUBMISSION TO ELECTORS

Section 107. If the council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition thereof, or if the council fails to repeal a referred ordinance, the proposed or

referred ordinance shall be submitted to the electors on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law. The council may, in its discretion, and if no regular election is to be held within such period shall, provide for a special election. Notwithstanding anything to the contrary, if the council makes the determination that an ordinance proposed by initiative petition is not consistent with the laws of this state, the proposed ordinance shall not be submitted to the electors.

RECALL: GENERAL

Section 111. Any member of the City Council, including the mayor, may be removed from office by recall on grounds of incompetency, official misconduct, or malfeasance in office.

RECALL PROCEDURE

Section 112. Any elector of the City of Killeen may make and file with the city clerk an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal specifying those ground(s) listed in Section 111 upon which such removal is sought with such certainty as to give the officer(s) sought to be removed notice of the charge. An affidavit for the removal of a district councilmember may only be filed by an elector who resides within the district in which the councilmember represents. An affidavit for the removal of the mayor or an at-large councilmember may be filed by any elector regardless of the district in which the elector resides.

By the close of business on the ~~first~~fifth business day following receipt of the affidavit, the clerk shall deliver to the elector making such affidavit copies of petition blanks demanding such removal. Such blanks when issued by the city clerk shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated, and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The city clerk shall enter in a record to be kept in ~~his~~the city clerk's office the name of the elector to whom the petition blanks were issued and the number issued to said person.