



# CHARTER RECOMMENDATIONS: COUNCIL INVESTIGATIONS

DS-26-051

June 22, 2026

# Background

- The Charter authorizes investigations by the City Council in order to:
  - ▣ (i) inquire into the conduct of any office, department, agency, or officer; and
  - ▣ (ii) make investigations as to municipal affairs.
- The Charter Review recommended an amendment to require that the City Council adopt an ordinance specifying the procedures to conduct the investigation.

# Section 39

## INVESTIGATION BY COUNCIL

Section 39. Councilmembers shall have power to inquire into the conduct of any office, department, agency, or officer of the city. Council shall have power to make investigations as to municipal affairs, and for that purpose 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 or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed the maximum amount allowed by law. Council shall provide, by ordinance, procedures on the conduct of any investigations authorized pursuant to this section.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding City Council initiated investigations.



# CHARTER RECOMMENDATIONS: CANDIDATE FILING FEE



# Background

- To have a name placed on the ballot for election in the City of Killeen, a person must:
  - ▣ meet the eligibility requirements prescribed by State law, &
  - ▣ file a sworn application with the City Secretary.
- The City of Killeen does not charge a filing fee.
  - ▣ State law requires that if a city charter requires candidates to pay a filing fee, the **amount of the fee** and an **alternative procedure** to payment of the fee shall be prescribed by the charter or ordinance.

# Comparators

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- 5 comparable cities, with populations between 100,000 and 300,000, require a filing fee:
  - \$100 (Lubbock, Amarillo, & Wichita Falls), \$200 (Frisco), & \$250 (Round Rock)
  - Alternatives to filing fee ranged from signatures from 25 to 100 registered voters.
  - 3 provided for greater of (i) a set number of voter signatures or (ii) 0.5% of the number of voters for mayor.

# Committee Recommendation

- The Charter Review Committee recommended an amendment to the Charter requiring:
  - ▣ a \$100 filing fee, or
  - ▣ a petition signed by 50 registered voters.
- Based on the recommendation, amendments would need to be made to Section 95 of the Charter.

# Section 95

## HOW TO GET NAME ON BALLOT

Section 95. Any qualified person may have his or her name placed on the official ballot as a candidate for Mayor or Councilmember at any election held for the purpose of electing a Mayor or Councilmember by filing with the City Secretary, in accordance with the Texas Election Code, a sworn application on a form prepared by the City Secretary in conformance with Section 141.031 of the Texas Election Code or any successor statute thereto, and either paying a filing fee of \$100.00, or presenting a petition signed by at least 50 registered voters of the city for a candidate for mayor or at-large councilmember, or 50 registered voters from the district in which a candidate for district councilmember seeks to represent.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding candidate filing fees.



# CHARTER RECOMMENDATIONS: INITIATIVE & REFERENDUM



# Background

- The Charter grants the power to an elector to petition the City Council for an initiative or a referendum.
  - ▣ An initiative petition is to propose a new ordinance.
  - ▣ A referendum petition is to repeal an adopted ordinance.
- An initiative or referendum is submitted to Council through a petition that must be signed by 25% of the number of voters in the last election in which the Mayor was elected.
- The City Secretary must certify the petition within 10 days.
- If deficient, the petitioner may amend it within 10 days.

# Comparators

- **Amarillo** – Petition must be signed by 5% of the total registered voters.
  - ▣ Prohibits petition that has been the subject of a public election within the preceding 3 years.
- **Temple** – Petition must be signed 20% of the total registered voters.
- **Lubbock** – Petition must be signed by 25% of the total qualified voters.

# Comparators

- **Waco** – Petition must be signed by 15% of the total qualified voters.
- **Austin** – Petition must be signed by 5% of the total qualified voters or 20,000; whichever is less.
- Both Waco and Austin prohibit initiated ordinances in conflict with the city charter, Texas Constitution, or state law.

# Committee Recommendation

- The Charter Review Committee recommended that:
  - The number of required signatures should be equal to at least 25% of the number of voters who voted for the office of mayor in the last election in which the mayor was elected.
  - The City Secretary should have 30 days to certify a petition, and a petitioner should have 30 days to amend a deficient petition.
  - Initiated ordinances inconsistent with state law should not be approved by Council or be submitted to the voters.

# Committee Recommendation

- Based on the recommendation, amendments would need to be made to Sections 100-107 of the Charter.
- The impact of this amendment is that it will reduce the number of signatures for a petition for an initiative or a referendum.

# Section 100

## **POWER OF INITIATIVE**

Section 100. The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes or subject to state or federal law requirements that cannot be met through the initiative ordinance process, and to adopt or reject the same at its polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least twenty-five per cent of the number of voters who voted for the office of mayor in the last regular municipal election of the mayor ~~and at-large councilmembers~~.

# Section 101

## **POWER OF REFERENDUM**

Section 101. The electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors, such power being known as the referendum, except in cases of bond ordinances and ordinances making the annual tax levy. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five per centum of the number of voters who voted for the office of mayor at the last preceding regular municipal election of the mayor ~~and at-large councilmembers~~ may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.

# Section 102

## FORM OF PETITIONS: COMMITTEE OF PETITIONERS

Section 102. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his/her name in ink and shall indicate ~~after his name~~ his/her place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that ~~he and he~~ only the circulator, and the circulator only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in ~~his~~ the circulator's presence, and that ~~he~~ the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

# Section 103

## **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 ~~tenth~~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.

# Section 104

## 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.

# Section 106

## **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?"

# Section 107

## **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.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding initiative and referendum.



# CHARTER RECOMMENDATIONS: CHANGE ORDER BRIEFINGS



# Background

- A change order is a written agreement that changes the price, scope, and/or schedule of a project. Change orders are typically used in construction related contracts.
- State law allows a city to administratively approve all change orders of \$50,000 or less and restricts the increase in the total cost of a contract, resulting from change orders, to 25%.
- City policy requires that, once cumulative change orders for a contract reach \$500,000, all change order must be approved by Council regardless of the amount of the change order.

# Committee Recommendation

- The Charter Review Committee recommended that the Charter be amended to require the City Manager to brief the City Council, on a quarterly basis and at a regular council meeting, on all monetary change orders approved during the preceding fiscal quarter.
- Based on the recommendation, amendments would need to be made to Section 45 of the Charter.

# Section 45

## ***POWERS AND DUTIES***

Section 45. The city manager shall be the chief executive officer and the head of the administrative branch of the city government. ~~He~~The city manager shall be responsible to the council for the proper administration of all affairs of the city and to that end ~~he~~ shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as ~~he~~the city manager may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
- (3) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

# Section 45

- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem ~~to him~~ desirable by the city manager.
- (5) Brief council and citizens at a regular meeting on all contract change orders, that resulted in an increase or decrease in the contract price, approved during each fiscal year quarter within one month of the end of the quarter.
- (56) Perform such other duties as may be prescribed by this charter or required ~~of him~~ by the council, not inconsistent with this charter.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding change order briefings.



# CHARTER RECOMMENDATIONS: RECALL PROCEDURES



# Background

- The Charter provides that any member of council may be recalled (i.e., removed from office).
- Any voter registered to vote in the City of Killeen, can seek to recall any councilmember or the mayor by filing an affidavit.
- The City Secretary then must issue petition blanks to the petitioner within 1 business day.
- A person may not seek the recall of an officer within (i) the first six months of his/her term or (ii) six-months following a recall election in which the officer was not removed.

# Background

- Within 30 days of receiving the petition blanks, the petitioner must collect signatures from registered voters in a number greater than 50% of the total number of voters:
  - in the City in the last election if for mayor or at-large councilmember, or
  - in the particular district if for a single district councilmember.
- The officer may then resign within 5 days. If not, the City Council must call an election.

# Comparators

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## □ **Killeen**

- ▣ Requires 50% of the total number of voters
- ▣ No recall within first 6 months or within 6 months of a recall election.

## □ **Waco**

- ▣ Requires 30% of the qualified voters of the City or district.
- ▣ No recall against an officer within first 6 months and no officer shall be subjected to more than 1 recall during a term.

# Comparators

35

## □ **Temple/Amarillo**

- ▣ Requires 30% of the qualified voters of the City or district.
- ▣ No recall against an officer within first or last 180 days or within 180 days of a previous recall election for that officer.

## □ **College Station**

- ▣ Only for incompetency, official misconduct or malfeasance in office.
- ▣ Requires 40% of the number of voters who voted in the last election where that office was filled.
- ▣ No recall against an officer within first 6 months or within 6 months of a previous recall election for that officer.

# Comparators

36

## □ **Georgetown**

- Requires 15% of the registered voters of the City or district; as applicable at the last election.
- No recall within first 6 months and may be subject to only one recall election during a term of office.

## □ **Lubbock**

- Requires at least 30% of the qualified voters of the officer's elective District at the last regular municipal election
- 10% of those signing the petition shall certify they voted for the officer proposed to be recalled in the last election.

# Committee Recommendation

- The Charter Review Committee recommended that:
  - A petition for the recall of an at-large councilmember should be signed by qualified voters equal to more than 50% of the number of votes actually received by that councilmember in the last election.
  - An elected official should only be subject to a single recall election per term.
  - The City Secretary should have 5 business days to provide the petition blanks upon receipt of the affidavit.

# Committee Recommendation

- Based on the recommendation, amendments would need to be made to Sections 112-117 of the Charter.
- The impact of this amendment is that it will reduce the number of signatures required to call an election for the recall of an at-large councilmember.

# Section 112

## **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. By the close of business on the firstfifth 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 office the name of the elector to whom the petition blanks were issued and the number issued to said person.

# Section 113 (first paragraph)

## RECALL PETITIONS

Section 113. The recall petition to be effective must be returned and filed with the city clerk within thirty days after the date on which the petition blanks are provided by the city clerk. A recall petition for the mayor ~~or an at-large councilmember~~ must be signed by qualified electors of this city equal in number to more than fifty percent (50%) of the total number of voters in the last municipal election at which ~~three at-large councilmembers and~~ the mayor ~~werewas~~ elected. A recall petition for an at-large councilmember must be signed by qualified electors of this city equal in number to more than fifty percent (50%) of the total number of votes received by that councilmember in the last municipal election at which the councilmember was elected. A recall petition for a district councilmember must be signed by qualified electors of the district represented by the councilmember in number equal to more than fifty percent (50%) of the total number of voters for that district in the last municipal election where the district seat was filled.

# Section 113 (second paragraph)

Each signer of any petition blank shall sign his/her name in ink and shall indicate ~~after his name~~ his/her place of residence by street and number, or other description sufficient to identify the place. The elector may allow others to circulate a petition. Upon submitting the petition, the elector must submit a list to the city clerk of the names and addresses of all circulators that were authorized ~~by him~~the elector to collect signatures for the petition, and a list of the pages of the petition upon which each circulator obtained signatures. Attached to each petition, there shall be an affidavit of the circulator(s) thereof that ~~he/they~~the circulator, and ~~he/they~~the circulator only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in ~~his/their~~the circulator's presence, and that ~~he/they~~the circulator believes them to be the genuine signatures of those persons whose names they purport to be. No petition papers shall be accepted as part of a petition unless it bears the signature of the city clerk as required in Section 112 of this Article.

# Section 114

## RECALL ELECTION

Section 114. The city clerk shall at once examine the recall petition, and if ~~he finds~~ it is sufficient and in compliance with the provisions of this article of the charter, ~~hethe~~ circulator shall within ten (10) days submit it to the city council with ~~hisa~~ certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice, the city council shall order and fix a date for holding a recall election. Any such election shall be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law.

Only a resident qualified to vote in an election for a candidate may vote in a recall election for that candidate.

# Section 116

## RESULTS OF RECALL ELECTION

Section 116. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, ~~h~~the officer shall continue in office for the remainder of ~~h~~the officer's unexpired term, ~~subject to recall as before.~~, ~~i~~f a majority of the votes cast at such an election be for the recall of the officer named on the ballot, ~~h~~the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the City Council as in other vacancies.

# Section 117

## LIMITATIONS OF RECALLS

Section 117. No recall petition shall be filed against a councilmember within six months after the officer begins a term, and no officer shall be subjected to more than one recall election per term of office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six months after such election. If a councilmember is subject to recall pursuant to the provisions of this Article but is re-elected before the recall election takes place, the recall petition is negated and the councilmember retains his/her seat.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding recall procedures.



# CHARTER RECOMMENDATIONS: JUDICIAL REMOVAL



# Background

- Chapter 21, Subchapter B, of the Texas Local Government Code allows for a citizen of a general law city to petition a district court judge to remove a local elected official.
- The petitioner must allege incompetence, official misconduct, or intoxication on or off duty.
- If accepted by the judge, the petition would initiate a lawsuit between the petitioner and elected official and could result in a hearing and removal of the officer.

# Committee Recommendation

- The Charter Review Committee recommended that the City Charter be amended to adopt the ability for a citizen to seek the judicial removal of an elected official based on the same criteria and procedures outlined in state law.
- Based on the recommendation, amendments would need to be made to Section 35 of the Charter.

# Section 35

## **COUNCIL TO BE JUDGE OF QUALIFICATIONS OF ITS MEMBERS** **JUDICIAL REMOVAL OF MEMBERS OF COUNCIL**

Section 35. Any resident of the City of Killeen, who has resided within the city for at least six months and who is not under indictment, may file a petition with the Bell County District Court seeking the removal of the mayor or a councilmember. The petition must be addressed to the district judge of the court in which the petition is filed and must specify the grounds alleged for the removal, as listed in Texas Local Government Code Section 21.025, et seq. If the district judge accepts the petition and issues the order for citation, the hearing and all related matters shall proceed in accordance with Chapter 21, Subchapter B, of the Texas Local Government Code, as amended.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding judicial removal of elected officials.



# CHARTER RECOMMENDATIONS: CITIZEN COMMENT



# Background

- The *Governing Standards and Expectations* serve as a single-source reference for the City Council's rules, protocols, procedures, policies, and expectations for itself, committee/board members, staff, and the public.
- First adopted by the City Council in 2018.
- Regularly reviewed, amended, and readopted around June of every year.

# Background

- The Texas Open Meetings Act requires that a governmental body allow members of the public to address the body “regarding an item on an agenda...during the body's consideration of the item.”
- The *Governing Standards & Expectations* expanded that right to allow the public to speak on non-agenda items.
- The section granting the ability to speak on non-agenda items was removed in January 2024.

# Comparison

- In reviewing the charters of the 22 other cities between 100k—300k population, none were found to have a provision requiring a citizen comment period on non-agenda items.
- A vast majority of those cities did have a provision stating something to the effect of “the city council shall determine its own rules and order of business.”
  - This is very similar to the provision contained in the City of Killeen’s City Charter.

# Committee Recommendation

- The Charter Review Committee recommended that the Charter should adopt procedures to allow citizens the opportunity to speak on City-related non-agenda items at all regular council meetings.
- All comments should be addressed to the Council as a whole and not at an individual council member.
- Based on the recommendation, amendments would need to be made to Section 36 of the Charter.

# Section 36

## **RULES OF PROCEDURE: JOURNAL**

Section 36. The council shall determine its own rules and order of business. It shall keep an indexed journal of its proceedings and the journal shall be open to the public inspection.

The above notwithstanding, during a regular council meeting, Council shall afford citizens the opportunity to speak on any topic that is related to city business, regardless if the topic of discussion is on the approved agenda for that meeting. All comments shall remain germane to city related business. An individual making such comments should address the City Council as a whole and shall refrain from personally addressing any individual members of the Council.

# Direction

- Staff requests direction as to whether City Council (i) accepts, (ii) modifies and accepts, or (iii) rejects the Charter Review Committee's recommendation regarding the citizen comment period.