X

City of Killeen

Agenda

City Council

Tuesday, September 28	5:00	РМ	City Hall Council Chambers 101 N. College Street Killeen, Texas 76541
Call to Order and I	Roll Call		
	Debbie Nash-King Je Michael Boyd Ko	ina Cobb essica Gonzalez en Wilkerson ick Williams	
Invocation			
Pledge of Allegian	ce		
Approval of Agend	a		
Presentations			
1. <u>PR-21-006</u>	Killeen Star Award Presentatio	n	
Citizen Comments			
	This section allows members of the pother than a public hearing item, on the shall sign up in advance, may speak three (3) minutes. The Presiding Office requested at the end of the original thallowed.	he agenda for Council's considera only one time, and such address s cer may allow a one (1) minute ext	tion. Each person shall be limited to tension, if
Consent Agenda			
2 . <u>MN-21-022</u>	Consider Minutes of Special Ci	ty Council Meeting of Septer	mber 7, 2021.
	Attachments: Minutes		
3 . RS-21-123	and Expectations as amended. <u>Attachments:</u> Staff Report	·	
	<u>Presentation</u>		
4. RS-21-125	Consider a memorandum/reso	lution authorizing an agreem	ent with Axon

Enterprise, Inc. through Buyboard (contract #603-20) for the purchase of TASERS in an amount not to exceed \$170,000.00 per year, through fiscal year 2031.

Attachments: Staff Report

Quote

<u>Agreement</u>

Certificate of Interested Parties Exemption

Presentation

5. OR-21-021 Consider an ordinance amending the number of authorized civil service positions for the Killeen Fire Department.

Attachments: Staff Report

<u>Ordinance</u>

Presentation

Resolutions

6. RS-21-124 Consider a memorandum/resolution appointing members to various citizen boards and commissions.

Attachments: Staff Report

Presentation

7. RS-21-126 Consider a memorandum/resolution appointing Councilmembers to the Animal Advisory Committee subcommittee.

Attachments: Staff Report

Presentation

Ordinances

8. OR-21-024 Consider an ordinance amending the Code of Ordinances, Chapter 6, Animals, by reducing the number of citizens appointed to the Animal Advisory Committee.

Attachments: Staff Report

Ordinance
Presentation

Public Hearings

9. PH-21-053 HOLD a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to adjust revenue and expenditure accounts in multiple funds.

Attachments: Staff Report

Ordinance Presentation

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on September 24, 2021.

Lucy C. Aldrich, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.

- · National Night Out, October 5, 2021, Killeen
- TML Annual Conference, October 6-8, 2021, Houston, Texas
- · AUSA Annual Meeting, October 9-13, 2021, Washington, DC

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Legislation Details

File #: PR-21-006 Version: 1 Name: Killeen Star Award Presentation

Type:PresentationsStatus:PresentationsFile created:7/26/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: Killeen Star Award Presentation

Sponsors: City Council

Indexes:

Code sections: Attachments:

Date Ver. Action By Action Result



Legislation Details

File #: MN-21-022 Version: 1 Name: Minutes of Special City Council Meeting of

September 7, 2021

Type: Minutes Status: Minutes

File created: 9/1/2021 In control: City Council

On agenda: 9/28/2021 Final action:

Title: Consider Minutes of Special City Council Meeting of September 7, 2021.

Sponsors: City Secretary

Indexes:

Code sections:

Attachments: Minutes

Date	Ver.	Action By	Action	Result
0/04/0004	4	014 - 0 11 14/ 1 1		

9/21/2021 1 City Council Workshop

Special City Council Meeting Killeen City Hall September 7, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro-Tem Debbie Nash-King, Councilmembers Jessica Gonzalez, Nina Cobb,

Michael Boyd, Ken Wilkerson, Rick Williams and Mellisa Brown

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City

Secretary Lucy Aldrich, and Sergeant-at-Arms Ache.

Approval of Agenda

Motion was made by Mayor Pro-Tem Nash-King to approve the agenda as written. Motion was seconded by Councilmember Brown. The motion carried unanimously.

Citizen Comments

Mr. Mark Bauer - spoke on supporting nonprofits in the budget.

Public Hearings

PH-21-048 HOLD a public hearing on the proposed FY 2022 Proposed Annual Budget.

Staff comments: Jon Locke, Executive Director of Finance.

Local Government Code and City of Killeen Charter require that a public hearing be held prior to the adoption of the final budget. A fiscal year 2022 budget summary was presented.

Mayor Segarra opened the public hearing.

Mr. Dennis Drury spoke on the budget.

Mr. Frederick Bourgeois spoke on the street maintenance fee.

Ms. Anca Neagu spoke on the budget, specifically animal control.

Ms. Ella Brasher spoke on the budget, specifically animal control.

Ms. Lampe Rebecca spoke on animal control concerns.

Mr. Leo Gukeisen spoke on the property tax exemptions.

Ms. Rachel Brent spoke on the street maintenance fee.

Mr. Michael Fornino spoke on the budget.

With no one else appearing, the public hearing was closed.

Councilmember Brown made a motion of direction to allocate \$374,000 into a program for income-based utility bill relief for citizens. Without a second, the motion died.

Special City Council Meeting September 7, 2021 – Page 2

Councilmember Brown made a motion of direction to allocate \$150,000 to support non-profit organizations. Councilmember Boyd seconded the motion of direction. The motion carried 5 to 2 with Mayor Pro Tem Nash-King and Councilmember Williams in opposition.

Councilmember Boyd made a motion of direction to allocate \$50,000 for the construction of a playground on the grounds of the National Mounted Warfare Museum on Fort Hood. Mayor Pro Tem Nash-King seconded the motion of direction. The motion failed 1 to 6 with Mayor Pro Tem Nash-King, Councilmember Gonzalez, Councilmember Cobb, Councilmember Wilkerson, Councilmember Williams and Councilmember Brown in opposition.

Councilmember Brown made a motion of direction to remove the proposed water and solid waste rate increases. Without a second the motion died.

Motion was made by Mayor Pro Tem Nash-King to set the date of September 14, 2021 to adopt the FY 2022 Proposed Budget; the meeting will start at 5:00 p.m. and will be held at 101 N. College Street, Killeen, Texas. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.

Councilmember Brown made a motion of direction to remove \$374,279 of revenue from the general fund budget. Mayor Pro Tem Nash-King seconded the motion of direction. The motion carried 4 to 3 with Councilmember Gonzalez, Councilmember Wilkerson, and Councilmember Williams in opposition.

Adjournment

With no further business, Mayor Segarra adjourned the meeting at 6:15 p.m.



Legislation Details

File #: RS-21-123 Version: 1 Name: **Governing Standards**

Type: Status: Resolutions Resolution File created: 9/7/2021 In control: City Council

Final action: On agenda: 9/28/2021

Title: Consider a memorandum/resolution to readopt the Governing Standards and Expectations as

amended.

City Attorney Department Sponsors:

Indexes:

Code sections:

Attachments: **Staff Report**

Draft Governing Standards and Expectations

Presentation

Date Ver. **Action By** Action Result

9/21/2021 1 City Council Workshop



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Readopting amended Governing Standards and Expectations

BACKGROUND AND FINDINGS:

The Governing Standards and Expectations were first adopted by the City Council in 2018. It serves as a single-source reference containing the City Council's rules, protocols, procedures, policies and expectations for itself, committee members, staff and the public. Section 7-20 provides that the Governing Standards will be reviewed annually after a new City Council is seated.

The City Council discussed proposed revisions at its work sessions on July 13, 2021 and August 17, 2021. A summary of the main amendments proposed follows.

	The preface has changes to expectations for Councilmembers.
	1-20(e): Agendas and supporting material will go to the City Council and the public on
	or before Wednesday before a work session, and on or before Friday before regular
_	meetings.
	1-(50)(a)(7): Citizens petition sign up changes to Monday of the week preceding at
_	which the citizen wishes to speak due to earlier agenda preparation.
	1-50(a)(8): During Citizen Comments, a majority vote of the City Council is required for
_	any time extensions beyond the one minute the Mayor grants.
	1-50(a)(12): During a public hearing, the time designated for questions of staff shall not
_	be used to show support or opposition for the matter before the City Council.
	1-70(c): Reference to the section regarding appeal to the Council is added to clarify.
	1-70(e): Changes to limits to deliberations:
	 Work Sessions: Each Councilmember has two (2) opportunities to speak, each
	being five (5) minutes. A third opportunity for all Councilmembers to speak
	requires a majority vote of the City Council.
	 Regular and Special Meetings: Each Councilmember has three (3) opportunities
	to speak, each being three (3) minutes.
	 Responding to a request for clarification from another Councilmember and staff
	responses do not count against the time limitations.
	1-70(I): A recess shall be taken at least every two (2) hours.
	1-70(n): There shall be no further discussion on an item after a vote has been taken.
	1-70(o): No vote shall be taken twice unless a proper Motion for Reconsideration is
	made. Councilmembers are responsible to ask for clarification before a vote is taken.
	1-70(p): Meetings will end at 11:00 pm unless a discussion is in progress or a time
	sensitive matter has not yet been considered.

- ☐ 1-90(b): When Councilmembers submit questions in advance, staff will include in the presentation responses that have been provided to the City Council.
- ☐ 3-20 Citizen Boards, Commissions and Committees
 - o (e): Remove "appointment" from Subcommittee title. Members of subcommittees will act as liaisons to the boards, commissions and committees.
 - (e): Remove Killeen Volunteers, Inc. and replace with Animal Advisory Committee.
 - (g): Change terms for citizens on boards, commissions, and committees from six
 (6) years to two (2) terms. This will also require an ordinance change.
 - o (n): Employee appointments to citizen boards are allowed if appointment is required because of the employee's position with the City.
 - (q): Boards, commissions and committees may not create bylaws that restrict or create requirements for the City Council or staff, and may not change the purpose, mission or scope unless approved by the City Council.
- □ 4-100: The Executive Director of Communications shall provide an update at least monthly, either by presentation or written report.

THE ALTERNATIVES CONSIDERED:

The City Council may: 1) continue discussions for further amendments to the Governing Standards and Expectations; or 2) readopt the Governing Standards and Expectations as amended.

Which alternative is recommended? Why?

It is recommended that the City Council readopt the Governing Standards and Expectations as amended. The next review will take place following the May 2022 election.

CONFORMITY TO CITY POLICY:

The City Charter provides that the City Council may enact rules or procedures for all meetings of the City Council. Also, the Governing Standards and Expectations calls for annual review.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no expenditure related to this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends that the City Council readopt the Governing Standards and Expectations as amended.

DEPARTMENTAL CLEARANCES:

ATTACHED SUPPORTING DOCUMENTS:

Draft Governing Standards and Expectations



GOVERNING STANDARDS AND EXPECTATIONS

ADOPTED VIA RESOLUTION 18-052R 6/27/2018

PREFACE

The following is a single source reference document enumerating the Killeen City Council's Protocols, Rules of Order and Procedure, and Policies. The protocols and guidelines included in this reference document have been formally adopted by the City of Killeen City Council.

The Killeen City Council believes that effective municipal governance requires that individual Councilmembers adhere to a general set of principles when dealing with each other and the public. Furthermore, the City Council desires to conduct its meetings in a manner that is respectful, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community.

MEMBERS OF THE KILLEEN CITY COUNCIL WILLAS an elected official and representative of the City of Killeen, it is expected that you will:

- Respect the opinions of fellow Councilmembers, be well-informed on issues and participate in the deliberations of the Council.
- ❖ Accept responsibility to attend all Council meetings and work sessions.
- Provide appropriate notification to the Mayor <u>erand</u> City Manager of an absence as soon as possible prior to the meeting time.
- Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- Make every attempt to resolve any conflict with a fellow Councilmember prior to bringing the conflict to the attention of the Council.
- Assist in preserving order and decorum.
- Neither by conversation or otherwise delay or interrupt the proceeding or refuse to obey the orders of the Mayor or presiding officer or the rules of the City Council.
- Expect to be informed of all issues and data in a timely manner.

COUNCIL MEETING EXPECTATIONS:

Each Councilmember will:

- Endeavor to make the citizens comfortable and part of the process at the meetings.
- ❖ Make visitors comfortable by being courteous and respecting their opinions.
- ❖ Do their best to communicate in clear, concise and audible language and written communications.
- Strive to maintain a tone of voice that is courteous and sincere.
- Honor and act on all requests for action and/or information in a timely and courteous manner.
- Discuss issues, but not personalities, with non-Councilmembers. After an issue has been voted on, a councilmember will speak in a manner that does not undermine the integrity or motives of the Council.

COUNCIL FINAL AUTHORITY ON GUIDELINES: All questions regarding these guidelines shall be resolved by a majority vote of the City Council, present and voting.

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GOVERNING STANDARDS AND EXPECTATIONS

DIVISION 1. MEETINGS

Sec. 1-10. Authority

Pursuant to the provisions of the Charter of the City of Killeen, Texas, the City Council may enact rules of procedure for all meetings of the City Council of the City of Killeen, Texas, which shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted.

Sec. 1-20. City Council Agenda

- (a) The City Manager is responsible for creating, processing and distributing the agenda and agenda materials for City Council meetings.
- (b) The Mayor or a councilmember may direct the City Manager in writing, using the attached form (Attachment "A"), to place an item on the next available work session agenda to introduce the topic to the City Council. Items must be submitted to the City Manager no later than noon on the Monday proceeding the week of the City Council work session meeting, and must contain adequate detail of the request to allow for proper posting under the Open Meetings Act. The City Council may discuss the item when presented, and if a majority of Council agrees that further discussion of the item is warranted, the item will be placed on a future agenda for more detailed discussion and staff work, if necessary. If Council does not agree that further discussion is warranted, the item may not be introduced again within six months unless either directed by a majority of the City Council to the City Manager during any scheduled regular or special meeting or work session, or directed by the Mayor and one Councilmember in writing to the City Manager. In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item. The Mayor or City Manager may also place an item on the agenda if they believe it is of general interest or necessary to carry out business.
- (c) A majority of the City Council, during any scheduled regular or special meeting or work session, may direct the City Manager to place an item on a future agenda.
- (d) Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a future agenda within six months of such action unless either directed by a majority of the City Council to the City Manager during any scheduled regular or special meeting or work session, or directed by the Mayor and one Councilmember in writing to the City Manager. In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.
- (e) In order to provide Councilmembers ample time to review items and submit questions in advance, the agenda and all supporting documentation shall be presented to the City Council on or before the Wednesday before the work session at which the agenda will be discussed. Any information not available at that time shall be sent to Councilmembers as a supplement as soon as possible before the meeting. Agendas and supporting documentation for regular meetings shall be presented to the City Council on or before the Friday before the meeting.

Sec. 1-30. Types of Meetings

- (a) Regular Meetings: A regular meeting is one during which the City Council takes official action. They are held on the second and fourth Tuesday of each month, unless the meeting is rescheduled or cancelled. The Mayor has the authority to establish the start time for any regular meeting.
- (b) Work Session Meetings: A work session is a meeting to discuss or explore matters of interest to the City, review and discuss agenda items, and/or meet with City boards, commissions or committee members, or City Staff. These meetings are informational and no formal action shall be taken unless the posted agenda indicates otherwise, although Council may provide direction to the City Manager via Motions of Direction. The Mayor may allow any citizen to participate in the discussion at a work session, but only as recognized by the Mayor. The Mayor may end citizen participation in a work session in order to allow the City Council to proceed with discussion. A work session will normally be scheduled on the first and third Tuesday of each month. The Mayor has the authority to establish the start time for any work session meeting.
- (c) Special Meetings: Per City of Killeen Charter sec. 34, special meetings may be called by the Mayor or by a majority of the Council. The call for a special meeting shall be filed with the City Secretary in written form, except that announcement of a special meeting, during any regular meeting at which all members are present, shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day and the hour of the special meeting and shall identify the subject or subjects to be considered.
- (d) Emergency Meeting: In case of emergency or urgent public necessity, as defined by State law and confirmed by the City Attorney, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or City Manager, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.
- (e) Closed Meeting: The City Council may meet in a closed meeting under conditions allowed by applicable law. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.
- (f) Recessed Meetings. Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a period longer than twenty-four hours from the time the meeting is recessed.

Sec. 1-40. Quorum

A quorum at any meeting of the City Council will be established by the presence of four members of Council. The Mayor shall not count as a Councilmember for the establishment of a quorum.

Sec. 1-50. Order of Business

The rRegular City Council meetings will be generally conducted in the following order, unless otherwise specified. An executive session may be held at any time during a meeting pursuant to applicable State law.

(a) Agenda Format. The Agenda shall provide for the following topics or subjects to be considered by the City Council in the following order:

- 1. CALL TO ORDER: This section shall note the time and place of the meeting.
- 2. ROLL CALL: This section shall note the attendance of the Mayor, City Councilmembers, City Manager, City Attorney, City Secretary and Sergeant at Arms.
- 3. INVOCATION: This section shall note the opening prayer. (See sec. 4-140 for invocation policy).
- 4. PLEDGE OF ALLEGIANCE: This section shall note the observance of our national pledge.
- 5. APPROVAL OF THE AGENDA: This section shall approve of the order and content of the agenda. The Mayor or any Councilmember may ask for the order and/or content of the agenda to be modified under this item upon consent of a majority of the Council.
- 6. PRESENTATIONS. This section shall provide for any items to be submitted to the Council which are: proclamations; items not requiring extensive discussion; items requesting information or items requesting future action by the Council. No item requiring action by the Council shall be placed under this section.
- 7. CITIZENS PETITIONS AND INFORMATION: This section allows presentations by citizens of Killeen who are not currently in, or threatening civil or criminal litigation with, the City of Killeen or any of its officers or officials, or with whom litigation is reasonably anticipated. However, citizens who are currently involved or threatening litigation against the City may still address the council on issues wholly unrelated to the subject matter of the litigation. Individuals should address their petitions and presentations to the City Council and refrain from personally addressing individual members of the Council. Councilmembers cannot discuss items presented under this agenda item or take any action other than consideration of whether to place the item on a future agenda as a discussion item, or refer to staff for research and possible future action. Presentations may cover only one topic, must be related to City business, and shall be limited to 3 minutes, unless the Presiding Officer allows a one (1) minute extension, if requested by the speaker at the end of the original three (3) minute period. A majority vote of the City Council is required for any other time extensions. Presentations must be scheduled and audio-visual materials requiring the use of equipment for presentation must be submitted through the City Manager's office by 2:00 p.m. on the Wednesday Monday of the week preceding the Council meeting at which the citizen wishes to speak. Citizens may only make one presentation per meeting.
- 8. CITIZENS COMMENTS ON AGENDA ITEMS: This section allows members of the public to address the Council regarding any item, other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to three (3) minutes. The Presiding Officer may allow a one (1) minute extension, if requested at the end of the original three (3) minute period. No other extensions will be allowed. A majority vote of the City Council is required for any other time extensions.
- 9. CONSENT AGENDA: This section shall provide for items that require action by the Council, but where no discussion is anticipated. By a single motion, second, and affirmative majority vote, items under this section are approved without further discussion

- or action. Items such as, but not limited to, the approval of minutes, approval of plats, awarding of bids and permits are eligible for consideration under this section.
- 10. RESOLUTIONS: This section shall provide for all resolution action items to be considered by the Council not provided for elsewhere on the agenda.
- 11. ORDINANCES: This section shall provide for all ordinance action items to be considered by the Council not provided for elsewhere on the agenda.
- 12. PUBLIC HEARINGS: This section shall provide for Council consideration of any public hearings related to such hearings if action is required. Public hearings shall be conducted in the following manner:
 - a. Reading of the caption of the ordinance (if applicable)
 - b. Staff presents report.
 - c. City Councilmembers may ask Staff questions. <u>Councilmembers shall not use this time to indicate support or opposition for the matter before the City Council.</u>
 - d. The applicant then has the opportunity to present comments, testimony, and/or oral arguments. Only one person may represent the application during this section. (3 minute limit)
 - e. City Councilmembers may ask questions of the applicant.
 - f. The Chair opens the public hearing.
 - g. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.
 - h. Members of the public are provided with the opportunity for comments and testimony in accordance with Section 1.50(c) of these Governing Standards and Expectations.
 - i. Mayor closes public hearing.
 - j. The applicant may be given the opportunity to respond to questions from the City Council and for closing comment or rebuttal.
 - k. The City Council deliberates and takes action as needed.
 - I. The Chair announces the final decision of the City Council as applicable.
- 13. ADJOURNMENT: This section provides for the closure of the meeting.
- (b) Agenda Deadline: Any person desiring either to present an item for the City Councils' consideration or sign up to address the City Council during Citizens Petitions and Information shall do so in the City Manager's office not later than 2:00 p.m. on the Wednesday preceding the meeting or work session at which he/she wishes the subject to be considered.
- (c) Public Participation: Whenever a member of the public is recognized to address the Council on an ordinance, resolution, or public hearing item, the individual will be given 3 minutes to make comments. The Presiding Officer may allow a 1-minute extension, if requested by the speaker at the end of the original three (3) minute period. A majority vote of the City Council is required for any subsequent time extensions.

In order to expedite matters and to avoid repetitious presentations, whenever a group of people wish to address the City Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson if the persons for whom he or she speaks agree to yield

their time to the spokesperson.

Sec. 1-60. Consideration of Ordinances, Resolutions and Motions

- (a) Printed Form: All ordinances and resolutions shall be presented to the Council only in printed written form.
- (b) City Attorney to Approve: All ordinances and resolutions shall be approved as to form and legality by the City Attorney.
- (c) Recording of Votes: The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the City Council.
- (d) *Majority Vote Required*: Unless otherwise required by law, approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority.

Sec. 1-70. General Procedures

- (a) General Procedure: General rules of parliamentary procedure as defined in this document and consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council shall use Robert's Rules of Order as a general guideline for additional rules of parliamentary procedure without being a procedural requirement. However, failure to abide by, or adhere to, these rules shall not nullify or negate any action by the City Council. These rules of parliamentary procedure are intended solely as a guideline and tool, and are not intended to limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings.
- (b) Chair of Meeting: The Mayor shall preside over all meetings of the City Council as the Chair and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro Tem shall assume the Chair responsibility at the meeting. In the absence of the Pro Tem, the City Council will choose a Chair for the meeting.
- (c) Authority of the Chair: The Chair shall make decisions on questions of procedure, subject to review by the City Council as a whole as provided in Section 1-80(c)(4).
- (d) City Council Deliberations: The Chair has the responsibility to control the discussion and the order of speakers. Councilmembers will generally be called upon in the order of the request to speak. Generally, a Councilmember may not be recognized to speak subsequently until each Councilmember has had an opportunity to obtain the floor. A Councilmember holding the floor may address a question to another Councilmember and that Councilmember may, should they so choose, respond to the question while the floor is still held by the Councilmember asking the question.
- (e) Limits to Deliberations: After an agenda item is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion currently being considered. Councilmembers will govern themselves as to the length of their comments, and the Mayor shall act as the arbiter in determining how long an individual Councilmember may speak on an item, and shall apply the standard consistently and fairly. The intent of this policy is not to limit debate, but rather to assist Councilmembers in their efforts to communicate effectively and concisely.

During work session meetings, each Councilmember shall have two (2) opportunities to speak on an agenda item, limited to five (5) minutes each. All Councilmembers will be permitted a third opportunity to speak if approved by a majority vote of the City Council. During regular or special meetings, each Councilmember shall have three (3) opportunities to speak on an agenda item, limited to three (3) minutes each. Responding to a request for clarification from another Councilmember or staff responses will not be included in the time allotments.

- (e)(f) Repetitious Comments Prohibited: A speaker or Councilmember shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting oral comments. A speaker or Councilmember shall not present an argument on a matter previously considered by the City Council at the same session.
- (f)(g) Obtaining the Floor: Any member of the City Council wishing to speak shall first obtain the floor by making a request for the floor to the Chair. The Chair shall recognize any Councilmember who appropriately seeks the floor.
- (g)(h) Motions: Motions submitted for a vote shall contain only one question. If two or more points are involved, any member may require a division, if the question reasonably admits of a division. Motions may be made and seconded by any member of the City Council except the Chair. The most common motions are as follows:
 - 1. Amending a motion. Any Councilmember may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment shall be voted on first.
 - 2. Postpone to a Certain Date. This motion is used to delay consideration of an item until a specified date, i.e., the next City Council meeting, etc.
 - 3. Postpone Indefinitely. This motion is used to delay consideration of an item until an unspecified date.
 - 4. Point of Order. Any Councilmember may raise a point of order at any time. A point of order means that the Councilmember is asking for a ruling on whether the rules of procedure are being followed. A point of order shall immediately be acknowledged by the Chair, and all debate must stop. The point of order shall first be made to the Chair for a ruling, stating the alleged violation with specificity. A point of order directed to the Chair does not require a second and is not subject to amendment. The Chair rules on the point of order. The member may appeal the Chair's ruling to the Council. The appeal requires a second and the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Council, but each councilmember may speak only once. The Council may affirm or overrule the Chair's ruling by a majority vote of the Councilmembers present.
 - 5. Reconsideration. A councilmember who voted in the majority may move to reconsider an item that City Council has voted on. The motion and any action must be made immediately after the vote on the matter, and before the City Council has begun discussing or considering any other business.
- (h)(i) Procedures for Motions: The following is the general procedure for making motions:

- 1. The item is presented by Staff or others, followed by questions and discussion by Councilmembers.
- 2. A Councilmember who wishes to make a motion shall first obtain the floor.
- 3. A Councilmember who wishes to second a motion shall do so through a request to the Chair.
- 4. Before a motion can be discussed, it shall be seconded. If a motion does not receive a second after a reasonable time, a Councilmember may call for a "point of order," which mandates that the motion receives an immediate second, or it dies.
- 5. Once the motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair. The Chair may participate in discussion.
- (i)(i) Continuance of Discussion or Hearings: Any item being discussed or any public hearing at a City Council meeting may by motion be continued or tabled to any subsequent meeting.
- (j)(k) Communications with Applicants or Petitioners: Any Councilmember's communication with an applicant or petitioner outside of a public meeting regarding a matter that will come to City Council for a decision must be disclosed in writing and provided to the City Secretary prior to City Council discussion or deliberation of the action. Examples include but are not limited to discussion with a property owner regarding his or her rezoning request, or discussion with a vendor prior to bid award.
- (k)(l) Call for Recess: The Chair mayshall call for a recess of up to fifteen (15)ten (10) minutes at least every two (2) hours regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Councilmembers.
- (m) Call for the Vote: A Councilmember may call for the vote, in essence to end discussion and debate, only when the Councilmember has obtained the floor. A Councilmember may make a motion calling for the vote, but not before each Councilmember that wishes to speak has had at least one opportunity, and the motion must receive a second. The motion is not debatable and a vote on the motion shall take place immediately after a second is received. The motion is approved only if two-thirds (2/3) of the Councilmembers in attendance approve. If the motion fails, debate shall continue. A subsequent motion to call for the vote may be made after additional discussion.
- (n) No further discussion following a vote. After a vote has been taken on an item, there shall be no further discussion of that item by the Mayor or a Councilmember during the meeting.
- (o) Votes not to be taken twice. It is the responsibility of each Councilmember to ask for clarification before a vote on any motion properly made and seconded. Once a vote has been taken, a second vote will not be held because of Councilmember error unless a Motion for Reconsideration is properly made.
- (p) Concluding meetings. In order to achieve effective decision making and sound judgment, and in consideration of citizen, guest and staff expectations, meetings shall not extend beyond 11:00 pm except as provided herein. The Mayor or presiding officer shall not conclude a meeting when discussion of the item on the table is in progress. The Mayor or presiding officer shall allow

discussion to continue until complete or a time when ending is appropriate. Meetings shall not end if a time sensitive matter that requires action by the City Council has not yet been considered.

Sec. 1-80. Decorum

(a) General: During City Council meetings, Councilmembers shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the City Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff and to members of the public appearing before the Council. Councilmembers shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner.

Members of the City Council will not condone any unethical or illegal activity from any Councilmember or members of the Staff. All members of the Council shall uphold the intent of this policy and govern their actions accordingly.

(b) Mayoral Responsibilities:

- 1. *No vote.* The Mayor shall have a voice in all matters before the Council, but shall only vote in accordance with City Charter provisions.
- 2. Chair. The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tem shall preside in the absence of the Mayor.
- Preserve Order and Decorum. The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, encouraging civil debate among Members, and keeping discussion limited to the agenda item being considered.
- 4. Encourage Participation. The Chair will encourage all Councilmembers to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.
- 5. Official Spokesperson. The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tem or appropriate designee will assume the role. The views presented by the Mayor, or the Mayor Pro Tem in his/her absence, should provide equitable representation of all Councilmembers.

(c) Council Responsibilities

- 1. Be Prepared. Each Councilmember is responsible for being prepared to discuss the agenda.
- 2. Council Orientation. Each Councilmember who has been newly elected to a non-contiguous term is required to attend a Councilmember Orientation session presented by the City Manager, complete mandatory Open Meetings and Public Information Act training, and is encouraged to attend at least one Texas Municipal League-sponsored conference each year to stay informed on issues facing municipalities, as funding allows. All other Councilmembers are encouraged to attend the annual orientation session.

- 3.2. Attendance. Attendance at work sessions and meetings is essential to the effective execution of a Councilmember's duties. It is the responsibility of Councilmembers to be informed about action taken by the City Council in their absence. In the case of an absence from a work session, the Councilmember is responsible for obtaining this information by viewing the recording of the work session prior to the City Council meeting during which the items are to be voted upon. The City Manager is responsible for maintaining an attendance log for the Mayor and each Councilmember, which is a public document.
- 4.3. Decorum. When addressing an agenda item, the Councilmember shall first be recognized by the Chair, shall confine comments to the question under debate, shall avoid reference to personalities, shall refrain from impugning the integrity or motives of any other Councilmember or Staff Member during debate or vote, and shall refrain from publicly implying or insinuating wrong-doing by another Councilmember or Staff Member without clear evidence of such behavior.
- 5.4. Appeal. Any Councilmember may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Councilmembers present and voting shall be necessary to approve the motion to appeal.
- 6.5. Enforcement of Policy. Any Councilmember may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Councilmembers present shall require the Chair to enforce the policy.
- 7.6. Wait to be Recognized. A member of the Council who wishes to be recognized shall request to speak, and shall not proceed with remarks until recognized and named by the Chair of the meeting. Remarks shall be confined to the guestion before the Council.
- 8.7. No Private Discussions. While any other person who has been recognized by the Chair is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful language and behavior shall be avoided.
- 9.8. Duty to Vote. All Councilmembers must vote either in the affirmative or in the negative. A present member who does not vote will be officially recorded as a negative vote. When a Councilmember recuses oneself due to an actual or perceived conflict of interest and files the required affidavit, that Councilmember is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those voting and present."
- 40.9. Third Party Representation. A Councilmember may not represent any third party before any City board or commission.
- 41.10. Personal Communication Devices. All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City-related business. If an individual is using his or her personal communication device during a meeting and a member finds it disruptive, he or she should inform the Mayor.
- 42.11. Dress Code. It is the policy of City Council to create a dignified and professional environment for City Council meetings. Therefore, all Councilmembers shall dress in a

professional manner while attending a City Council meeting or work session, or while representing the City in an official capacity as a member of the City Council.

- (d) Citizens' participation: The following rules shall be in force for all persons in attendance at all meetings of Council:
 - 1. Rules of Decorum. Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a manner likely to disturb the meeting.
 - 2. Addressing City Council. Persons wishing to address the City Council on any matter listed on the agenda may be recognized by the Chair, provided the person has completed a Citizen Speaker Registration form, and presented it to the City Secretary prior to the beginning of the regularly scheduled City Council meeting or immediately following their address to the City Council. Speakers shall approach the lectern and give his/her name and city of residence before speaking. Speakers shall address the Mayor and City Council with civility that is conducive to appropriate public discussion. All public comments should be addressed through the Chair. Each speaker will be allowed three (3) minutes to speak. The Chair may allow a 1-minute extension, if requested by the speaker at the end of the original three (3) minute period. A majority vote of the City Council is required for any subsequent time extensions. No person shall be allowed to address the City Council more than one time per agenda item.
 - 3. Address Chair. Persons may not engage in discussions with the City Council or staff during Council deliberations unless specifically asked a question by a Councilmember. Persons who have been asked a question by a Councilmember must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Councilmembers and a member of the public in order to facilitate the order of business.
 - 4. *Printed Materials.* Persons may present printed material to the City Secretary to distribute to the City Council during a meeting.
 - 5. No Disruptions. Persons attending City Council meetings shall remain seated or may stand in the back of the room and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs or placards. No person attending any City Council meeting shall delay the proceedings or refuse to obey the orders of the Chair.
 - 6. Removal. Disturbances, transgressions of the rules or disorderly conduct in the City Council Chamber or other City Council meeting room may cause the transgressor to be removed from the meeting. The Chair of the meeting shall exercise control over persons who disrupt the meeting in the following order of action:
 - a. Call the person to order, advising that person of the infraction;
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting;

- c. Order the person to leave the meeting. A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.
- 7. Room Limitations. Persons are encouraged to attend Council meetings; however, the number admitted shall be limited to the fire safety capacity of the Council Chamber as determined by the Fire Chief or designee. If the capacity is surpassed, the City Council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants, or may make a live broadcast of the proceedings available in a nearby room.

Sec. 1-90. Staff Relations

- (a) Presentations. Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.
- (b) Ask Questions in Advance. To ensure proper presentation of agenda items by Staff, questions arising from Councilmembers after receiving their information packet should be, whenever possible, presented to the City Manager for Staff consideration prior to the City Council meeting. This allows Staff the time to address Councilmembers' concerns and provide all Councilmembers with additional information as necessary. When questions are posed by Councilmembers in advance of a meeting, the questions and Staff responses shall be included in the staff presentation at the meeting.
- (c) Presentation Requirements. The City Manager shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented to inform and educate the City Council on the issues that require City Council action. The presentation should be professional, timely, and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no City Council action is required, or shall present the Staff recommendation as a part of the presentation, and/or present the specific options for City Council consideration. Other than asking clarification questions, City Councilmembers should allow the Staff Member to complete his or her presentation before discussing or debating the topic.
- (d) Motions of Direction to City Manager. During a work session or regular meeting, discussion may lead to a point where the council wishes to direct the City Manager in a particular manner. The appropriate way to accomplish this is for a councilmember to make a motion in which the City Manager is directed towards, or away from, a particular course of action. There must be a second and a vote on the Motion. If approved by a majority of the Councilmembers in attendance, the Motion of Direction becomes the official direction of the Council and will be transcribed and maintained for the record.
- (e) Use of Staff Time. The City Manager is directly responsible for providing information to the City Council concerning any inquiry by a specific Councilmember that is significant in nature and would be beneficial to all Councilmembers. If the City Manager or the Staff's time is being dominated or misdirected by a Councilmember, it is the City Manager's responsibility to inform the Mayor.
- (f) Ethical Behavior Required. The City Manager will exhibit the highest professional and ethical behavior. The City Manager is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Manager is also responsible for ensuring that the Staff receives the

training and information necessary to address the issues facing municipal government.

- (g) Respect and Courtesy. All Staff Members shall show one another, each Councilmember, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public understanding and confidence in the process.
- (h) Conflicts. Any conflicts arising between the City Staff and the City Council will not be allowed to affect the normal course of business, but will be addressed by the Mayor and the City Manager outside of a public meeting.
- (i) Council Orientation. The City Manager, after an election, will ensure that the Staff has prepared information needed for the orientation of new Councilmembers and will inform the City Council of any available Texas Municipal League conferences and seminars.

Sec. 1-100. Statements by Public Officials Regarding Litigation

When the City of Killeen is involved in litigation or a legal dispute, Councilmembers shall refrain from commenting on settlements, appeals, or other issues related to the subject until the matter is resolved. The Mayor, City Manager, City Attorney or Communications Officer shall be authorized to provide any public responses or comments as needed on matters involving litigation.

Sec. 1-110. Disbursement of City Council Requested Information

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Councilmember from Staff shall be provided to all members of the City Council.

DIVISION 2. CITY COUNCIL POLICIES AND OPERATING PROCEDURES

Sec. 2-10. State and Federal Legislation and Rule-Making Proceedings

- (a) The City Manager shall notify the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any Councilmember may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Manager may, in the exercise of his professional judgment, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter consistent with the City Council's adopted state and federal legislative agendas.
- (b) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff, letterhead, official email, or any City-approved logo in doing so.

Sec. 2-20. City Council Travel and Business Expenses

- (a) Training Encouraged. Subject to available funding, the City Council is encouraged to attend training relevant to the City Council's duties, such as:
 - 1. Annual meeting of the Texas Municipal League and affiliates
 - 2. Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council)
 - 3. National League of Cities and affiliates annual meeting Washington, D.C.
 - 4. National League of Cities annual Congress of Cities (various locations)
 - 5. Other meetings as designated and approved by the Mayor or the City Council
 - 6. Attendance to committee or association functions related to the Texas Municipal League, the National League of Cities, or other organizations as approved by the Mayor or the City Council
 - 7. Attendance by the Mayor at the annual meeting of the U.S. Conference of Mayors

For purposes of this policy, "attendance" includes the payment of applicable membership fees for the Councilmember and the allowable expenses as described below. A member of the City Council may not commit to membership or participation in or attendance at meetings of organizations not listed in subsection (A) without the approval of the Mayor or the City Council except in the Councilmember's individual capacity and at the Councilmember's sole expense.

(b) Reimbursement Process. A Councilmember who seeks to incur or obtain reimbursement for expenses allowed under this policy shall file with the City Manager an approval request or reimbursement request, as the case may be, in accordance with current City policy.

Sec. 2-30. Council Requests for Information or Services from Staff

By Charter, the people of Killeen have chosen a council-manager form of government. This means that the City Council is responsible for setting policy direction for the City Manager, and the City Manager is responsible for implementing the City Council's policies. This separation of duties must be kept in mind when requesting information or services from City Staff. Section 29 of the City Charter specifically provides:

Neither the council nor any of its members shall direct the appointment of any person to, or his removal from office, by the city manager or by any of his subordinates; provided, however, that the appointment of assistant city managers, department heads and the city secretary shall be subject to the approval of the council. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Sec. 2-40. Process for Filling Unexpired City Council Term

If a vacancy on the City Council is required by Charter section 26 to be filled by City Council appointment, the following process will be used:

- (a) The vacancy will be advertised in the manner that is determined to reach the largest audience advising Killeen residents of the vacancy and giving interested residents two weeks to complete and return a fully-executed and notarized Application for a Place on the General Election Ballot. This form can be obtained from the City Secretary's office and must be received by the City Secretary's office by the specified date for the applicant to be considered for appointment to the vacant seat.
- (b) All completed applications received by the deadline will be forwarded to the City Council for review. The full City Council will conduct interviews with selected applicants. Interviews will be private unless prohibited by the Texas Open Meetings Act.
- (c) City Council will conduct deliberations in private unless prohibited by the Texas Open Meetings Act. The appointment will occur in an open and properly posted public meeting.

Sec. 2-50. Political Signs

Political signs shall comply with state law and the City's sign ordinances. Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building, or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place or any property not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk, pathway, or visibility triangle. Signs in violation of the City's Sign Ordinance will be removed.

Sec. 2-60. Use of City Facilities, Staff or Resources by the Mayor or City Councilmembers for Mayor or City Councilmember-Sponsored Meetings.

Recognizing that occasions arise where the Mayor or Councilmembers wish to engage with the citizens of Killeen outside of a formal City Council meeting, and also recognizing that City resources and staff time have limits, this policy sets forth the guidelines under which City facilities and resources may be used to support such meetings.

Each calendar year, the Mayor and each Councilmember may hold one non-political Mayor- or Councilmember-sponsored meeting that is supported by city resources in the following manner:

- (a) The complimentary use of a meeting space at the Killeen Community Center, Lions Park Senior Center, Police Department Headquarters Community Room, or the community room of a Fire Station if the desired space is available and not otherwise scheduled. The meeting space should be reserved in advance, but no more than two months in advance.
- (b) Technical support, to the extent it is available at the chosen space, and not otherwise in use.
- (c) Staff presentations, scheduled in advance through the City Manager.
- (d) The meeting will not occur between January 1st and election day on which the Mayor or a Councilmember position is to be elected, so that there can be no allegation that tax-payer dollars are being illegally spent in support of the Mayor or a Councilmember's reelection effort. This restriction does not apply to a candidate who is running unopposed.

In order to take advantage of the services listed above, the requesting Mayor or City Councilmember shall complete and return the Support for Mayor or Councilmember-Sponsored Meeting form to the City Manager. (See Attachment B)

These guidelines are not intended to stop the Mayor or a City Councilmember from having a Mayor or City Council-sponsored meeting that is not supported by city resources.

These restrictions do not apply to the Annual State of the City address.

Sec. 2-70. City Sponsorship of Non-Profit Events

No city tax dollars will be used to support non-city events by purchasing tables or individual seats at fundraising events.

Sec. 2-80. Assistance to Community Organizations for Special Events

Provided that adequate funding exists, the City will support the following community events on an annual basis, by providing in-kind (non-monetary) services. The City Council further determines that there is a public purpose for the support of these community events.

- 1. Christmas Parade
- 2. Veterans Day Parade
- 3. Wreaths for Vets
- 4. Celebrate Killeen Festival
- 5. Memorial Day Ceremony
- 6. Holiday Under the Stars
- 7. Killeen Rodeo

- 8. Food for Families
- 9. HEB Feast of Sharing
- 10. Breast Cancer 5K
- 11. MLK Day Walk

The City Council may approve in-kind support of up to three (3) additional events, after review and recommendation from the City Manager.



DIVISION 3. CITY COUNCIL COMMITTEES AND CITIZEN BOARDS, COMMISSIONS AND COMMITTEES

Sec. 3-10. City Council Committees

- (a) Purpose. Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. To provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions, the City Council adopts this policy regarding the establishment and use of City Council committees.
- (b) Assignment to Committees. Agenda items may be assigned to a committee by the Mayor with the consent of the City Council, or by the City Council.
- (c) Standing committees. Standing committees may be created as necessary to study and evaluate on going or long-term issues within the City. They will be created by Resolution, which must state the specific role the committee is to serve and name the members. Standing committees shall be subject to annual review by the City Council.
- (d) Ad Hoc Committees. Ad hoc committees may be created by the Mayor as necessary to study and evaluate a specific issue or problem within the City and are intended to be temporary. The Mayor shall make appointments to ad hoc committees with the consent of the City Council. When created, an ad hoc committee will also be given a sunset deadline. The committee will cease upon the earlier of the sunset date or the date the committee's specific task is complete. If the task is not complete by the sunset date, the Mayor shall establish a new sunset date.
- (e) Committee Responsibilities. Each committee, after receiving an assignment from the City Council, will consider policy decisions and actions, study issues, evaluate options, and develop recommendations. Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee, no less often than every six months. The committees shall only serve in an advisory capacity, and only for the City Council. No committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.
- (f) Appointments and Vacancies. After the annual City Council election, a City Council Committee Interest Form (see Attachment "C") shall be completed by each member of the City Council. Following that receipt, appointments to committees will be made by the Mayor, with the consent of the City Council, as soon as practicable after the annual City Council election. The Mayor shall make new appointments as needed to fill vacancies to assure continuity on the committees.
- (g) Chair. The Chair of each City Council standing or ad hoc committee shall be appointed by the Mayor.
- (h) Staff Liaison. The City Manager shall assign each City Council standing or ad hoc committee a Staff Liaison who shall assist the Chair in preparing the meeting agendas and coordinating the logistics of the committee meetings.
- (i) Minutes of Meetings. Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be

- signed by the Chair and maintained by the Staff Liaison for the committee. A copy of the minutes shall be distributed to the City Council.
- (j) Agenda Postings. Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act ("TOMA"). However, since committee membership is made up of less than a quorum and therefore is not a meeting subject to the TOMA, a good-faith mistake in the publication of the agenda will not require the cancellation of the meeting.
- (k) Councilmember as Liaison. When a Councilmember is appointed to serve as a member of a board, committee or commission for an outside agency such as KEDC, KTMPO, etc., the Councilmember is responsible for keeping all Councilmembers informed of significant activities of that board, committee, or commission. The appointed Councilmember should report the actions of the board, committee, or commission during a work session of the City Council at a minimum of every six months for an ad hoc committee, annually for a standing committee, and quarterly for an outside agency.
- (I) Recommendation Regarding the Continuation of Committees. The Mayor shall annually review the activity of the existing standing committees to identify inactive committees and shall provide a report to the City Council recommending which committees should be continued and which dissolved.

Sec. 3-20. Citizen Boards, Commissions and Committees

- (a) *Purpose.* This Policy establishes the procedure for the appointment and reappointment of citizens to Boards, Commissions, and Committees for the City of Killeen, as well as the duties of Board, Commission, and Committee members.
- (b) *Time of Appointment*. All appointments and reappointments shall be made by the City Council prior to October 1st of each year for all positions to be filled that fiscal year. (Code of Ordinances, sec. 2-116)
- (c) Review of Applications. Staff will compile and present all applications for appointment to citizen boards, commissions, and committees to the City Council at the specified work session meeting, and two weeks before the work session.
- -Committee Membership Types: Persons appointed to Committees shall be designated as either Regular Members or Ex Officio Members. A Regular Member is a member for all purposes; it is not required that he or she hold a specific office to be qualified for appointment. An Ex Officio Member is appointed to a committee because of a position he or she currently holds. Regular Members count towards a quorum and have voting privileges, while Ex-Officio Members do not (effective 10-1-19).
- (e) Appointment—Subcommittees. Some citizen boards, commissions, and committees have appointment—subcommittees consisting of two Councilmembers. It is the responsibility of the subcommittee members to review and discuss applications for the board, commission, or committee for which they are a subcommittee member, and to reach a consensus regarding which applicant(s) are most qualified to fill a position and shall be recommended to the full City Council. This decision should be made prior to the work session at which appointments are scheduled to be discussed. As required or requested and to ensure that the purpose of the board, commission or committee is carried out effectively, the subcommittee Councilmembers will also act as liaisons between the board, commission or committee and the Staff; board, commission or

committee members and the City Council; and between board, commission or committee members and any other person.

The following boards, commissions and committees have appointment subcommittees: BOA-Construction, BOA-Fire Prevention, BOA-Airport Hazard, BOA-Zoning, Killeen Volunteers, Inc. Annial Advisory Committee, Senior Citizens Advisory, and Bell County Health District.

(f) Full Council Appointments. Some citizen boards, commissions, and committees do not have appointment subcommittees. For these committees, appointments are made after the full City Council has reviewed the appropriate applications and has had the opportunity to discuss applications in a work session. Consensus regarding which applicants are the most qualified to fill a position will be reached during a work session. If necessary, appointment decisions will be reached through a nomination process.

The following boards, commissions, and committees do NOT have appointment subcommittees: Animal Advisory Committee, Arts Commission, Community Development Advisory Committee, Heritage Preservation Board, Killeen Economic Development Committee, Killeen Sister Cities, Planning & Zoning Commission, TIRZ #2 Board, and Killeen-Temple Metropolitan Planning Organization (KTMPO)

- (g) Term Limits. To encourage broad citizen participation, no person may be appointed to serve more than six consecutive yearstwo (2) consecutive terms, excluding unexpired terms, on a particular board, commission, or committee. This limitation does not apply if a particular position requires specialized knowledge, licenses, or certifications and no other qualified and interested person is available, or for other good cause found by the City Council and specified in the appointment resolution. (Code of Ordinances, sec. 2-117)
- (h) Criteria for Appointment. When determining the most qualified applicant, Council should consider the following information:
 - 1. Date of application;
 - 2. Primary residence— Is residency a requirement for the position? Is applicant a City of Killeen resident or live in the ETJ?
 - 3. Is applicant currently serving on other boards, commissions, and/or committees?
 - 4. Does applicant have specialized knowledge, licenses, or certifications that are required or helpful for the position?
 - 5. If applicant is being considered for reappointment, is such reappointment prohibited by term limits?
 - 6. If applicant is being considered for reappointment, has applicant maintained a good record of attendance?
- (i) Chair. Each committee shall have the power to adopt a process for electing and removing its chair.
- (j) Staff Liaison. The City Manager shall assign each Board, Commission, or Committee a Staff Liaison who shall assist the Chair in preparing the meeting agendas and coordinating the meeting logistics.
- (k) Duty to Attend Meetings and to Vote. Board, Commission, and Committee members have a duty to attend meetings unless excused in advance by the Chair. Absences by the Chair must be approved in advance by the Vice-Chair. All members must vote either in the affirmative or in the

- negative on each <u>item_motion</u> presented, unless he or she has disclosed a legal or perceived conflict of interest and filed the required affidavit in advance. A present member who does not vote and who has not filed the required affidavit will be officially recorded as a negative vote.
- (I) Minutes of Meetings. Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those person present at committee meetings. When completed, the minutes shall be signed by the Chair and maintained by the Staff Liaison for the committee.
- (m) Agenda Postings. Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act ("TOMA"). However, since some citizen committee meetings do not meet the definition of a meeting under the TOMA, a good-faith mistake in the publication of the agenda for a meeting to which the TOMA does not apply will not require the cancellation of the meeting.
- (n) No Employee Appointments. To ensure that citizens have an adequate opportunity to participate on citizen boards, commissions, and committees, current City of Killeen employees will not be appointed to citizen boards, commissions, and committees, even if they are residents of the City of Killeen. If an individual who is currently serving on a citizen board, commission, or committee is hired by the City of Killeen, once the current term is complete, he or she is not eligible for reappointment to his or her position on the board, commission, or committee. However, an employee may be appointed to a board, commission or committee if state law requires an employee to serve on a specific board because of that employee's position with the City.
- (o) No City Councilmember Appointments. Understanding that citizen committees are most effective when the members are able to communicate freely, no City Councilmember will be appointed as a member of a citizen committee.
- (p) Recommendation Regarding the Continuation of Committees. The Mayor shall annually review the activity of the existing committees to identify inactive committees and shall provide a report to the Council recommending which committees should be continued and which dissolved.
- (p)(q) Bylaws. No board, commission or committee will create or amend its bylaws in a way that limits the City Council or Staff or that creates requirements for the City Council or Staff. Further, no board, commission or committee will create of amend its bylaws to change the purpose or mission of the board, commission or committee, expand the scope of the board, commission or committee, or in any way cause the board, commission or committee to function in a way not intended by the City Council unless approved by the City Council.

Sec. 3-30. Communications on Behalf of the City by Citizen Members of Boards, Commissions and Committees

- (a) Boards, commissions, and committees, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards, commissions, and committees provide an important service to the citizens of Killeen. Boards and commissions, and the members of those boards, commissions, and committees, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City's governance and it is the legislative and policy-making body for the City.
- (b) If a board, commission, or committee desires to communicate to others a position on any matter of public concern, the board, commission, or committee shall first seek approval from the City

Council before engaging in such communication. The City Council will speak for the City. The City Council will determine the official position of the City on the issue presented by the board, commission or committee, and whether it shall be communicated.



DIVISION 4. COUNCIL DIRECTIVES AND EXECUTIVE LIMITATIONS

A. Council Directives to Management

Sec. 4-10. Public Use of City Hall and Other City Facilities

The City Manager shall develop a program addressing the use of the Council Chambers, the meeting rooms in City Hall, and other city-owned meeting space by other governmental entities, non-profit groups for public purposes, and City departments. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

Sec. 4-20. Policy for Support of Community Events

The City Manager shall develop a policy providing for the annual support of the community events listed in sec. 2-80. Such support shall be in-kind (non-monetary), and subject to available funding. The policy shall also provide guidelines for supporting other events not listed in sec. 2-80, in a manner that will recoup the City's costs.

Sec. 4-30. Compensation of City Employees

The City Manager is directed to bring forward an annual employee compensation plan that is within the City's financial and budgetary limits, and compensates all City employees at a level that is competitive with the compensation paid to employees within the City's employment market area. The City Manager is directed to have compensation surveys conducted to determine whether employment compensation for City employees is competitive.

Sec. 4-40. Restrictions on the Representation of Third-Parties by Former City Employees ("Revolving Door Policy")

A former employee of the City who was employed as a departmental director, Assistant City Manager, City Manager, City Auditor or Municipal Judge may not make any communication to or appearance before the City Council before the second anniversary of the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

Sec. 4-50. Motions of Direction to City Manager

During a work session or regular meeting, discussion may lead to a point where the City Council wishes to direct the City Manager in a particular manner. The appropriate way to accomplish this is for a City Councilmember to make a motion in which the City Manager is directed towards, or away from, a particular course of action. There must be a second and a vote on the Motion. If approved by a majority of the City Councilmembers in attendance, the Motion of Direction becomes the official direction of the City Council and will be transcribed and maintained for the record.

Sec. 4-60. Directive to Use Official City of Killeen E-mail Addresses

To ensure compliance with the Texas Public Information Act and required retention schedules and to

further transparency in the communication and discussion of City business, the City Manager will ensure that Staff uses only official City of Killeen e-mail addresses for both Staff and Councilmembers, when communicating with City Councilmembers about City business. If circumstances require a Staff member to conduct City business on a non-City email account, the Staff member shall promptly forward the associated electronic communications to a city email account.

Sec. 4-70. Delegation of Authority to Determine Purchasing Method

Chapter 252 of the Texas Local Government Code allows a governing body to determine that an approved method other than competitive sealed bidding provides the best value for the municipality. The Code also allows the governing body to delegate that authority to a designated representative. The City Council hereby delegates its authority to determine which approved purchasing method provides the best value for the municipality to the City Manager.

Sec. 4-80. Directive to Adopt Finance Policies and Review Annually

The City Manager is directed to provide to the City Council a comprehensive set of Financial and Budget Policies for consideration and adoption by the Council. Such policies shall be reviewed and adopted annually.

Sec. 4-90. Issuance of Correction Deeds and Deeds Without Warranty

The City Council hereby delegates to the City Manager the authority to issue a correction deed or a deed without warranty when the property subject to the deed was deeded to the City of Killeen either by mistake or without the City's authorization and the City has no need for the property. Deeding the property back to the original owner shall only occur when the owner agrees to pay all taxes that would have been owed had the property never been deeded to the City. This action will also put the property back on the tax roll. The City Manager will promptly advise the City Council when these instances occur.

Sec. 4-100. Directive to Adopt Media Policy

- (a) The City Manager is directed to develop a media policy to establish communication protocols between staff and members of the media.
- (a)(b)The Executive Director of Communications shall provide updates to the City Council and the citizens of Killeen as important incidents arise and in general no less than once a month. The report may be a presentation to the City Council or provided in a written report.

Sec. 4-110. Delegation of Signature Authority

Unless the Charter, a statute, regulation, order or the City Council itself states to the contrary, the City Council hereby authorizes the City Manager to delegate his signature authority to a subordinate staff member as he deems appropriate.

Sec. 4-120. Directive to Develop Economic Development Policy

The City Manager is directed to develop an Economic Development Policy for the City Council's consideration.

Sec. 4-130. Directive to Develop Street Maintenance Policy

The City Manager is directed to develop a policy addressing Street Maintenance within the City for the City Council's consideration.

Sec. 4-140. Directive to Develop Invocation Procedure

To solemnize its proceedings, it is the policy of the City Council to open its meetings with an invocation. In order to respect the constitutional rights of all persons, participation in the invocation or prayer will be voluntary; no one in attendance will be required to participate, and no one demonstrating appropriate respect and decorum will be excluded from participating. Everyone will be treated equally in all respects whether they choose to participate, or not participate, in the prayer or invocation.

In order to ensure compliance with this policy and with the law, the City Manager is directed to establish appropriate procedures to allow for an invocation at the beginning of City Council meetings.

This policy, and the procedure implementing the policy, is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for or against, any faith, belief, or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of denominations, faiths, and beliefs represented and practiced among the citizens of Killeen.

Sec. 4-150. Directive Regarding Zoning Notification Boundaries and Signage

The City Manager is directed to increase to 400 feet the notification boundary for properties subject to a request for a zoning classification change. In addition, the City Manager is directed to include appropriate signage on real property subject to a zoning classification change request. Such signage shall be visible to the public in advance of the public hearings before the Planning and Zoning Commission and the City Council.

Sec. 4-160. Delegation of Authority to Approve Certain Change Orders

Texas Local Government Code sec. 271.060 allows the City Council to delegate the authority to approve a change order increasing or decreasing a contract by \$50,000 or less. The City Council hereby delegates such authority to the City Manager, however, once the cumulative amount of change orders for a single contract reach \$500,000.00, all future change orders for that contract must be taken to the City Council for approval, regardless of the amount.

Sec. 4-170. Delegation of Authority to Apply for Grants

Some grant applications require the authority of the governing body in order to apply for a grant on behalf of the City. The City Council hereby delegates the authority to apply for grants to the City Manager.

Sec. 4-180. Delegation of Authority to Employ Police and Fire Over-Hires

The City Council has approved a set number of over-hires allowed for the police and fire departments. The City Council hereby delegates the authority to the City Manager to employ such over-hires, provided that the number of over-hires does not exceed the number of over-hires currently approved by ordinance.

B. Executive Limitations

Sec. 4-210. Global Executive Constraint

The City Manager shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

Sec. 4-220. Treatment of Customers of City Services

With respect to interactions with customers, the City Manager shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

The City Manager will not:

- 1. Elicit information for which there is no clear necessity.
- 2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material.
- 3. Operate facilities without appropriate accessibility and privacy.
- 4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.
- 5. Operate without informing customers of this policy or providing a way to be heard for persons who believe that they have not been accorded a reasonable interpretation of their rights under this policy.

Sec. 4-230. Treatment of Staff

With respect to the treatment of paid and volunteer staff, the City Manager shall not cause or allow conditions that are illegal, unfair, undignified, disorganized, or unclear.

The City Manager will not:

- 1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.
- Retaliate against any staff member for non-disruptive expression of dissent.
- 3. Allow staff to be unaware of City Manager's interpretations of their protections under this policy.
- 4. Allow staff to be unprepared to deal with emergency situations.

Sec. 4-240. Financial Planning/Budgeting

The City Manager shall not cause or allow financial planning for any fiscal year or the remaining part of any fiscal year that deviates materially from City Council priorities, or risks financial jeopardy.

The City Manager will not allow budgeting that:

- 1. Risks incurring those situations or conditions described as unacceptable in the Executive Limitations policy section 4-250, entitled "Financial Condition and Activities."
- 2. Omits credible projection of revenues and expenses separation of capital and operational items, cash flow analysis, and disclosure of planning assumptions.
- 3. Provides less than the amount determined annually by the City Council for the City Council's direct use during the year.

Sec. 4-250. Financial Condition and Activities

With respect to the actual, ongoing financial condition and activities, the City Manager may not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from the City Council's established priorities.

The City Manager will not:

- 1. Expend more funds than have been budgeted in the fiscal year.
- 2. Incur short-term debt in an amount greater than can be repaid by certain and otherwise unencumbered revenue within 60 days.
- 3. Use any long-term reserves without City Council direction and approval.
- 4. Conduct inter-fund borrowing in amounts greater than can be restored within 120 days.
- 5. Allow payables or receivables not to be settled within a reasonable time frame.
- 6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.
- 7. Make a single purchase or commitment of greater than \$50,000 without City Council approval, unless a verifiable and documented emergency exists. Splitting orders to avoid this limit is not acceptable.
- 8. Acquire, encumber or dispose of real estate unless allowed by law or approved by the City Council.
- 9. Issue expense checks to himself or herself without the signature of a Council-approved signatory who has been provided with appropriate documentation and receipts.

Sec. 4-260. Asset Protection

The City Manager shall not allow the City's assets to be unprotected, inadequately maintained, or unnecessarily risked.

The City Manager will not:

- Insure the organization's physical structures and contents for less than one hundred percent of scheduled value against theft, fire and casualty losses or insure against liability losses to Councilmembers, staff, volunteers and the organization itself for less than the average for comparable organizations.
- 2. Allow personnel unauthorized access to City funds.
- 3. Knowingly subject facilities and equipment to improper wear and tear or insufficient maintenance without first bringing the issues to the City Council's attention.
- 4. Unnecessarily expose the organization, its City Council or staff to claims of liability.
- 5. Receive, process or disburse funds under controls that are insufficient to meet the City Council-appointed auditor's standards.
- 6. Make any purchase that violates the City's Purchasing Policy or Financial Governance Policies.
- 7. Allow property, information and files to be unprotected from loss or significant damage.
- 8. Make any investment that is not in compliance with the City's Investment Policy.

Sec. 4-270. Emergency City Manager Succession

In order to protect the City Council from sudden loss of City Manager services, the City Manager shall not permit there to be less than one other person familiar enough with City Council and City Manager issues and procedures to be able to maintain organization services.

Sec. 4-280. Compensation and Benefits

With respect to employment, compensation and benefits to employees, consultants, contract workers and volunteers, the City Manager shall not cause or allow jeopardy to fiscal integrity or public image.

The City Manager will not:

- 1. Change the City Manager's own compensation and benefits, except as those benefits are consistent with a package for all other employees.
- 2. Promise or imply permanent or guaranteed employment.
- 3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.
- 4. Create obligations over a longer term than revenues can be safely projected.
- 5. Establish or change pension or retirement benefits so as to cause unpredictable or inequitable situations, including those that:
 - a) Incur unfunded liabilities;

- b) Provide less than some basic level of benefits to all full-time employees, though differential benefits to encourage longevity are not prohibited;
- c) Allow any employee to lose benefits already accrued from any foregoing plan; and
- d) Treat the City Manager differently from other key employees.

Sec. 4-290. Communication and Support to the City Council

The City Manager shall not cause or allow the City Council to be uninformed or unsupported in its work.

The City Manager will not:

- 1. Let the City Council be unaware of any significant incidental information it requires including anticipated adverse media coverage, threatened or pending lawsuits, and material internal and external changes.
- 2. Allow the City Council to be unaware that, in the City Manager's opinion, the City Council is not in compliance with its own policies, particularly in the case of City Council behavior which is detrimental to the work relationship between the City Council and the City Manager.
- 3. Allow the City Council to be without decision information required periodically by the City Council or let the council be unaware of relevant trends.
- 4. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.
- 5. Allow the City Council to be without a workable mechanism for City Council, officer, or committee communications.
- 6. Deal with the Council in a way that favors or privileges certain Councilmembers over others, except when (a) fulfilling individual requests for information, which will be provided to all City Councilmembers; or (b) responding to officers or committees duly charged by the Council.
- 7. Allow the City Council to be unaware of any actual or anticipated noncompliance with any City Council Executive Limitations.
- 8. Endanger the City's public image, credibility, or its ability to accomplish its established goals.

DIVISION 5. COMMUNICATIONS

Sec. 5-10. Purpose

Since government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is necessary that the media play a role in the governmental process. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with all media reporters. The City Council and the City Manager recognize that the media provides an important link between the City Council and the public. It is desired to establish a professional working relationship to help maintain a well-informed and educated citizenry.

Furthermore, although traditional media continues to play an important role in distributing information, social media and other City managed web-based technologies make information increasingly available to the public in real time and in its entirety. All avenues of communicating information are important and have a meaningful impact on city government.

Sec. 5-20. General Provisions

- (a) City staff will make all meeting notices, agendas, minutes, and supporting documentation available to the City Council and to the public via the City's official website. If supporting documentation is not available to the City Council in advance of a workshop meeting, at City Council's discretion the Council will be given two workshop sessions to discuss the item before it moves to a business meeting for action.
- (b) City Council meetings will be live streamed and archived in their entirety and made available to the public via the City's official website.

Sec. 5-30. Media

- (a) Media shall be welcome to attend all public meetings of the City Council.
- (b) Media may be asked to occupy a designated area in some circumstances but may generally locate in places open to the public.
- (c) Media may not disturb the decorum or professionalism of City Council meetings or work sessions.
- (d) Media may contact the Mayor and City Councilmembers directly.
- (e) The Mayor is the primary spokesperson for the City on matters regarding policy decisions or any City Council information pertaining to issues on the agenda. To ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know the item was seriously debated and options discussed before a vote was taken, and helps build confidence in their government. In respect to each City Councilmember and the citizens of the City, the views presented by each City Councilmember should be given equitable representation. Although Councilmembers may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Councilmember's position during his/her term of office and not solely during an election campaign.

- (f) City Councilmembers may not speak to media or the public on behalf of the body; they may speak only as an individual member.
- (g) To preserve the decorum and professionalism of City Council meetings, the media are requested to refrain from talking with other people in the audience and to conduct any interview with the public outside the meeting room while the City Council is in session. Media interviews will not take place in City Council Chambers.
- (h) Media wishing to speak to City staff will comply with the Media Policy developed by the City Manager.

Sec. 5-40. Social Media

- (a) City Councilmembers participating in social media relating to City business shall use their real names.
- (b) City Councilmembers will maintain posts to social media sites relating to City business in accordance with records retention law.
- (c) City Councilmembers will not participate in online discussions, groups or forums that contain or have the potential to contain a quorum of City Council (walking quorum).
- (d) City Councilmembers are encouraged to share information from City social media sites on their own sites.

Sec. 5-50. Email

- (a) To ensure compliance with the Texas Public Information Act and required retention schedules and to further transparency in the communication and discussion of City business, City Councilmembers will use their official City of Killeen email addresses to conduct City business. If circumstances require a City Councilmember to conduct City business on a non-City email account, he or she shall promptly forward the associated electronic communications to a City email account.
- (b) City Councilmembers will not "email all," "copy all," "blind copy all" or "reply all" to emails discussing City business that contain or have the potential to contain a quorum of members.

Sec. 5-60. Other

- (a) The City of Killeen logo is copyrighted. It may only be used for official City business and may not be used on campaign materials or for personal business.
- (b) The Mayor, as the ceremonial head of the City, is the issuer of proclamations, certificates, awards, City coins, etc. on behalf of the City of Killeen. City Councilmembers wishing to bestow such honors shall request the Mayor to issue and present.
- (c) The Mayor may sign letters and petitions making requests or stating positions on behalf of the City so long as they do not conflict with a City Council decision or directive.

(d) Dedication plaques placed on City buildings shall include the names of the Mayors and City Councilmembers who served from the time funding was budgeted for the project through completion.



DIVISION 6. ETHICS

A. Policy Statement

It is the desire of the Killeen City Council to promote and encourage the highest standard of conduct for elected City officials, and officials appointed to City Boards and Commissions who represent the citizens of Killeen. The members of the Killeen City Council support the philosophy that elected Officials and appointed Board Members act in a manner that avoids even the appearance of impropriety.

Each elected official or appointed Board Member shall, at a minimum, comply with all State laws and City ordinances and policies regarding ethical behavior. Elected and appointed officials shall always act in the public interest rather than in the furtherance of self-interest or those of special interest.

The Killeen City Council recognizes that it cannot by policy define ethical behavior, but it expects each elected or appointed official to act conscientiously in public service, recognizing that the public is best served when elected or appointed officials make decisions and act in a manner that promotes confidence by the citizens of Killeen in the process of City Government.

B. Guidelines and Procedures

The following provisions apply to members of the City Council and members of any board, commission or committee established pursuant to the Charter or the ordinances of Killeen, by the laws of this state, or by the City Council (hereinafter referred to as "Officials.")

Sec. 6-10. Council and Appointed Board Members

Within thirty days of election or appointment to a Board or Commission, or within 30 days of adoption of these Governing Standards and Expectations, each Official shall sign and deliver to the City Secretary:

- a copy of the Ethics Policy Agreement;
- 2. a copy of the Standards of Conduct Agreement;
- 3. a disclosure statement that discloses any real property owned by the Official or a relative within the first degree of consanguinity or affinity within the Killeen city limits or ETJ, and specifies any business interest located within Killeen, or any business interest that may have dealings with the City. The Official is obligated to update the disclosure as circumstances change.

Within ninety days of election or appointment, each Official shall complete the Open Meetings Act and Public Information Act training sponsored by the Texas Attorney General's Office.

Sec. 6-20. Acceptance of Gratuities

No Official shall knowingly solicit or accept, from any source, any gift, favor, service or thing of value, including a promise of future employment, in consideration of having exercised any official power or performing any official duty on behalf of the City. Acceptance of any gratuities shall be disclosed as required by Chapter 176 of the Texas Local Government Code.

Sec. 6-30. Use of City Facilities, Personnel, Equipment, etc.

No Official shall knowingly use city facilities, personnel, equipment, or supplies, or use any confidential information concerning the property, operations, policies, or affairs of the City, for his or her private, personal and/or political gain.

Sec. 6-40. Conduct in Commercial Transactions

No Official shall knowingly be an interested party to any exchange, purchase, or sale of property, goods, or services with the City, or enter into any contract with the City, except in full and impartial compliance with state statutes, city charter, ordinances and applicable regulations and subject to any restrictions of the city charter; provided further that such persons shall receive no favor or special concession or inducement not customarily available and granted by the city in such a transaction; and provided further than any discretion by Officers, in connection with any such transaction, shall be exercised impartially and upon the same standards applied to all citizens of Killeen.

Sec. 6-50. Representing Interests Contrary to Those of the City

No Official shall knowingly represent, directly or indirectly, another person or any group or entity, in any action or proceeding against the interests of the City or in any litigation in which the City or any City department, agency, commission or board is a party, or may become a party.

Sec. 6-60. Conflicting Interests in Legal Proceedings

No Official shall knowingly represent, directly or indirectly, another person or any group or entity in any action or proceeding in the City's Municipal Court of Record, which was instituted by a City officer or employee in the course of official duties or in any criminal proceeding in which any City officer or employee is a material witness for the prosecution.

Sec. 6-70. Disclosure of Personal Financial Interest and Abstention from Voting

If any Officer has a conflict of interest as defined by Chapter 171 of the Texas Local Government Code, he or she shall file the required affidavit and abstain from all participation in the matter, to include leaving the room when possible. The determination of whether a conflict of interest applies should be construed liberally. In fact, the Officer is encouraged to consider abstention when the public would likely perceive the circumstances as a conflict of interest. While it is the Officer's sole responsibility to determine whether a conflict of interest exists, the Officer may discuss the circumstances with the City Attorney or designee to assist in his/her decision-making. Absent a conflict of interest, the Officer has a duty to vote in every item presented during a meeting.

Sec. 6-80. Communications with Applicants or Petitioners

Any City Councilmember communication with an applicant or petitioner (or their agent) outside of a public meeting regarding a matter that will come to the City Council for a decision must be disclosed in writing and provided to the City Secretary prior to City Council discussion or deliberation of the action. Examples include but are not limited to discussion with a property owner regarding his or her rezoning request, or discussion with a vendor prior to bid award. The City Secretary will provide the statement(s) to the Mayor, who will disclose the communication during the meeting at which the action will be discussed or considered, before any discussion or consideration has occurred.

Any Planning and Zoning Commissioner communication with an applicant or petitioner (or their agent)

outside of a public meeting regarding a matter that will come to the Planning and Zoning Commission for a decision or recommendation must be disclosed in writing and provided to the City Secretary prior to the Commission's discussion or deliberation of the action. The City Secretary will provide the statement(s) to the Commission Chair, who will disclose the communication during the meeting at which the action will be discussed or considered, before any discussion or consideration has occurred.



DIVISION 7. ENFORCEMENT AND ADMINISTRATION

Sec. 7-10. Policy Enforcement

If a Councilmember believes this policy has been violated, the topic shall be placed on a meeting agenda following the procedure established in section 1-20(b). If it is a Staff Member who is in violation of this policy, the City Manager will handle the matter in accordance with City policy as he deems appropriate in accordance with personnel policy.

Sec. 7-20. Annual Review and Re-adoption of These Governing Standards and Expectations

Each June, after the new City Council is elected and seated, the new City Council shall begin review of these Governing Standards and Expectations and should work towards re-adoption of an updated version by a majority vote of all Councilmembers present and voting by the end of July each year.

Sec. 7-30. City Manager and City Attorney Roles Regarding Protocol.

The City Attorney assists the Mayor as a resource to confer with, and acts as an advisor for interpreting the City Council's adopted Governing Standards and Expectations. The City Manager, the City Attorney nor any other Staff member is responsible for enforcing these protocols and guidelines.



ATTACHMENT A

REQUEST TO PLACE ITEM ON THE AGENDA

(Per Section 1-20 of Governing Standards and Expectations)

Requestor(s):
Date:
Problem/Issue/Idea Name for Agenda:
1 Tobiem riodae, racine for Agenda.
Description of Problem/Issue/Idea:
Requested Action:



SUPPORT FOR MAYOR OR COUNCILMEMBER-SPONSORED MEETING

(Per Section 2-60 of Governing Standards and Expectations)

Requestor:		
Date of Event:	Event Start Time:	Event End Time:
Name of Event:		
Reason for Event:		
Number of Attendees expected: _	Is your ev	rent open to the public: ☐ Yes ☐ No
☐ Killeen I	Community Center lub Park Senior Center Police Headquarters Communit nity room of a Killeen Fire Stati	
Will you require any audio visual e	quipment or technical support	(please explain):
	·	
Will you require additional set up a In:		te move in and move out times:
Once per calendar year, the Mayor ar meeting that is supported by city reso		one Mayor or Councilmember-sponsored
 The meeting space should be res Technical support, to the extent it City Staff presentations, schedule The meeting will not occur within Councilmember is a candidate for 	erved in advance, but no more that is available at the chosen space, and in advance through the City Marthe six months preceding an election	and not otherwise in use. nager. ion in which the Mayor or a o allegation that tax-payer dollars are
Councilmember Signature	Date	
TO BE CC	OMPLETED BY CITY MANAGER (OR DESIGNEE
☐ Approved ☐ Denied	Signature	Date
City of Killeen – Governing Standards and Exp	ectations 37	



ATTACHMENT C

COUNCIL COMMITTEE INTEREST FORM

Council Member:
Please identify the Standing Council Committee(s) on which you would prefer to serve, with "1" being your first choice. Please indicate at least two choices.
Audit Committee Killeen Sister Cities Tax Increment Reinvestment Zone #2 Board (TIRZ #2)
Please identify the Appointment Sub- Committees on which you would prefer to serve, with "1" being your first choice. Please indicate at least three choices:
Board of Adjustment – Construction Board of Adjustment – Fire Prevention Code Board of Adjustment – Airport Hazard Zoning Board of Adjustment – Zoning Killeen Volunteers, Inc. Animal Advisory Committee Senior Citizen Advisory Board Bell County Health District
Please rank the following County or other Agency Board positions according to your interest in serving, with "1" being your first choice:
Development District Board of Central Texas Hill Country Transit District Transportation Planning Committee (KTMPO) KEDC CTCOG



ATTACHMENT D

CITY OF KILLEEN ETHICS POLICY AGREEMENT

	I hereby certify that I have received a copy of and agree to ab Policy.	ide by the City	of Killeen Et	hics
- (Council/Board/Commission/Committee Member Signature			
Ī	Printed Name			
Ī	Date			



ATTACHMENT E

CITY OF KILLEEN STANDARDS OF CONDUCT

I hereby certify that Standards of Condu		received	а сору	of	and	agree	to	abide	by	the	City	of	Killeen
Board/Commission/0	Committe		ar Signa										
Board/Commission/V	Johnnitte	se Membe	er Olgila	luie									
Printed Name													
Date													



ATTACHMENT F

AMENDMENT HISTORY

Date	Resolution Number
January 15, 2019	<u>19-008R</u>
August 27, 2019	19-084R
February 9, 2021	21-019R

ANNUAL REVIEW OF GOVERNING STANDARDS

Process

- □ July 13
 - Staff recommendations for revisions
 - Council recommendations sent to staff by July 29
- August 17
 - Discuss proposed changes
 - Additional feedback from Council
- □ September 21 **←**
 - Review for possible approval on September 28

- Preface
 - Expectations for Councilmembers
 - Assist in preserving decorum, follow rules of the Council
- Table of Contents will be modified upon approval

- □ 1-20(e) Agendas go out on or before Wednesday before a work session, on or before Friday for a regular meeting.
- □ 1-50(a)(7) Citizen Petition Due to the new packet timeline, the time to sign up moved from Wednesday to Monday of the week preceding the meeting at which the citizen wishes to speak.
- 1-50(a)(8) Citizen Comments a majority vote is required for any time extensions beyond the one minute the Mayor grants.

- 1-50(a)(12)(c) Public Hearings The time designated for questions of staff shall not be used to indicate support or opposition.
- □ 1-70(c) Authority of the Chair Reference to the section on appeal to the Council for clarity.

- □ 1-70(e) Limits to Deliberations
 - Work Session 2 opportunities to speak, 5 minutes each. Third opportunity only upon majority vote of Council.
 - Regular/Special Meetings 3 opportunities to speak, 3
 minutes each
 - Responding to a request for clarification from another Councilmember or staff responses do not count against the time limitations.

- \square 1-70(I) Recess every 2 hours.
- \square 1-70(n) No further discussion on an item after a vote.
- 1-70(o) No votes taken twice unless a proper Motion for Reconsideration is made.
- 1-70(p) Meetings end at 11:00 pm unless discussion is in progress or a time sensitive matter has not yet been considered.

 1-90(b) – Questions in advance – Staff will include in its presentation responses to questions received in advance.

- 3-20 Citizen Boards, Commissions and Committees
 - (e) Remove "appointment" from Subcommittees. Members to act as liaisons.
 - (e) No subcommittee for KVI, add Animal Advisory.
 - (g) Change terms from 6 years to 2 terms.
 - (n) Employee appointments allowed if required because of the employee's position with the City.
 - (q) Bylaws cannot restrict or create requirements for Council or staff, and cannot change the purpose, mission or scope unless approved by Council.

- □ 4-100 Media Policy
 - The Executive Director of Communication shall provide at least monthly updates, either by presentation or written report.

Recommendation

 Staff recommends that the City Council approve amendments to the Governing Standards and Expectations.



City of Killeen

Legislation Details

File #: RS-21-125 Version: 1 Name: Axon TASER 7 Agreement

Type:ResolutionStatus:ResolutionsFile created:9/1/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: Consider a memorandum/resolution authorizing an agreement with Axon Enterprise, Inc. through

Buyboard (contract #603-20) for the purchase of TASERS in an amount not to exceed \$170,000.00

per year, through fiscal year 2031.

Sponsors: Police Department

Indexes:

Code sections:

Attachments: Staff Report

Quote Agreement

Certificate of Interested Parties Exemption

Presentation

Date Ver. Action By Action Result

9/21/2021 1 City Council Workshop



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Charles F. Kimble, Chief of Police

SUBJECT: Purchase of TASER package for the Killeen Police Department

BACKGROUND AND FINDINGS:

The Killeen Police Department has purchased TASER Electronic Control Weapons (ECWs) from Axon Enterprise, Inc. for several years. Most recently, the Department had a five-year contract with Axon for a fixed number of TASER model X26Ps. The contract expires this year, as does the warranty for the majority of these devices. Per Axon, the model X26P is also approaching the end of its product life. Historically, the department spends \$34,848 on the annual cost of the contract, and as much as another \$60,000 on TASERS not originally covered under the contract, duty and training cartridges, batteries, training, and related accessories. This amount fluctuates from year to year based on the number of additional devices needed. There are no viable competing products with the TASER and this agreement specifically is only available directly from Axon Enterprise, Inc.

ECWs are essential issue items for uniformed police officers assigned to Patrol and other specialized units, including the City Jail. They allow for a vetted less lethal force option to control and subdue violent subjects and help mitigate the risk of injury both to the subject and Department employees.

Axon offers the TASER 7 model, which has significant service life left as a model and offers several material improvements over the X26P model. These improvements include the ability to have a second cartridge at the ready and deploy it without having to reload, the addition of a second laser which helps indicate where both projectiles will make contact, and the creation of a drive stun/test button separate from the trigger. These improvements allow the employee a potential second chance at a less lethal force option in a critical incident before having to escalate to deadly force, greater accuracy, and mitigation of the risk of negligent discharge of projectiles. The X26P model only afforded employees a single shot option without reloading, one laser, and the spark test/drive stun option was incorporated into the cartridge trigger. While the department used the X26P model effectively, the improvements available with the TASER 7 are highly desirable.

This agreement includes a virtual reality (VR) training platform, which allows employees to engage in a variety of different use of force scenarios in different settings. The scenarios also include de-escalation options and post-critical incident stress mitigation, with more training scenarios under development.

The purchase option best suited to the needs of the Department is the T7 Cert package, with VR as part of a ten-year purchase agreement. This would allow for the purchase of a sufficient

number of TASERS to outfit all officers assigned to Patrol, as well as those assigned to specialized units. It would also allow for a greater number of training cartridges and training aids than were available under previous plans, unlimited replacement of duty cartridges, and provides for certification for our TASER instructors. The purchased devices would be exchanged for a new model at the five-year mark, at no additional cost.

Current fiscal year expenditures are \$0, although \$34,848 was allocated as the final installment payment for the previous five-year purchase agreement. Proposed expenses are \$1,700,000 over the next ten years, for TASERS, cartridges, training equipment, instructor training, and the VR package. The total proposed expense for this agreement with Axon, through Buyboard Cooperative contract 603-20, for fiscal year 2022 will not exceed \$170,000.00.

This purchase will allow the department to replace all TASERS with a new and improved model which is warranted for five years and receive new replacement units at the six-year mark, at no additional cost. This purchase will also allow the department to conduct enhanced training with more resources than previously available, and maintain the necessary training staff, also at no additional cost. Absent the need for additional devices as staffing levels increase, this annual cost should not increase for ten years.

THE ALTERNATIVES CONSIDERED:

- 1. Deny the proposed purchase.
- 2. Continue to purchase an older TASER model, foregoing the additional benefits of the T7 model. This would cost approximately \$96,647 per year just for the devices, with additional funds being required for accessories, batteries, training, training aids, and duty/training cartridges.
- 3. Authorize the purchase as proposed.

Which alternative is recommended? Why?

Staff recommends alternative number 3, entering into the purchase agreement. Failure to do so will adversely affect the department's ability to properly equip employees and resolve critical incidents.

CONFORMITY TO CITY POLICY:

This purchase would be made through Axon utilizing their Buyboard cooperative contract 603-20. Purchases made through a cooperative contract satisfy that state competitive bidding requirements as stated in Texas Local Government Code section 271.102, subchapter F; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for that purchase of the goods or services.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

Current fiscal year expenditures: \$0 so far, though \$34,848 was originally allocated for the final installment purchase. This payment would be waived by Axon as part of the new purchase agreement.

Proposed expenses: \$170,000.00 for fiscal year 2022, and \$170,000 per year through fiscal year 2031.

Is this a one-time or recurring expenditure?

Recurring over a ten-year period

Is this expenditure budgeted?

Yes, funds are available in the General Fund Police Department budget in account 010-6055-441-46.35.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

Staff recommends that the City Manager or his designee be authorized to execute the described purchase agreement of the TASER 7 Cert with VR package from Axon Enterprise, Inc. through the TASB BuyBoard (Contract # 603-20) in an amount not to exceed \$170,000.00 per year through the fiscal year 2031, and any change orders as authorized by law.

DEPARTMENTAL CLEARANCES:

Purchasing Finance City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Quote Agreement Certificate of Interested Parties Exemption



Axon Enterprise, Inc. 17800 N 85th St. Scottsdale, Arizona 85255 United States VAT: 86-0741227

Domestic: (800) 978-2737 International: +1.800.978.2737 Q-332691-44441.668TR

Issued: 09/02/2021

Quote Expiration: 10/01/2021

EST Contract Start Date: 10/15/2021

Account Number: 112277

Payment Terms: N30 Delivery Method: Fedex - Ground

SHIP TO	BILL TO
Business;Delivery;Invoice-3304	Killeen Police Dept TX
Community Blvd	
3304 Community Blvd	3304 Community Blvd
Killeen, TX 76542-6381	Killeen, TX 76542-6381
USA	USA
	Email:

PRIMARY CONTACT
Robert Rush
Phone: (254) 501-6544 Email: rrush@killeentexas.gov Fax:

Program Length	120 Months
TOTAL COST	\$1,700,000.00
ESTIMATED TOTAL W/ TAX	\$1,700,000.00

Bundle Savings	\$199,577.55
Additional Savings	\$194,823.99
TOTAL SAVINGS	\$394,401.54

PAYMENT PLAN		
PLAN NAME	INVOICE DATE	AMOUNT DUE
1	Sep, 2021	\$170,000.00
2	Sep, 2022	\$170,000.00
3	Sep, 2023	\$170,000.00
4	Sep, 2024	\$170,000.00
5	Sep, 2025	\$170,000.00
6	Sep, 2026	\$170,000.00
7	Sep, 2027	\$170,000.00

Q-332691-44441.668TR

8	Sep, 2028	\$170,000.00
9	Sep, 2029	\$170,000.00
10	Sep, 2030	\$170,000.00

BILLED ON FULFILLMENT		
PLAN NAME	INVOICE DATE	AMOUNT DUE
None	As Fulfilled	\$0.00

Quote Details

Bundle Summary		
Item	Description	QTY
T7CertVR10Yr	2021 Taser 7 Cert Bundle W/ VR 10 Year	215
T7Dock	2021 T7 Dock	6

Individual Items USD								
Category	Item	Description	QTY	List Price	Discount	Tax	Net Price	Total(USD)
Other	85147	CEW STARTER	1	\$2,750.00	100.00%		\$0.00	\$0.00
Other	20379	VR 1-DAY SERVICE	1	\$2,000.00	100.00%		\$0.00	\$0.00
Other	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$4,524.00	100.00%		\$0.00	\$0.00
Other	20379	VR 1-DAY SERVICE	1	\$2,000.00	100.00%		\$0.00	\$0.00

Bundle: 2021 Taser 7	Cert Bundle	W/ VR 10 Year Quantity: 215 Sta	art: 10/15/2	2021 End:	10/14/2031	Tota	al: 1700000.0	1 USD
Category	Item	Description	QTY	List Price	Discount	Tax	Net Price	Total(USD)
Hardware Placeholder	20242	TASER CERTIFICATION PROGRAM YEAR (⁶ - 215	\$2,719.44	9.64%		\$2,719.44	\$584,680.13
Dock & Warranty Bundle	74200	TASER 7 6-BAY DOCK AND CORE	3	\$1,355.38	9.64%		\$1,355.38	\$4,066.15
Battery & Warranty Bundle	20018	TASER 7 BATTERY PACK, TACTICAL	258	\$77.71	9.64%		\$77.71	\$20,048.84
Handle License	20248	TASER 7 EVIDENCE.COM LICENSE	215	\$542.15	9.64%		\$542.15	\$116,563.02

Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	\$338.85	9.64%	\$338.85	\$677.69
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	\$338.85	9.64%	\$338.85	\$677.69
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	\$338.85	9.64%	\$338.85	\$677.69
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	\$338.85	9.64%	\$338.85	\$677.69
Instructor Course Vouchers	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2	\$338.85	9.64%	\$338.85	\$677.69
Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5- DEGREE) NS	645	\$34.34	9.64%	\$34.34	\$22,146.97
Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	645	\$34.34	9.64%	\$34.34	\$22,146.97
Halt Suit	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	4	\$677.69	9.64%	\$677.69	\$2,710.77
Holsters	20160	TASER 7 HOLSTER - SAFARILAND, RH+CART CARRIER	25	\$72.29	9.64%	\$72.29	\$1,807.18
Holsters	20161	TASER 7 HOLSTER - SAFARILAND, LH+CART CARRIER	190	\$72.29	9.64%	\$72.29	\$13,734.56
Taser 7 Target	80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	3	\$135.54	9.64%	\$135.54	\$406.62
Handle & Warranty Bundle	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	215	\$1,554.17	55.75%	\$761.15	\$163,647.34
Inert Cartridges	22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	50	\$44.28	9.64%	\$44.28	\$2,213.79
Inert Cartridges	22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	50	\$44.28	9.64%	\$44.28	\$2,213.79
Spare Handle & Warranty Bundle	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	7	\$1,554.17	9.64%	\$1,554.17	\$10,879.22
Dock Mount	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	3	\$39.67	9.64%	\$39.67	\$119.00
Taser 7 Frame	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	3	\$67.77	9.64%	\$67.77	\$203.31
Dock Power Cord	71019	NORTH AMER POWER CORD FOR AB3 8- BAY, AB2 1-BAY / 6-BAY DOCK	3	\$9.44	9.64%	\$9.44	\$28.33
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5- DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5- DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5- DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65

Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5- DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Live Cartridges	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Halt Cartridges	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Halt Cartridges	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Halt Cartridges	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Training Halt Cartridges	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	430	\$34.34	9.64%	\$34.34	\$14,764.65
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	\$1,350.87	9.64%	\$1,350.87	\$1,350.87
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	\$1,350.87	9.64%	\$1,350.87	\$1,350.87
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	\$1,350.87	9.64%	\$1,350.87	\$1,350.87
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	\$1,350.87	9.64%	\$1,350.87	\$1,350.87
Master Instructor Course Vouchers	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1	\$1,350.87	9.64%	\$1,350.88	\$1,350.88
Duty Cartridge Replenishment Program	20246	TASER 7 DUTY CARTRIDGE REPLACEMENT LICENSE	215	\$271.08	9.64%	\$271.08	\$58,281.51
VR Headset	20378	HTC SUNRISE VR HEADSET	9	\$1,174.67	9.64%	\$1,174.67	\$10,572.00
VR Software	20370	FULL VR TASER 7 ADD-ON USER ACCESS	215	\$1,355.38	9.64%	\$1,355.38	\$291,407.56
Admin License	20248	TASER 7 EVIDENCE.COM LICENSE	2	\$542.15	9.64%	\$542.15	\$1,084.31
Other	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	3	\$615.57	9.64%	\$615.57	\$1,846.71
Other	80374	EXT WARRANTY, TASER 7 BATTERY PACK	258	\$41.37	9.64%	\$41.37	\$10,672.51
Controller Case	20188	VR CONTROLLER KIT PELICAN CASE	3	\$180.72	9.64%	\$180.72	\$542.15
Controller	20298	VR-ENABLED GLOCK 17 CONTROLLER	3	\$460.83	9.64%	\$460.83	\$1,382.49

Tablet	20296	SAMSUNG S7+ TABLET FOR VR SIMULATOR	3	\$768.05	9.64%	\$768.05	\$2,304.15
Tablet Case	20297	SAMSUNG S7+ TABLET CASE FOR VR SIMULATOR	3	\$45.18	9.64%	\$45.18	\$135.54
Standoff Cartridges	22196	TASER 7 VR CARTRIDGE, STANDOFF (3.5-DEGREE)	6	\$54.22	9.64%	\$54.22	\$325.29
CQ Cartridges	22197	TASER 7 VR CARTRIDGE, CLOSE- QUARTERS (12-DEGREE)	6	\$54.22	9.64%	\$54.22	\$325.29
Other	80395	EXT WARRANTY, TASER 7 HANDLE	215	\$615.57	9.64%	\$615.57	\$132,347.60
Other	80395	EXT WARRANTY, TASER 7 HANDLE	7	\$615.57	9.64%	\$615.57	\$4,308.99

Bundle: 2021 T7 Dock	Quantity	: 6 Start: 10/15/2021 End: 10/14/	2031	Total: 0 USD				
Category	Item	Description	QTY	List Price	Discount	Tax	Net Price	Total(USD)
Dock Options	74200	TASER 7 6-BAY DOCK AND CORE	6	\$1,500.00	100.00%		\$0.00	\$0.00
Dock Power Cord	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	6	\$0.00	0.00%		\$0.00	\$0.00
Other	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	6	\$675.00	100.00%		\$0.00	\$0.00

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard 603-20 (CEW only) is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's TASER 7 Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Exceptions to Standard Terms and Conditions

Agency has existing contract #00013081 (originated via Q-122877) and is terminating that contract upon the new license start date (10/15/2021) of this quote. Taser 7 terms apply instead of MSPA terms.

Signature	Date Signed

9/2/2021



This TASER 7 Agreement ("**Agreement**") applies to Agency's TASER 7 purchase from Axon Enterprise, Inc. ("**Axon**"). Agency will receive TASER 7 Conducted Energy Weapon ("**CEW**") hardware, accessories, warranty, and services documented in the attached Quote Appendix ("**Quote**").

- Term. The start date is based on the initial shipment of TASER 7 hardware ("Start Date"). If shipped in the first half of the month, the Start Date is the 1st of the following month. If shipped in the last half of the month, the Start Date is the 15th of the following month. The TASER 7 term will end upon completion of the associated TASER 7 subscription in the Quote ("Term"). If the Quote has multiple TASER 7 ship dates, each shipment will have a 60-month term, starting on the shipment of TASER 7 as described above.
- 2 <u>Unlimited Duty Cartridge Plan</u>. If the Quote includes "Unlimited Duty Cartridge Plan", this section applies. Agency must purchase an Unlimited Duty Cartridge Plan for each CEW user. A CEW user includes officers that use a CEW in the line of duty and ones that only use a CEW for training. Agency may not resell cartridges received under any TASER 7 plan. Axon will only replace cartridges used in the line of duty.
- Training. If the Quote includes a training voucher, Agency must use the voucher within 1 year of issuance, or the voucher will be void. During the Term, Axon will issue Agency a voucher annually beginning on the Start Date. The voucher has no cash value. Agency cannot exchange it for another product or service. If the Quote includes Axon Online Training or Virtual Reality Content (collectively, "Training Content"), Agency may access Training Content during the Term. Axon will deliver all Training Content electronically. Unless stated in the Quote, the voucher does not include travel expenses and will be Agency's responsibility.
- Payment. Unless specified in the Quote, Axon will invoice Agency on the Start Date and then on the Start Date anniversary during the Term, if annual payments are elected. Payment is due net 30 days from the invoice. Payment obligations are non-cancelable. Agency will pay invoices without setoff, deduction, or withholding. Unless Agency provides Axon a valid and correct tax exemption certificate applicable to the purchase and ship-to location, Agency is responsible for all taxes associated with the order.
- **Shipping**. Axon may make partial shipments and ship from multiple locations. All shipments are FOB shipping point via common carrier. Title and risk of loss pass to Agency upon Axon's delivery to the common carrier. Agency is responsible for any shipping charges in the Quote. If the Quote includes future deliveries of hardware, Axon will ship hardware to Agency's address on the Quote.
- **Returns**. All sales are final. Axon does not allow refunds or exchanges, except warranty returns or as provided by state or federal law.
- Hardware Limited Warranty. Axon warrants that Axon-manufactured hardware is free from defects in workmanship and materials for 1 year from the date of Agency's receipt. Axon warrants its Axon-manufactured accessories for 90-days from the date of Agency's receipt. Used CEW cartridges are deemed to have operated properly. Non-Axon manufactured Devices are not covered by Axon's warranty. Agency should contact the manufacturer for support of non-Axon manufactured hardware.

If Axon receives a valid warranty claim for Axon manufactured hardware during the warranty term, Axon's sole responsibility is to repair or replace the hardware with the same or like hardware, at Axon's option. Replacement hardware will be new or like new. Axon will warrant the replacement hardware for the longer of (a) the remaining warranty of the original hardware or (b) 90-days from the date of repair or replacement.

If the Quote includes an extended warranty, the extended warranty coverage begins on the Start

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Date and continues for the Term for the hardware covered by the extended warranty on the Quote.

If Agency exchanges hardware or a part, the replacement item becomes Agency's property, and the replaced item becomes Axon's property. Before delivering hardware for service, Agency must upload hardware data to Axon Evidence or download it and retain a copy. Axon is not responsible for any loss of software, data, or other information contained in storage media or any part of the hardware sent to Axon for service.

Warranty Limitations. Axon's warranty obligations exclude damage related to (a) failure to follow instructions on product's use; (b) products used with products not manufactured or recommended by Axon; (c) abuse, misuse, intentional, or deliberate damage to the product; (d) force majeure; (e) products repaired or modified by persons other than Axon without the written permission of Axon; or (f) products with a defaced or removed serial number.

To the extent permitted by law, the warranties and remedies set forth above are exclusive and Axon disclaims all other warranties, remedies, and conditions, whether oral or written, statutory, or implied, as permitted by applicable law. If statutory or implied warranties cannot be lawfully disclaimed, then all such warranties are limited to the duration of the express warranty described above and limited by the other provisions contained in this Agreement. Axon's cumulative liability to any party for any loss or damage resulting from any claims, demands, or actions arising out of or relating to any Axon product will not exceed the purchase price paid to Axon for the product or if for services, the amount paid for such services over the prior 12 months preceding the claim. In no event will either party be liable for any direct, special, indirect, incidental, exemplary, punitive, or consequential damages, however caused, whether for breach of warranty, breach of contract, negligence, strict liability, tort or under any other legal theory.

- Spare Products. For qualified purchases, Axon may provide agency a predetermined number of spare TASER 7 hardware as detailed in the Quote ("Spare Axon Devices"). Spare Axon Devices are intended to replace broken or non-functioning units while Agency submits the broken or non-functioning units through Axon's warranty return process. Axon will repair or replace the unit with a replacement Axon Device. Title and risk of loss for all Spare Axon Devices shall pass to agency in accordance with the shipping terms under Section 5. Axon assumes no liability or obligation in the event Agency does not utilize Spare Axon Devices for the intended purpose.
- Trade-In. If a trade-in discount is on the Quote, Agency must return used hardware and accessories associated with the discount ("Trade-In Units") to Axon. Agency must ship batteries via ground shipping. Axon will pay the shipping costs of the return. If Axon does not receive Trade-In Units within the timeframe below, Axon will invoice Agency the value of the trade-in discount. Agency may not destroy Trade-In Units and receive a trade-in discount.

Agency Size	Days to Return from Start Date
Less than 100 officers	30 days
100 to 499 officers	90 days
500+ officers	180 days

- 11 <u>Product Warnings</u>. See www.axon.com/legal for the most current Axon product warnings.
- Design Changes. Axon may make changes in the design of any of Axon's products and services without notifying Agency or making the same change to products and services previously purchased. Axon may replace end of life products with the next generation of that product without notifying Agency.

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- **Termination**. If payment for TASER 7 is more than 30 days past due, Axon may terminate Agency's TASER 7 plan by notifying Agency. Upon termination for any reason, then as of the date of termination:
 - **13.1.** TASER 7 extended warranties and access to Training Content will terminate. No refunds will be given.
 - **13.2.** Axon will invoice Agency the remaining MSRP for TASER 7 products received before termination. If terminating for non-appropriations, Axon will not invoice Agency if Agency returns the CEW, battery, holster, dock, core, training suits, and unused cartridges to Axon within 30 days of the date of termination.
 - **13.3.** Agency will be responsible for payment of any missed payments due to the termination before being allowed to purchase any future TASER 7 plan.
- 14 <u>Delays</u>. Axon will use reasonable efforts to deliver products and services as soon as practicable. If delivery is interrupted due to causes beyond Axon's control, Axon may delay or terminate delivery with notice.
- **Proprietary Information**. Agency agrees Axon has and claims various proprietary rights in the hardware, firmware, software, and the integration of ancillary materials, knowledge, and designs that constitute Axon products and services. Agency will not directly or indirectly cause any proprietary rights to be violated.
- **Export Compliance**. Each party will comply with all import and export control laws and regulations.
- **Assignment**. Agency may not assign or transfer this Agreement without Axon's prior written approval.
- Governing Law; Venue. The laws of the Texas, without reference to conflict of law rules, govern this Agreement and any dispute that might arise between the parties. Any action brought by any party hereto will be brought within the State of Texas, Bell County. The United Nations Convention for the International Sale of Goods does not apply to this Agreement.
- Entire Agreement. This Agreement, including the appendices, represents the entire agreement between the Parties. This Agreement supersedes all prior agreements or understandings, whether written or verbal, regarding the subject matter of this Agreement. This Agreement may only be modified or amended in a writing signed by the Parties. If a court of competent jurisdiction holds any portion of this Agreement invalid or unenforceable, the remaining portions of this Agreement will remain in effect.

Each representative identified below declares they have been expressly authorized to execute this Agreement as of the date of signature.

Axon Enterprise, Inc.	Agency
Signature:	Signature:
Name:	Name:
Title:	Title:
Date:	Date:

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TASER 7 Axon Evidence Terms of Use Appendix

1 <u>Definitions</u>.

"Agency Content" is data uploaded into, ingested by, or created in Axon Evidence within Agency's tenant, including media or multimedia uploaded into Axon Evidence by Agency. Agency Content includes Evidence but excludes Non-Content Data.

"Evidence" is media or multimedia uploaded into Axon Evidence as 'evidence' by an Agency. Evidence is a subset of Agency Content.

"Non-Content Data" is data, configuration, and usage information about Agency's Axon Evidence tenant, Axon Devices and client software, and users that is transmitted or generated when using Axon Devices. Non-Content Data includes data about users captured during account management and customer support activities. Non-Content Data does not include Agency Content.

- 2 Subscription Term. The TASER 7 Axon Evidence Subscription Term begins on the Start Date.
- Access Rights. Upon Axon granting Agency a TASER 7 Axon Evidence subscription, Agency may access and use Axon Evidence for the storage and management of data from TASER 7 CEW devices during the TASER 7 Axon Evidence Subscription Term. Agency may not upload any non-TASER 7 data or any other files to Axon Evidence. Agency may not exceed the number of endusers than the Quote specifies.
- Agency Owns Agency Content. Agency controls and owns all right, title, and interest in Agency Content. Except as outlined herein, Axon obtains no interest in Agency Content, and Agency Content is not Axon's business records. Agency is solely responsible for uploading, sharing, managing, and deleting Agency Content. Axon will only have access to Agency Content for the limited purposes set forth herein. Agency agrees to allow Axon access to Agency Content to (a) perform troubleshooting, maintenance, or diagnostic screenings; and (b) enforce this Agreement or policies governing use of the Axon products.
- Security. Axon will implement commercially reasonable and appropriate measures to secure Agency Content against accidental or unlawful loss, access, or disclosure. Axon will maintain a comprehensive information security program to protect Axon Evidence and Agency Content including logical, physical access, vulnerability, risk, and configuration management; incident monitoring and response; encryption of uploaded digital evidence; security education; and data protection. Axon agrees to the Federal Bureau of Investigation Criminal Justice Information Services Security Addendum.
- Agency Responsibilities. Agency is responsible for (a) ensuring Agency users comply with this Agreement; (b) ensuring Agency owns Agency Content and no Agency Content or Agency end user's use of Agency Content or Axon Evidence violates this Agreement or applicable laws; and (c) maintaining necessary computer equipment and Internet connections for use of Axon Evidence. If Agency becomes aware of any violation of this Agreement by an end-user, Agency will immediately terminate that end user's access to Axon Evidence.

Agency is also responsible for maintaining the security of end-user names and passwords and taking steps to maintain appropriate security and access by end-users to Agency Content. Login credentials are for Agency internal use only and Agency may not sell, transfer, or sublicense them to any other entity or person. Agency may download the audit log at any time. Agency shall contact Axon immediately if an unauthorized third party may be using Agency's account or Agency Content or if account information is lost or stolen.

7 Privacy. Your use of Axon Cloud Services is subject to the Axon Cloud Services Privacy Policy, a

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current version of which is available at https://www.axon.com/legal/cloud-services-privacy-policy. Agency agrees to allow Axon access to Non-Content Data from Agency to (a) perform troubleshooting, maintenance, or diagnostic screenings; (b) provide, develop, improve, and support current and future Axon products and related services; and (c) enforce this Agreement or policies governing the use of Axon products.

- **Storage.** Axon may place Agency Content that Agency has not viewed or accessed for 6 months into archival storage. Agency Content in archival storage will not have immediate availability and may take up to 24 hours to access.
- <u>Location of Data Storage</u>. Axon may transfer Agency Content to third party subcontractors for storage. Axon will determine the locations of data centers where Agency Content will be stored. For United States agencies, Axon will ensure all Agency Content stored in Axon Evidence remains within the United States. Ownership of Agency Content remains with Agency.
- **Suspension.** Axon may suspend Agency access or any end-user's right to access or use any portion or of Axon Evidence immediately upon notice, if:
 - **10.1.** The Termination provisions of the TASER 7 Terms and Conditions apply;
 - **10.2.** Agency or an end-user's use of or registration for Axon Evidence (i) poses a security risk to Axon Evidence or any third party, (ii) may adversely impact Axon Evidence or the systems or content of any other customer, (iii) may subject Axon, Axon's affiliates, or any third party to liability, or (iv) may be fraudulent;

Agency remains responsible for all fees incurred through the date of suspension without any credits for any period of suspension. Axon will not delete any of Agency Content on Axon Evidence due to suspension, except as specified elsewhere in this Agreement.

- Axon Evidence Warranty. Axon warrants that Axon Evidence will not infringe or misappropriate any patent, copyright, trademark, or trade secret rights of any third party. Axon disclaims any warranties or responsibility for data corruption or errors before the data is uploaded to Axon Evidence.
- Axon Evidence Restrictions. All Axon Evidence subscriptions will immediately terminate if Agency does not comply with any term of this Agreement. Agency and Agency end-users (including employees, contractors, agents, officers, volunteers, and directors), may not, or may not attempt to:
 - **12.1.** copy, modify, tamper with, repair, or create derivative works of any part of Axon Evidence;
 - **12.2.** reverse engineer, disassemble, or decompile Axon Evidence or apply any other process to derive any source code included in Axon Evidence, or allow any others to do the same;
 - **12.3.** access or use Axon Evidence with the intent to gain unauthorized access, avoid incurring fees or exceeding usage limits or quotas;
 - **12.4.** use trade secret information contained in Axon Evidence, except as expressly permitted in this Agreement;
 - **12.5.** access Axon Evidence to build a competitive product or service or copy any features, functions, or graphics of Axon Evidence;
 - **12.6.** remove, alter, or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon's or Axon's licensors on or within Axon Evidence; or
 - **12.7.** use Axon Evidence to store or transmit infringing, libelous, or otherwise unlawful or tortious material, to store or transmit material in violation of third-party privacy rights, or to store or transmit malicious code.
- **After Termination.** Axon will not delete Agency Content for 90 days following termination. During these 90 days, Agency may retrieve Agency Content only if all amounts due have been paid. There

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will be no application functionality of Axon Evidence during these 90 days other than the ability to retrieve Agency Content. Agency will not incur any additional fees if Agency Content is downloaded from Axon Evidence during these 90 days. Axon has no obligation to maintain or provide any Agency Content after these 90 days and will thereafter, unless legally prohibited delete all of Agency Content stored in Axon Evidence. Upon request, Axon will provide written proof that all Agency Content has been successfully deleted and fully removed from Axon Evidence.

- Post-Termination Assistance. Axon will provide Agency with the same post-termination data retrieval assistance that Axon generally makes available to all customers. Requests for Axon to provide additional assistance in downloading or transferring Agency Content, including requests for Axon's Data Egress Services, will result in additional fees and Axon will not warrant or guarantee data integrity or readability in the external system.
- U.S. Government Rights. If Agency is a U.S. Federal department or using Axon Evidence on behalf of U.S. Federal department, Axon Evidence is provided as a "commercial item," "commercial computer software," "commercial computer software documentation," and "technical data," as defined in the Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement. If Agency is using Axon Evidence on behalf of the U.S. Government and these terms fail to meet the U.S. Government's needs or are inconsistent in any respect with federal law, Agency will immediately discontinue the use of Axon Evidence.
- **Survival**. Upon any termination of this Agreement, the following sections will survive: Agency Owns Agency Content, Storage, Axon Evidence Warranty, and Axon Evidence Restrictions.

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Professional Services Appendix (only applies if Agency purchases CEW Professional Services)

- 1 <u>Utilization of Services</u>. Agency must use pre-paid professional services as outlined in the Quote and this Appendix within 6 months of the Effective Date.
- 2 CEW Services Packages. CEW Services Packages are detailed below:

System set up and configuration

- Configure Axon Evidence categories & custom roles based on Agency need.
- Troubleshoot IT issues with Axon Evidence.
- Register users and assign roles in Axon Evidence.
- For the CEW Full Service Package: On-site assistance included
- For the CEW Starter Package: Virtual assistance included

Dedicated Project Manager

Assignment of specific Axon representative for all aspects of planning the rollout (Project Manager). Ideally, Project Manager will be assigned to Agency 4–6 weeks before rollout

Best practice implementation planning session to:

- Provide considerations for the establishment of CEW policy and system operations best practices based on Axon's observations with other agencies
- Discuss the importance of entering metadata and best practices for digital data management
- Provide referrals to other agencies using TASER CEWs and Axon Evidence
- For the CEW Full Service Package: On-site assistance included
- For the CEW Starter Package: Virtual assistance included

System Admin and troubleshooting training sessions

On-site sessions providing a step-by-step explanation and assistance for Agency's configuration of security, roles & permissions, categories & retention, and other specific settings for Axon Evidence

Axon Evidence Instructor training

- Provide training on the Axon Evidence to educate instructors who can support Agency's subsequent Axon Evidence training needs.
- For the CEW Full Service Package: Training for up to 3 individuals at Agency
- For the CEW Starter Package: Training for up to 1 individual at Agency

TASER CEW inspection and device assignment

Axon's on-site professional services team will perform functions check on all new TASER CEW Smart weapons and assign them to a user on Axon Evidence.

Post go-live review

For the CEW Full Service Package: On-site assistance included.

For the CEW Starter Package: Virtual assistance included.

3 <u>Smart Weapon Transition Service</u>. The Smart Weapon Transition Service includes:

Archival of CEW Firing Logs

Axon's on-site professional services team will upload CEW firing logs to Axon Evidence from all TASER CEW Smart Weapons that Agency is replacing with newer Smart Weapon models.

Return of Old Weapons

Axon's on-site professional service team will ship all old weapons back to Axon's headquarters. Axon will provide Agency with a Certificate of Destruction

*Note: CEW Full Service packages for TASER 7 include Smart Weapon Transition Service instead of 1-Day Device Specific Instructor Course.

Out of Scope Services. Axon is only responsible to perform the professional services described in the Quote and this Appendix. Any additional professional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in the charges or schedule.

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- **Delivery of Services.** Axon personnel will work Monday through Friday, 8:30 a.m. to 5:30 p.m., except holidays. Axon will perform all on-site tasks over a consecutive timeframe. Axon will not charge Agency travel time by Axon personnel to Agency premises as work hours.
- Access Computer Systems to Perform Services. Agency authorizes Axon to access relevant Agency computers and networks, solely for performing the Services. Axon will work to identify as soon as reasonably practicable resources and information Axon expects to use and will provide an initial itemized list to Agency. Agency is responsible for and assumes the risk of any problems, delays, losses, claims, or expenses resulting from the content, accuracy, completeness, and consistency of all data, materials, and information supplied by Agency.
- Site Preparation. Axon will provide a hardcopy or digital copy of current user documentation for the Devices ("User Documentation"). User Documentation will include all required environmental specifications for the professional Services and Devices to operate per the Device User Documentation. Before installation of Devices (whether performed by Agency or Axon), Agency must prepare the location(s) where Devices are to be installed ("Installation Site") per the environmental specifications in the Device User Documentation. Following installation, Agency must maintain the Installation Site per the environmental specifications. If Axon modifies Device User Documentation for any Devices under this Agreement, Axon will provide the update to Agency when Axon generally releases it.
- Acceptance. When Axon completes professional Services, Axon will present an acceptance form ("Acceptance Form") to Agency. Agency will sign the Acceptance Form acknowledging completion. If Agency reasonably believes Axon did not complete the professional Services in substantial conformance with this Agreement, Agency must notify Axon in writing of the specific reasons for rejection within 7 calendar days from delivery of the Acceptance Form. Axon will address the issues and re-present the Acceptance Form for signature. If Axon does not receive the signed Acceptance Form or written notification of reasons for rejection within 7 calendar days of delivery of the Acceptance Form, Axon will deem Agency to have accepted the professional Services.
- **Agency Network**. For work performed by Axon transiting or making use of Agency's network, Agency is solely responsible for maintenance and functionality of the network. In no event will Axon be liable for loss, damage, or corruption of Agency's network from any cause.

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Contract Verification

Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company's business dealings.

- Texas Government Code, Chapter 2271 the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. Boycott Israel is defined in Government Code Chapter 808.
- Texas Government Code, Chapter 2274 the company must verify that it does not boycott energy companies and will not boycott energy companies during the term of the contract. Boycott energy company is defined in Government Code Chapter 809.
- Texas Government Code, Chapter 2274 the company must verify that it does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. Verification is not required from a sole source provider. Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.

Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, <u>and</u> 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

Docusigned by:	
Athana.	Axon Enterprise, Inc.
Signature	Company Name
Robert E. Driscoll, Jr.	VP, Associate General Counsel
Printed Name	Title
9/13/21	
Date	

Robert Rush

From: Tom Richardson <trichardson@taser.com>
Sent: Monday, September 13, 2021 11:35 AM

To:Robert RushCc:Zach DeeganSubject:Re: Approval

Hello Sir!

Below is the official reasoning for the 1295:

From the TX Ethic Website: As of Jan 1, 2018, Axon is no longer required to complete 1295s.

Are there certain contracts that do not require Form 1295?

Yes. Form 1295 is not required for the following contracts:

- o (1) a sponsored research contract of an institution of higher education;
- o (2) an interagency contract of a state agency or an institution of higher education;
- o (3) a contract related to health and human services if:
 - (a) the value of the contract cannot be determined at the time the contract is executed; and
 - (b) any qualified vendor is eligible for the contract;
- (4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;*
- o (5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code;* or
- o (6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.*

Thank you,

Tom Richardson

CEW Regional Manager

M / 301 204 5323 AXON.COM



From: Robert Rush <RRush@killeentexas.gov>
Date: Monday, September 13, 2021 at 9:32 AM
To: Tommy Richardson <trichardson@taser.com>

Subject: Approval

^{*} applies to contracts entered into or amended on or after January 1, 2018

Hey, I just got word from City Legal, they need an explanation from you guys as to why you are exempt from filing a 1295. If you can reply to this message with some sort of statement to that effect, I will see what I can do to attach it.

I know we have discussed this at different points, but I would prefer not to send them a copy of an email with a bunch of other stuff in it.

Finance also asked me to send along the attached form to you, to get filled out as soon as possible. If you can get it back, I can attach it for the last couple approval steps.

Thanks,

Robert Rush III Commander, Training Division Killeen Police Department 254-501-8883



AXON TASER PURCHASE

September 21, 2021

- □ In the past, The Killeen Police Department purchased TASER model X26Ps as part of a 5-year purchase plan (ending this year), as well as additional TASERs and accessories through other line items.
- Historically, we spend approximately \$89,000 annually to cover the cost of the TASER program. \$38,848 towards a 5-year contract that covers a portion of our TASER units and another \$60,000 to cover the shortfall that the 5-year contract does not cover. These costs include the purchases of the Taser unit itself, cartridges, batteries, and related accessories as well as training.
- The model X26P is nearing the end of its product life, and the majority of issued X26Ps are approaching warranty expiration.
- Axon offers a new model (TASER 7) with notable improvements.

□ Improvements:

- Two-cartridge capability, allowing for a second opportunity to use a less-lethal force option
- Addition of a second laser, allowing user to identify approximate placement of both projectiles (increased accuracy).
- Creation of a drive stun/warning arc button separate from trigger.

Axon TASER Purchase

- □ The new package is for a ten-year purchase agreement.
 - The package allows for sufficient devices to meet current needs, scalable for future growth.
 - The package includes all required training materials and accessories, as well as unlimited duty cartridges and vouchers to train/recertify TASER instructors.
 - The package also includes a virtual reality training platform, which will further enhance the ability to train.
 - Training scenarios are not limited to TASER use of force, they also include deescalation and post-critical incident stress mitigation.

Funding

- Current Fiscal Year expenses:
 - □ TASERs and Accessories: \$0 spent, \$34,848 allocated as the final installment payment of the previous 5-year purchase plan. The \$34,848 final installment payment would be waived by Axon as part of this purchase.
- Projected Expenses:
 - □ TASER 7 Cert +VR package: \$170,000.00 annually, for ten years (through fiscal year 2031).
- Total projected expenses for the upcoming fiscal year are projected not to exceed \$170,000.00. The Police Department has budgeted funds available for this expense.

- □ Disapprove the proposed purchase.
 - Doing so will adversely affect the department's ability to properly equip officers.
- □ Continue to purchase an older TASER model.
 - This would cost at least \$96,647 per year just for the X26Ps, with thousands in additional funds being required annually for accessories, batteries, cartridges, training.
- □ Approve the purchases as proposed.

Recommendation

□ Staff recommends that the City Manager or his designee be authorized to execute the described purchase agreement of the TASER 7 Cert with VR package from Axon Enterprise, Inc. through the TASB BuyBoard in an amount not to exceed \$170,000.00 per year through the fiscal year 2031, and any change orders as authorized by law.



City of Killeen

Legislation Details

File #: OR-21-021 Version: 1 Name: Ordinance Amend FD Authorizations

Type:OrdinanceStatus:OrdinancesFile created:8/24/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: Consider an ordinance amending the number of authorized civil service positions for the Killeen Fire

Department.

Sponsors: Human Resources Department

Indexes:

Code sections:

Attachments: Staff Report

Ordinance Presentation

Date Ver. Action By Action Result

9/21/2021 1 City Council Workshop



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Eva Bark, Executive Director of Human Resources

SUBJECT: Ordinance to Amend the Number of Authorized Civil Service Positions for

the Killeen Fire Department

BACKGROUND AND FINDINGS:

The Texas Local Government Code (TLGC), Chapter 143, represents an effort to present, in a coherent and practical format, the laws and civil service procedures for Texas police and fire departments. The civil service system was established in the City of Killeen in an election duly called and lawfully conducted on August 13, 1977. The rules and regulations of TLGC Chapter 143 apply to all classified police and fire officers.

One of the provisions of TLGC, Chapter 143, is that the municipality's governing body establishes the civil service classifications by ordinance. This ordinance, as adopted by the governing body, further prescribes the number of positions in each classification [TLGC 143.021(a)].

During the FY 2022 budget presentation, the plan to amend the number Fire Department authorizations was discussed. The attached ordinance reclassifies one (1) Fire and Rescue Officer authorization to increase the Assistant Chief authorizations by one (1) and increases Fire and Rescue Officer authorizations by nine (9). Authorizations align with the approved FY 2022 budget. The overall impact to the efficient functioning of the Fire Department will be addressed through a more efficient distribution of responsibilities.

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	182	Fire and Rescue Officer	190
Fire Captain	37	Fire Captain	37
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	3	Deputy Chief of Fire	3
Assistant Chief of Fire	1	Assistant Chief of Fire	2

THE ALTERNATIVES CONSIDERED:

- 1) To not reclassify one (1) Fire and Rescue Officer to add one (1) Assistant Chief of Fire and to not add nine (9) Fire and Rescue Officer authorizations.
- 2) To reclassify one (1) Fire and Rescue Officer to add one (1) Assistant Chief of Fire and to add nine (9) Fire and Rescue Officer authorizations.

Which alternative is recommended? Why?

Staff recommends the second alternative, to reclassify one (1) Fire and Rescue Officer to add one (1) Assistant Chief of Fire and to add nine (9) Fire and Rescue Officer authorizations. This action

would ensure continuity of authority/responsibility within the Fire Department and best practices within the Fire Industry.

CONFORMITY TO CITY POLICY:

This action is uniformed to city policy and state law.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

The addition of nine (9) Fire and Rescue Officer authorizations is \$692,876. Reclassifying one (1) Fire and Rescue Officer to add one (1) Assistant Chief of Fire is \$82,118. Funds are included in the FY 2022 Proposed Annual Budget.

Is this a one-time or recurring expenditure?

Recurring

Is this expenditure budgeted?

Yes, in personnel services accounts in the General Fund Fire Department in accounts 010-7001-442.40-05 thru 010-7001-442.40-89 and 010-7071-442.40-05 thru 010-7071-442.40-89.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes, upon approval of the FY 2022 Budget.

RECOMMENDATION:

Staff recommends the adoption of the proposed ordinance to reclassify one (1) Fire and Rescue Officer to add one (1) Assistant Chief of Fire and to add nine (9) Fire and Rescue Officer authorizations.

DEPARTMENTAL CLEARANCES:

Finance

City Attorney Office

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

ORDINANCE NO.

FY 21-22 (amended October 2021)

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That the City Council authorizes the following civil service classifications of employees in the Fire Department of the City of Killeen shall be amended for the purpose of covering such employees under the provisions of Texas Local Government Code 143.021(a) as required by statute. These classifications and no others shall exist with the number shown indicating the number of positions in each classification:

CLASSIFICATION

NUMBER IN EACH CLASSIFICATION

	(Base Authorization)	(Over hire)	(Base Authorization)	(Over hire)
Fire and Rescue Officer	182	7	190	7
Fire Captain	37	0	37	0
Battalion Chief	6	0	6	0
Deputy Chief of Fire	3	0	3	0
Assistant Chief of Fire	1	0	2	0

FY 20-21 (amended October 2020

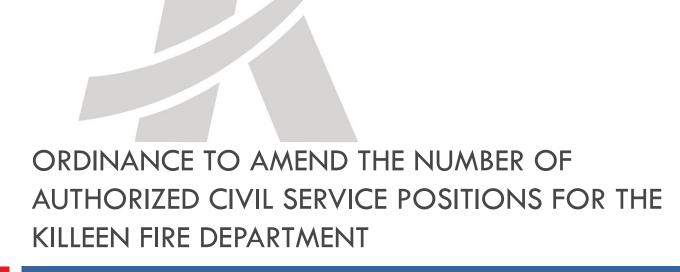
That this amendment to increase the authorized number of civil service positions in the Fire Department reflects an increase of nine (9) authorized positions; from one hundred and eighty-two (182) Fire and Rescue Officer authorized positions to one hundred and ninety (190) authorized positions and from one (1) Assistant Chief of Fire authorized position to two (2) authorized positions.

SECTION II. That all other ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

SECTION III. That should any part of this ordinance be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION IV. That this ordinance shall be effective immediately upon passage and publication according to law.

	egular meeting of the City Council of the City of Killeen,
	ember, 2021, at which meeting a quorum was present, .T.C.A., Government Code, 551.001 et seq.
ricid in accordance with the provisions of V	.T.C.A., Government Code, 331.001 et seq.
	APPROVED
	Jose L. Segarra, MAYOR
ATTEST:	
Lucy C. Aldrich, CITY SECRETARY	
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ADDROVED AC TO FORM	
APPROVED AS TO FORM:	
Traci S. Briggs, CITY ATTORNEY	



September 21, 2021

Background

- Civil Service system was established on August 13, 1977
- City Council, by ordinance, shall prescribe the number of authorizations in each classification

During the FY 22 budget presentation, the council approved to reclassify one (1) Fire and Rescue Officer authorization to increase the Assistant Chief authorizations by one (1) and increase the Fire and Rescue Officer authorizations by nine (9)

Staffing Changes

FY 21 Strength of Force for KFD		FY22 Strength of Force for KFD		
Fire and Rescue Officer	182	Fire and Rescue Officer	190	
Fire Captain	37	Fire Captain	37	
Battalion Chief	6	Battalion Chief	6	
Deputy Chief of Fire	3	Deputy Chief of Fire	3	
Assistant Chief of Fire	1	Assistant Chief of Fire	2	

- To not reclassify one (1) Fire and Rescue Officer authorization to increase the Assistant Chief authorizations by one (1) and to not increase the Fire and Rescue Officer authorizations by nine (9)
- To reclassify one (1) Fire and Rescue Officer authorization to increase the Assistant Chief authorizations by one (1) and to increase the Fire and Rescue Officer authorizations by nine (9)

Staff Recommendation

Staff recommends that the City Council approve the ordinance amending the number of authorized Civil Service positions for the Killeen Fire Department by reclassify one (1) Fire and Rescue Officer authorization to increase the Assistant Chief authorizations by one (1) and to increase the Fire and Rescue Officer authorizations by nine (9)



City of Killeen

Legislation Details

File #: RS-21-124 Version: 1 Name: Annual Appointments to Citizen Boards and

Commissions

Type:ResolutionStatus:ResolutionsFile created:8/9/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: Consider a memorandum/resolution appointing members to various citizen boards and commissions.

Sponsors: City Council

Indexes:

Code sections:

Attachments: Staff Report

Presentation

Date Ver. Action By Action Result

9/21/2021 1 City Council Workshop



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Boards and Commissions - Citizen Engagement

BACKGROUND AND FINDINGS:

The City of Killeen has various citizen boards and commissions that serve in an advisory capacity. Per City Code of Ordinances, sec. 2-116, all appointments and reappointments to citizen boards, commissions and committees shall be made by the city council prior to October 1st of each year for all positions to be filled that fiscal year.

Listed below are boards and commissions seats that have become vacant due to a resignation or are expiring September 30, 2021.

Section 2-118 of the Code of Ordinances states that persons appointed to city boards, commissions or committees can be effective members only if they attend the group's meetings regularly. In case of excessive absences, a board, commission, or committee member can be removed from office. Missing three (3) consecutive meetings or more than twenty-five (25) percent of meetings in a twelve-month period where the board meets more than four times per year shall constitute excessive absences. The city manager has been notified by the chairperson of the Animal Advisory Committee that a member has missed more than twenty-five (25) percent of meetings in a twelve-month period as defined by the code. The member with the attendance infraction is identified in the chart below in the status column as "Attendance."

Per Section 6-36 of the Code of Ordinances the Animal Advisory Committee is composed of at least one (1) licensed veterinarian, one (1) city official, one (1) person whose duties include the daily operation of the city's animal shelter, and one (1) representative from an animal welfare organization, and seven (7) citizens. Two (2) of the seven (7) citizen members currently serving have been identified as not being citizens of the City of Killeen and is identified in the chart below in the status column as "Residency."

In addition, on August 26, 2021, staff was notified that committee member Bruce "Chris" Thomas had passed away. Mr. Thomas' status in the chart below is identified as "Vacant."

THE ALTERNATIVES CONSIDERED:

No other alternatives were considered.

CONFORMITY TO CITY POLICY:

Making these appointments conforms to relevant city ordinances and policies.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no current or future expenditure with these appointments.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

It is recommended that the city council appoint individuals to fill identified vacancies and expired terms.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A

FY2021 - 2022 Boards and Commissions

Animal Advisory Committee (All Council)

· ····································								
Current Member	Status	New Member	Comments	Termed?	Reappoint?			
Michael Joyner, DVM	Term Expired	n/a*	Veterinarian	No	Yes			
Peter Stanonik	Attendance	n/a*	Citizen Rep (20-22)	n/a	n/a			
Anca Neagu	Residency	n/a*	Citizen Rep (20-22)	n/a	n/a			
Pat Davis, DVM	Residency	n/a*	Citizen Rep (20-22)	n/a	n/a			
Chris Thomas	Vacant	n/a*	Citizen Rep (20-22)	n/a	n/a			

^{*}Appointment recommendations to the Animal Advisory Committee were postponed during the September 21, 2021 City Council Workshop. City staff was directed to bring back an ordinance reducing the number of citizen representative positions from seven members to three members. Appointment recommendations are rescheduled for October 5, 2021 and action on recommendations are scheduled for October 19, 2021.

Arts Commission (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Nelson Santiago	Term Expired	Monique Brand	At-Large	No	No
Roxanne Flores-Achmad	Term Expired	Reappointed	At-Large	No	Yes

Angela Galbreth	Term Expired	Reappointed	At-Large	No	Yes
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Audit Committee (All Council)

Current Member	Status	New Member	Comments	Termed	Reappoint?
Bob Blair	Term Expired	Reappointed	Citizen Rep	No	Yes
Jack Ralston	Term Expired	Reappointed	Citizen Rep	No	Yes

Board of Adjustment - Construction (Sub-Comm: J. Gonzalez, K. Wilkerson)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Royce Bowles	Term Expired	n/a*	Electrical Contractor	Yes	Yes
John Deane	Term Expired	n/a*	Mechanical Contractor	Yes	Yes
Kent Stephens	Term Expired	n/a*	Health District Rep	No	Yes

^{*}Appointment recommendations to the Board of Adjustment - Construction were postponed during the September 21, 2021 City Council Workshop. City staff was directed to re-advertise openings on the board in an effort to draw interested applicants. Current board members will remain in a holdover status.

Board of Adjustment - Fire Prevention Code (Sub-comm: D. Nash-King, R. Williams)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Michael Turo	Term Expired	Reappointed	Citizen Rep	No	Yes
Clifford Pinkerton	Term Expired	Reappointed	Citizen Rep	No	Yes

Board of Adjustment - Zoning (Sub-Comm: K. Wilkerson, M. Brown)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
James Wesley	Term Expired	Bear Jones	Citizen Rep	Yes	No
Claudia Bentley	Term Expired	Reappointed	Citizen Rep	No	Yes
Leo Gukeisen	Term Expired	Reappointed	Citizen Rep	No	Yes
Bear Jones	Term Expired	Tad Dorroh	Alternate	No	Yes

Civil Service Commission (City Manager)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Kevin Williams	Term Expired	Reappointed	Citizen Rep	No	Yes

Community Development Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Kathy Bradley	Term Expired	Mary Taylor	Citizen Rep	No	No
John Driver	Term Expired	Angela Brown	Citizen Rep	No	No
Van Fraley	Term Expired	Jackie McDonald	Citizen Rep	No	No
Keith Maxwell	Term Expired	Jonathan Hildner	Citizen Rep	No	No

Comprehensive Plan Advisory Committee (Each Councilmember x2)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Tim Tunstill	Resigned	Ron Jupiter	Mayor Appointment	n/a	n/a
Paul Blakey	Resigned	n/a*	CM Wilkerson Appt	n/a	n/a
Keila Cruz	Resigned	Alana Metcalf	CM Brown Appt	n/a	n/a

*At this time, Councilmember Wilkerson does not have a recommendation to fill the vacancy created by Mr. Blakey's resignation.

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Ramon Alvarez	Term Expired	Reappointed	P&Z Rep, Ex-Officio	No	Yes

Killeen Economic Development Corporation (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Matt Connell	Term Expired	Reappointed	Chamber Rep	No	Yes
Randy Sutton	Term Expired	Reappointed	KIF Rep	No	Yes

Killeen Housing Authority (Mayor)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Cullen Mills	Term Expired	Reappointed	Citizen Rep	No	Yes
Erma Taylor	Term Expired	Rosalind Stubbs	Resident Member	Yes	Yes

Killeen Sister Cities (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Lisa Humphreys	Term Expired	Reappointed	Osan Cmte Rep	Yes	Yes
Jennifer Hetzel	Term Expired/Resigned	John Crutchfield	Chamber Rep	n/a	n/a
Minerva Cotton	Term Expired	Holly Teel	Citizen Rep	Yes	No
Ursula Silva	Term Expired	Monique Brand	Citizen Rep	Yes	No

Planning & Zoning Commission (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Pos 1 - Leo Gukeisen	Term Expired	Reappointed	Citizen Rep	No	Yes
Pos 2 - Riakos Adams	Term Expired	Reappointed	Citizen Rep	No	Yes
Pos 3 - Ramon Alvarez	Term Expired	Reappointed	Citizen Rep	No	Yes

Recreation Services Advisory Board (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Pos 1 - Holly Teel	Term Expired	Reappointed	District 1	No	Yes
Pos 3 - Joe Davis	Term Expired	Reappointed	District 3	No	Yes
Pos 5 - Anthony Kendrick	Term Expired	Reappointed	At-Large	No	Yes
Pos 7 - Patsy Bracey	Term Expired	David Fleming	At-Large	No	Yes

Senior Citizen Advisory Board (Sub-comm: D. Nash-King, J. Gonzalez)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Mark Hyde	Term Expired	Holly Teel	Citizen Rep	No	No
Barbara Henke	Term Expired	Reappointed	Citizen Rep	No	Yes
Mary Taylor	Term Expired	Reappointed	Citizen Rep	No	Yes

Tax Increment Reinvestment Zone #2 (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Bobby Whitson	Term Expired	Reappointed	Bell County Rep	No	Yes

BOARDS AND COMMISSIONS CITIZEN ENGAGEMENT

- The City of Killeen has various citizen boards and commissions that serve in an advisory capacity.
- Per City Code of Ordinances, Sec. 2-116, all appointments and reappointments to citizen boards, commissions and committees shall be made by the City Council prior to October 1st of each year.

- 2
- Expiring Terms
 - Reappointment Requests
 - Non-reappointment Requests
- Resignations
- Attendance Infractions
- □ Residency

Animal Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Michael Joyner, DVM	Term Expired	10	Veterinarian	Yes	Yes
Peter Stanonik	Attendance	つりと	Citizen Rep (20-22)	N/A	N/A
Anca Neagu	Residency	STYUN	Citizen Rep (20-22)	N/A	N/A
Pat Davis, DVM	Residency	O 3.	Citizen Rep (20-22)	N/A	N/A
Chris Thomas	Vacant		Citizen Rep (20-22)	N/A	N/A

Arts Commission (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Nelson Santiago	Term Expired	Monique Brand	At-Large	No	No
Roxanne Flores-Achmad	Term Expired	Reappointed	At-Large	No	Yes
Angela Galbreth	Term Expired	Reappointed	At-Large	No	Yes

Audit Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Bob Blair	Term Expired	Reappointed	Citizen Rep	Yes	Yes
Jack Ralston	Term Expired	Reappointed	Citizen Rep	Yes	Yes

Board of Adjustment - Construction (Sub-Comm: J. Gonzalez, K. Wilkerson)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Royce Bowles	Term Expired	-nONE	∠ lectrical Contractor	Yes	Yes
John Deane	Term Expired	USILO.	Mechanical Contractor	Yes	Yes
Kent Stephens	Term Expired		Health District Rep	No	Yes

Board of Adjustment – Fire Prevention Code (Sub-comm: D. Nash-King, R. Williams)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Micheal Turo	Term Expired	Reappointed	Citizen Rep	No	Yes
Clifford Pinkerton	Term Expired	Reappointed	Citizen Rep	No	Yes

Board of Adjustment – Zoning (Sub-Comm: K. Wilkerson, M. Brown)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
James Wesley	Term Expired	Bear Jones	Citizen Rep	Yes	No
Claudia Bentley	Term Expired	Reappointed	Citizen Rep	No	Yes
Leo Gukeisen	Term Expired	Reappointed	Citizen Rep	No	Yes
Bear Jones	Term Expired	Tad Dorroh	Alternate	No	Yes

Civil Service Commission (City Manager)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Kevin Williams	Term Expired	Reappointed	Citizen Rep	No	Yes

Community Development Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Kathy Bradley	Term Expired	Mary Taylor	Citizen Rep	No	No
John Driver	Term Expired	Angela Brown	Citizen Rep	No	No
Van Fraley	Term Expired	Jackie McDonald	Citizen Rep	No	No
Keith Maxwell	Term Expired	Jonathan Hildner	Citizen Rep	No	No

Comprehensive Plan Advisory Committee (Each Councilmember X2)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Tim Tunstill	Resigned	Ron Jupiter	Mayor Appointment	n/a	n/a
Paul Blakey, Sr	Resigned	None at this time	Councilmember Wilkerson Appointment	n/a	n/a
Keila Cruz	Resigned	Alana Metcalf	Councilmember Brown Appointment	n/a	n/a

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Ramon Alvarez	Term Expired	Reappointed	P&Z Rep, Ex-Officio	No	Yes

Killeen Economic Development Corporation (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Matt Connell	Term Expired	Reappointed	Chamber Rep	No	Yes
Randy Sutton	Term Expired	Reappointed	KIF Rep	No	Yes

Killeen Housing Authority (Mayor)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Cullen Mills	Term Expired	Reappointed	Citizen Rep	No	Yes
Erma Taylor	Term Expired	Rosalind Stubbs	Resident Member	Yes	Yes

Killeen Sister Cities (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Lisa Humphreys	Term Expired	Reappointed	Osan Committee Rep	Yes	Yes
Jennifer Hetzel	Term Expired/Resigned	John Crutchfield	Chamber Rep, Ex-Officio	n/a	n/a
Minerva Cotton	Term Expired	Holly Teel	Citizen Rep	Yes	No
Ursula Silva	Term Expired	Monique Brand	Citizen Rep	Yes	No

Planning & Zoning Commission (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Pos 1 – Leo Gukeisen	Term Expired	Reappointed	Citizen Rep	No	Yes
Pos 2 – Riakos Adams	Term Expired	Reappointed	Citizen Rep	No	Yes
Pos 3 – Ramon Alvarez	Term Expired	Reappointed	Citizen Rep	No	Yes

Recreation Services Advisory Board (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Pos 1 – Holly Teel	Term Expired	Reappointed	District 1	No	Yes
Pos 3 – Joe Davis	Term Expired	Reappointed	District 2	No	Yes
Pos 5 – Anthony Kendrick	Term Expired	Reappointed	At-Large	No	Yes
Pos 7 – Patsy Bracey	Term Expired	David Fleming	At-Large	No	Yes

Senior Citizen Advisory Board (Sub-comm: D. Nash-King, J. Gonzalez)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Mark Hyde	Term Expired	Holly Teel	Citizen Rep	No	No
Barbara Henke	Term Expired	Reappointed	Citizen Rep	No	Yes
Mary Taylor	Term Expired	Reappointed	Citizen Rep	No	Yes

Tax Increment Reinvestment Zone #2 (All Council)

Current Member	Status	New Member	Comments	Termed?	Reappoint?
Bobby Whitson	Term Expired	Reappointed	Bell County Rep	No	Yes

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 Staff recommends that the City Council appoint individuals to fill identified vacancies and expired terms.



City of Killeen

Legislation Details

File #: RS-21-126 Version: 1 Name: Animal Advisory Committee Subcommittee

Appointments

Type:ResolutionStatus:ResolutionsFile created:9/22/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: Consider a memorandum/resolution appointing Councilmembers to the Animal Advisory Committee

subcommittee.

Sponsors: City Council

Indexes:

Code sections:

Attachments: Staff Report

Presentation

Date Ver. Action By Action Result



STAFF REPORT

DATE: September 28, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Appointing Councilmembers to Animal Advisory Committee

Subcommittee

BACKGROUND AND FINDINGS:

Pursuant to section 3-10 (f) of the Governing Standards and Expectations, following the annual City Council elections, council appointments to committees will be made by the Mayor, with the consent of the City Council. The Mayor shall make new appointments as needed to fill vacancies to assure continuity on the committees.

With the readoption of the Governing Standards and Expectations, section 3-20 (e) was amended to add the Animal Advisory Committee as a citizen board/commission that would have a City Council subcommittee. Mayor Segarra has appointed Councilmember Gonzalez and Councilmember Cobb to serve on the Animal Advisory Committee subcommittee.

THE ALTERNATIVES CONSIDERED:

No other alternatives were considered.

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Making these appointments conforms to relevant city ordinances and policies.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years? There is no current or future expenditure with these appointments.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from? $\ensuremath{\text{N/A}}$

Is there a sufficient amount in the budgeted line-item for this expenditure? $\ensuremath{\text{N/A}}$

RECOMMENDATION:

Recommendation is to appoint councilmembers to the Animal Advisory Committee subcommittee.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A

COUNCIL APPOINTMENTS TO ANIMAL ADVISORY COMMITTEE SUBCOMMITTEE

September 28, 2021

- The Mayor, with the consent of City Council, makes annual appointments to boards and committees
 - Following the annual City Council elections; and,
 - As needed to fill vacancies to assure continuity on the committees.
 - Readoption of Governing Standards added new Animal Advisory Committee subcommittee

Appointments

Animal Advisory Committee Subcommitee							
Current	Status New Comments						
Vacant	New Subcommittee	Jessica Gonzalez	Councilmember				
Vacant	New Subcommittee	Nina Cobb	Councilmember				



City of Killeen

Legislation Details

File #: OR-21-024 Version: 1 Name: Reducing citizen appointments to animal advisory

Type: Ordinance Status: Ordinances

File created: 9/22/2021 In control: City Council Workshop

On agenda: 9/28/2021 Final action:

Title: Consider an ordinance amending the Code of Ordinances, Chapter 6, Animals, by reducing the

number of citizens appointed to the Animal Advisory Committee.

Sponsors: City Attorney Department

Indexes:

Code sections:

Attachments: Staff Report

Ordinance Presentation

Date Ver. Action By Action Result



STAFF REPORT

DATE: September 28, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Amending the number of citizens appointed to the Animal Advisory

Committee

BACKGROUND AND FINDINGS:

Section 6-36 of the Code of Ordinances provides for the creation of an Animal Advisory Committee. In compliance with Health and Safety Code 823.005, the committee is comprised of at least one (1) licensed veterinarian, one (1) city official, one (1) person whose duties include the daily operation of the city's animal shelter, and one (1) representative from an animal welfare organization. Although not required by the Health and Safety Code, the ordinance includes appointment of seven (7) citizen members.

On September 21, 2021, staff brought an item to the City Council regarding appointments to various citizen boards, commissions and committees. The Animal Advisory Committee was discussed at length. The City Council approved a motion of direction for staff to bring an ordinance amendment forward to reduce the number of citizen appointments to the Animal Advisory from seven (7) to three (3).

THE ALTERNATIVES CONSIDERED:

The City Council may disapprove reducing the number of citizen members, change the number of citizen members to something other than seven (7) or three (3), or approve the attached ordinance reducing the number of citizen appointments to three (3).

Which alternative is recommended? Why?

Based on the motion of direction approved by the City Council on September 21, 2021, staff recommends reducing the number of citizen appointments on the Animal Advisory Committee to three (3).

CONFORMITY TO CITY POLICY:

This item complies with city policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years? There is no fiscal impact associated with this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Based on the September 21, 2021, motion of direction, staff recommends that the City Council approve the attached ordinance reducing the number of citizen members on the Animal Advisory Committee to three (3).

DEPARTMENTAL CLEARANCES:

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

ORDINANCE	
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AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING SECTION 6-36, ANIMAL ADVISORY COMMITTEE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, on September 21, 2021, the City Council reviewed applications to various boards, commissions and committees in order to make annual appointments; and

WHEREAS, in discussing the Animal Advisory Committee, it was proposed that the number of citizen appointments would be reduced; and

WHEREAS, the City Council approved a motion of direction for staff to bring forward an ordinance to reduce the number of citizen appointments to the Animal Advisory Committee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That Chapter 6, ANIMALS, Article II is hereby amended as follows:

ARTICLE II. ANIMAL SERVICES DIVISION 1. GENERALLY

* * * *

Sec. 6-36. Animal Advisory Committee.

(a) An animal advisory committee shall be appointed by the city council and shall be composed of at least one (1) licensed veterinarian, one (1) city official, one (1) person whose duties include the daily operation of the city's animal shelter, and one (1) representative from an animal welfare organization, and one seven (7) three (3) citizens.

* * * *

SECTION II: That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of the ordinance are hereby repealed to the extent of such conflict.

SECTION III: That should any section or part of any section or paragraph of the ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV: That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V: That this ordinance shall be effective immediately upon passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 28th day of September, 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq*.

	APPROVED
ATTEST:	Jose L. Segarra, MAYOR
Lucy C. Aldrich, CITY SECRETARY	_
APPROVED AS TO FORM	
Traci S. Briggs, CITY ATTORNEY	_



AMENDING THE NUMBER OF AAC CITIZEN MEMBERS

Background

- Section 6-36 provides the composition of the Animal Advisory Committee
 - Required by state law: At least one licensed veterinarian, one city official, one person whose duties include the daily operation of the city's animal shelter and one representative from an animal welfare organization
 - Added by the city: seven (7) citizens

Motion of Direction

On September 21, 2021, during a discussion of citizen appointments, City Council approved a motion of direction to reduce the number of citizen members from seven (7) to three (3). □ Sec. 6-36. Animal Advisory Committee.

(a) An animal advisory committee shall be appointed by the city council and shall be composed of at least one (1) licensed veterinarian, one (1) city official, one (1) person whose duties include the daily operation of the city's animal shelter, and one (1) representative from an animal welfare organization, and seven (7) three (3) citizens.

Alternatives

- Disapprove reducing the number of citizen members
- Change the number of citizen members to something other than seven (7) or three (3)
- Approve the ordinance reducing the number of citizen members to three (3)

Recommendation

Based on the City Council motion of direction on September 21, 2021, staff recommends reducing the number of citizen appointments on the Animal Advisory Committee to three (3).



City of Killeen

Legislation Details

File #: PH-21-053 Version: 1 Name: Year End Budget Amendment

Type:Ordinance/Public HearingStatus:Public HearingsFile created:7/27/2021In control:City Council

On agenda: 9/28/2021 Final action:

Title: HOLD a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City

of Killeen to adjust revenue and expenditure accounts in multiple funds.

Sponsors: Finance Department
Indexes: Budget Amendments

Code sections:

Attachments: Staff Report

Ordinance Presentation

Date Ver. Action By Action Result

9/21/2021 1 City Council Workshop



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Jonathan Locke, Executive Director of Finance

VIA: Miranda Drake, Director of Budget

SUBJECT: Budget Amendment

BACKGROUND AND FINDINGS:

City staff creates a yearend budget amendment to align budgets with estimated revenues and expenditures. Staff has forecasted revenues and expenditures through the end of the fiscal year and identified accounts that require a budget amendment. The City Charter authorizes the City Manager to approve budget amendments between accounts of the same department and fund. The City Council must approve budget amendments between accounts of different departments and to increase the overall budget of a fund.

The budget amendment predominantly addresses five major initiatives that include amending operational funds; establishing a health insurance fund; American Rescue Plan Act (ARPA) funding; debt service adjustments; and transfer fund balance in excess of 22% for capital improvement projects per the Financial Governance Policy.

Operational Funds -

There are five operational fund items addressed in this budget amendment:

- 1. Appropriating CARES Act revenue of \$66,531 from the Texas Workforce Commission for unemployment claims and appropriate the additional unemployment claims of \$88,204. Funds are available in the consulting account to cover the remaining \$21,673.
- 2. As discussed at the September 7, 2021, City Council Workshop, the City needs to purchase additional COVID tests for citizens. The cost of the tests is covered by the Federal Emergency Management Agency (FEMA). The estimated amount of tests to be purchased is \$70,000.
- 3. The City of Killeen Fire Department is part of the Texas Intrastate Fire Mutual Aid System (TIFMAS) and the Texas A&M Engineering Extension Service (TEEX) Texas Task Force 1. Both groups require specialized training for specific rescue missions. Depending on the mission, the employees with the necessary qualifications are then deployed.

Due to multiple recent natural disasters, the Fire Department deployed several employees to assist with Texas wildfires, severe weather, and COVID vaccinations. The cost of the deployments total \$293,562. The City of Killeen will receive reimbursement from the

applicable agencies for these expenditures. This budget amendment recognizes the expenditures and associated reimbursements related to the fire deployments.

- 4. Due to a large number of retirements and position turnover, the Solid Waste Fund has exceeded the separation pay budget. This budget amendment appropriates \$129,468 to cover the additional costs.
- 5. In accordance with the Financial Governance Policy, Section X. Fund Balance, unassigned fund balances in excess of the 22% goal shall be transferred to the Capital Projects Fund. This occurs in the year end budget amendment each year after the final audit from the prior fiscal year has been delivered. Three funds are eligible to move excess funds above 22% after the FY 2020 audit: Water & Sewer \$1,859,165, Solid Waste \$159,933, and Drainage \$310,448.

The Water and Sewer Fund and Solid Waste Fund had one-time funding events that provided fund balance in excess of 22%. One of the events impacted both of the funds. During FY 2020, the Support Services Fund was closed. When the fund was first created, the General Fund, Water and Sewer Fund, and Solid Waste Fund contributed a proportionate amount. When the Support Services Fund was closed, the amount contributed was returned to the respective fund. The amount returned was as follows, General Fund \$2,249,806, Water and Sewer Fund \$1,247,031, and Solid Waste Fund \$564,119. The return of these funds is the reason the Solid Waste Fund has fund balance in excess of 22% and is part of the reason for the Water and Sewer Fund. The funding returned to the General Fund has already been appropriated by City Council for emergency street maintenance.

The Water and Sewer Fund also had a budget savings from the delay of the \$22 million bond issue. There was \$1.7 million budgeted in FY 2020 to cover the debt service requirements of the bond issue. Since the bond issue did not occur until early FY 2021, the budget for the debt service was not used creating a one-time savings in the Water and Sewer Fund. The Water & Sewer Fund has estimated annual capital maintenance needs of \$3.0 million. The \$1.8 million will assist in meeting some of the capital projects that have been delayed due to lack of funding.

FY 2021 Operational Funds	Revenue Budget
General Fund	\$430,093
TOTAL	\$430,093

FY 2021 Operational Funds	Expenditure Budget
General Fund	\$430,093
Water & Sewer Fund	1,859,165
Solid Waste Fund	289,401
Drainage Fund	310,448
TOTAL	\$2,889,107

Internal Service Fund -

There is one internal service fund item addressed in this budget amendment:

1. In FY 2021, the City Council authorized staff to set up a self-funded health insurance program. This budget amendment will appropriate \$1.6 million in funds set aside in the Governmental Capital Improvement Project (CIP) Fund to establish a fund balance and reserve. In addition, the Wellness Fund is being closed and the budget amendment will transfer the fund balance of \$243,650 into the Health Insurance Fund.

FY 2021 Internal Service Fund	Revenue Budget
Health Insurance Fund	\$1,843,650
TOTAL	\$1,843,650

Special Revenue Funds -

There are three special revenue fund items addressed in this budget amendment:

1. In FY 2021, the City Council provided a motion of direction on July 17, 2021 to fund the Hotel Occupancy Tax Fund requested items with American Rescue Plan Act (ARPA) funds. This included funding in FY 2021 for the following:

a.	Grants to the Arts for FY 2020	\$100,283
b.	Grants to the Arts for FY 2021	\$102,167

- 2. The general obligation bond refunding in August 2020 changed the bond principal payment in the Hotel Occupancy Tax Fund for FY 2021 by nearly \$6,500. Funds are available in the waste disposal and merchant services account to cover the additional cost.
- 3. In FY 2021, the City Council authorized Staff to set up a self-funded health insurance program. This budget amendment will transfer the Wellness Fund (\$243,650) into the Health Insurance Fund for administration of the wellness program.

FY 2021 Special Revenue Funds	Revenue Budget
Hotel Occupancy Tax Fund	\$202,450
TOTAL	\$202,450

FY 2021 Special Revenue Funds	Expenditure Budget
Hotel Occupancy Tax Fund	\$202,450
Wellness Fund	243,650
TOTAL	\$446,100

Debt Service Fund -

1. This budget amendment includes moving the remaining bond funds from the 2011 State Pass Thru Financing Bond for the Rosewood and Highway 190/2410 construction project to the Debt Service Fund to close out the bond fund. The agreement with the state requires remaining project bond funds to be used to repay the debt.

FY 2021 Debt Service Fund	Revenue Budget
Debt Service Fund	\$116,600
TOTAL	\$116,600

FY 2021 Debt Service Fund	Expenditure Budget
Debt Service Fund	\$0
TOTAL	\$0

Capital Improvement Projects -

There are four capital improvement project items addressed in this budget amendment:

- 1. In FY 2021, the City Council provided a motion of direction on July 17, 2021 to fund deferred maintenance projects in the Hotel Occupancy Tax Fund with American Rescue Plan Act (ARPA) funds. This included funding in FY 2021 for the following:
 - a. HVAC System & Lighting Upgrades \$1,204,680
- 2. As mentioned above, in FY 2021, the City Council authorized Staff to set up a self-funded health insurance program. This budget amendment will appropriate \$1.6 million in funds set aside in the Governmental CIP Fund to establish a fund balance and reserve for this new fund.
- 3. As mentioned above, this budget amendment includes moving the remaining bond funds from the 2011 State Pass Thru Financing Bond for the Rosewood and Highway 190/2410 construction project to the Debt Service Fund to close out the bond fund. The agreement with the state requires remaining project bond funds to be used to repay the debt.
- 4. As mentioned above, in accordance with the Financial Governance Policy, Section X. Fund Balance, unassigned fund balances in excess of the 22% goal shall be transferred to the capital projects fund. This occurs in the yearend budget amendment each year after the final audit from the prior fiscal year has been delivered. Three funds are eligible to move excess funds above 22% after the FY 2020 audit: Water & Sewer, Solid Waste, and Drainage Funds.

FY 2021 Capital Improvement Projects	Revenue Budget
Governmental CIP Fund	\$1,204,680
Water & Sewer CIP Fund	1,859,165
Solid Waste CIP Fund	159,933
Drainage CIP Fund	310,448
TOTAL	\$3,534,226

FY 2021 Capital Improvement Projects	Expenditure Budget
Governmental CIP Fund	\$2,804,680
2011 State Pass Through Financing Bond	116,600
TOTAL	\$2,921,280

THE ALTERNATIVES CONSIDERED:

- 1) Do not approve the ordinance amending the FY 2021 Annual Budget.
- 2) Approve the ordinance amending the FY 2021 Annual Budget.

Which alternative is recommended? Why?

Option 2 is recommended to approve the ordinance amending the FY 2021 Annual Budget.

CONFORMITY TO CITY POLICY:

The City's Financial Governance Policies, Section V. Budget Administration (B)(1) states that City Council may amend or change the budget by ordinance.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This budget amendment is for FY 2021, and includes:

General Fund - increase of \$430,093 in revenues and \$430,093 in expenditures.
Water & Sewer Fund - increase of \$1,859,165 in expenses.
Solid Waste Fund - increase of \$289,401 in expenses.
Drainage Fund - increase of \$310,448 in expenses.
Internal Service Fund - increase of \$1,843,650 in revenues.
Special Revenue funds - increase of \$202,450 in revenues and \$446,100 in
expenditures.
Debt Service Fund - increase of \$116,600 in revenues.
Capital Improvement Project funds - increase of \$3,534,226 in revenues and
\$2,921,280 in expenditures.

Is this a one-time or recurring expenditure?

One-time

Is this expenditure budgeted?

Upon approval of the attached ordinance amending the FY 2021 Annual Budget.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Upon approval of the attached ordinance amending the FY 2021 Annual Budget.

RECOMMENDATION:

City Council approve the ordinance amending the FY 2021 Annual Budget.

DEPARTMENTAL CLEARANCES:

Finance

Legal

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

ORDIN	ANCE NO.	
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2021 ANNUAL BUDGET OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2020 to September 30, 2021, has been adopted by City Council in accordance with the City Charter; and

WHEREAS, it is the desire of the Killeen City Council to amend the FY 2021 Annual Budget; and

WHEREAS, the budget amendment requires City Council approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION 1. That Ordinance 20-043, adopting a budget for operating the municipal government of the City of Killeen for the Fiscal year October 1, 2020 to September 30, 2021, be amended as to the portion of said budget as follows:

Revenues:

Account Number	Description	Budget Change	Budget
010-0000-331.10-02	Treasury		\$ -
	Unemployment Claim Credits	66,531	
	Budget Change Sub-total	66,531	
	Account Sub-total		66,531
010-0000-331.02-04	Other Grants (TIFMAS)	-	144,147
	Reimbursement for multiple deployments	258,838	
	Budget Change Sub-total	258,838	
	Account Sub-total		402,985
010-0000-333.02-03	DHS - Emergency Declaration		-
	100% FEMA reimbursement for COVID test kits	70,000	
	Budget Change Sub-total	70,000	
	Account Sub-total		70,000
010-0000-334.02-05	TEEX - Task Force		32,900
	Reimbursement for multiple deployments	34,724	
	Budget Change Sub-total	34,724	
	Account Sub-total		67,624
214-0000-333.10-04	Dept of Treasury (Grants to the Arts - FY 2020)		-
	ARPA Funding for Grants to the Arts for FY 2020	100,283	
	Budget Change Sub-total	100,283	
	Account Sub-total		100,283

Revenues (continued):

Account Number	Description	Budget Change	Budget
214-0000-333.10-04	Dept of Treasury (Grants to the Arts - FY 2021)		100,283
	ARPA Funding for Grants to the Arts for FY 2021	102,167	
	Budget Change Sub-total	102,167	
	Account Sub-total		202,450
349-0000-333.10-04	Dept of Treasury (HVAC & Lighting)		-
	ARPA Funding for HVAC & Lighting Project	1,204,680	
	Budget Change Sub-total	1,204,680	
	Account Sub-total		1,204,680
615-0000-391.02-52	Transfer in from Fund 252 (Wellness Fund)		-
	Move Wellness Fund to Health Insurance Fund	243,650	
	Budget Change Sub-total	243,650	
	Account Sub-total		243,650
615-0000-391.03-49	Transfer in from Fund 349 (Gov't CIP)		-
	Start fund balance for Health Insurance Fund	1,600,000	
	Budget Change Sub-total	1,600,000	
	Account Sub-total		1,600,000
400-0000-391.03-41	Transfer in from Fund 341		-
	Move remaining PTF Bond to Debt Service Fund	116,600	
	Budget Change Sub-total	116,600	
	Account Sub-total		116,600
388-0000-391.05-40	Transfer from Fund 540		948,898
	Transfer of excess fund balance above 22% to CIP	159,933	
	Budget Change Sub-total	159,933	
	Account Sub-total		1,108,831
387-0000-391.05-50	Transfer from Fund 550		344,128
	Transfer of excess fund balance above 22% to CIP	1,859,165	
	Budget Change Sub-total	1,859,165	
	Account Sub-total		2,203,293
375-0000-391.05-75	Transfer from Fund 575		50,400
	Transfer of excess fund balance above 22% to CIP	310,448	
	Budget Change Sub-total	310,448	
	Account Sub-total		360,848
	REVENUE TOTAL	\$ 6,127,019	\$ 7,747,775

Expenditures:

Expenditures:			
Account Number	Description	Budget Change	Budget
010-2305-418.50-70	Unemployment Claims		\$ 40,000
	Addt'l cost of unemployment claims due to COVID	88,204	
	Budget Change Sub-total	88,204	
	Account Sub-total		128,204
010-9501-491.47-01	Consulting		238,103
	Offset addt'l cost of unemployment claims due to COVID	(21,673)	
	Budget Change Sub-total	(21,673)	
	Account Sub-total		216,430
010-7070-442.40-15	Overtime (Fire Operations)		905,952
	Deployment reimbursements from TEEX and TIFMAS	170,755	·
	Budget Change Sub-total	170,755	
	Account Sub-total		1,076,707
010-7070-442.40-86	Retirement - FR&R		2,169,935
	Deployment reimbursements from TEEX and TIFMAS	25,613	
	Budget Change Sub-total	25,613	
	Account Sub-total		2,195,548
010-7070-442.40-87	Social Security		883,938
	Deployment reimbursements from TEEX and TIFMAS	10,587	,
	Budget Change Sub-total	10,587	
	Account Sub-total	,	894,525
010-7070-442.40-88	Medicare		209,300
	Deployment reimbursements from TEEX and TIFMAS	2,476	
	Budget Change Sub-total	2,476	044 ==0
	Account Sub-total		211,776
010-7070-442.40-89	Workers Compensation		269,695
	Deployment reimbursements from TEEX and TIFMAS	8,538	
	Budget Change Sub-total	8,538	
	Account Sub-total		278,233
010-7070-442.42-51	Vehicle		282,293
5.0.0.0.112.12.01	Deployment reimbursements from TEEX and TIFMAS	53,795	202,200
	Budget Change Sub-total	53,795	
	Account Sub-total	,	336,088

Expenditures (continued):

Account Number	Description	Budget Change	Budget
010-7070-442.44-30	Training & Travel		82,661
	Deployment reimbursements from TEEX and TIFMAS	21,798	
	Budget Change Sub-total	21,798	
	Account Sub-total		104,459
010-9575-491.41-75	Medical & Chemical		19,808
	COVID test kits - 100% reimbursed by FEMA	70,000	
	Budget Change Sub-total	70,000	
	Account Sub-total		89,808
214-2020-415.55-43	Grants to the Arts (FY 2020)		158,043
	ARPA Funding for Grants to the Arts for FY 2020	100,283	
	Budget Change Sub-total	100,283	
	Account Sub-total		258,326
214-2020-415.55-43	Grants to the Arts (FY 2021)		258,326
	ARPA Funding for Grants to the Arts for FY 2021	102,167	
	Budget Change Sub-total	102,167	
	Account Sub-total		360,493
349-8932-493.42-10	Building (HVAC System & Lighting Upgrades)		
0.10.0002.1001.12.10	ARPA Funding for HVAC & Lighting Project	1,204,680	
	Budget Change Sub-total	1,204,680	
	Account Sub-total	1,=0 1,000	1,204,680
252 0504 404 05 45	Transfer to Find C45 (Calf Finded Health Incomes)		
252-9501-491.96-15	Transfer to Fund 615 (Self-Funded Health Insurance) Move Wellness Fund to Health Insurance Fund	243,650	-
	Budget Change Sub-total	243,650	
	Account Sub-total	243,030	243,650
	Account our-total		243,030
349-9501-491.96-15	Transfer to Fund 615 (Self-Funded Health Insurance)		-
	Start fund balance for Health Insurance Fund	1,600,000	
	Budget Change Sub-total	1,600,000	
	Account Sub-total		1,600,000
341-3490-800.94-00	Transfer to Fund 400		
11.0.00 000.01 00	Move residual bond funds to Debt Service Fund	116,600	
	Budget Change Sub-total	116,600	
	Account Sub-total	1.0,000	116,600

Expenditures (continued):

Account Number	Description	Budget Change	Budget
540-9501-491.40-24	Separation Pay		84,761
	Separation Pay for Solid Waste Fund	105,000	
	Budget Change Sub-total	105,000	
	Account Sub-total		189,761
540-9501-491.40-85	Retirement - TMRS		11,418
	TMRS for Separation Pay for Solid Waste Fund	15,435	
	Budget Change Sub-total	15,435	
	Account Sub-total		26,853
540-9501-491.40-87	Social Security		5,256
	Social Security for Separation Pay for Solid Waste Fund	6,510	
	Budget Change Sub-total	6,510	
	Account Sub-total		11,766
540-9501-491.40-88	Medicare		1,230
	Medicare for Separation Pay for Solid Waste Fund	1,523	·
	Budget Change Sub-total	1,523	
	Account Sub-total		2,753
540-9501-491.40-89	Workers Compensation		4,239
040 0001 401.40 00	Workers Comp for Separation Pay for Solid Waste Fund	1,000	7,200
	Budget Change Sub-total	1,000	
	Account Sub-total	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5,239
			•
214-9000-489.71-10	Bond Principal Payments		478,580
	Bond Principal Payments	6,500	
	Budget Change Sub-total	6,500	
	Account Sub-total		485,080
214-0705-457.44-08	Waste Disposal Transfer funds to cover additional cost in principal		10,000
	payments due to refunding	(4,000)	
	Budget Change Sub-total	(4,000)	
	Account Sub-total		6,000
214-0706-457.44-19	Merchant Services		10,000
<u> </u>	Transfer funds to cover additional cost in principal		10,000
	payments due to refunding	(2,500)	
	Budget Change Sub-total	(2,500)	
	Account Sub-total		7,500

Expenditures (continued):

Account Number	Description	Budget Change	Budget
540-9501-491.93-88	Transfer to Fund 388 - SW CIP		948,898
	Transfer fund balance in excess of 22% to CIP	159,933	
	Budget Change Sub-total	159,933	
	Account Sub-total		1,108,831
550-9501-491.93-87	Transfer to Fund 387 - W&S CIP		344,128
	Transfer fund balance in excess of 22% to CIP	1,859,165	
	Budget Change Sub-total	1,859,165	
	Account Sub-total		2,203,293
575-9501-491.93-75	Transfer to Fund 375 - Drainage CIP		50,400
	Transfer fund balance in excess of 22% to CIP	310,448	
	Budget Change Sub-total	310,448	
	Account Sub-total		360,848
	EXPENDITURES TOTAL	\$ 6,256,487	\$ 10,595,208

SECTION II: That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

SECTION III: That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION V: That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting Texas, this <u>28TH</u> day of September, <u>present, held in accordance with the provisions.</u>	2021 , at which meeting a quorum was
et seq.	APPROVED
	Jose L. Segarra MAYOR
ATTEST:	APPROVED AS TO FORM
Lucy C. Aldrich City Secretary	Traci S. Briggs City Attorney



YEAR END BUDGET AMENDMENT

September 21, 2021

Budget Amendment Purpose

- Estimated revenues and expenses
- Compared budget to forecasted results
- Identified required budget amendments
 - Transfer fund balance in excess of 22% per policy
 - American Rescue Plan Act (ARPA) funding
 - Debt service adjustments
 - Establish Health Insurance Fund
 - Operational fund adjustments

Transfer	fund	halance	in	excess of	22%	into	CIP	fund
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- Solid Waste \$159,933
- Water & Sewer \$1,859,165
- Drainage \$310,448
- ARPA Funding
 - □ Grants to the arts (FY 2020) \$100,283
 - □ Grants to the arts (FY 2021) \$102,167
 - HVAC system & lighting upgrades \$1,204,680

Debt service adjustments

State Pass Through Financing for Rosewood \$116,600

■ Hotel Tax Fund (bond refunding) \$6,500

Establish new health insurance fund

□ Transfer Wellness Fund \$243,650

□ Transfer reserve \$1,600,000

Budget Amendment (cont'd)

Adjustments to	o operational	1	fund	S
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- Separation pay in Solid Waste Fund \$129,468
- Unemployment Claims in General Fund \$88,204
 - US Dept of Treasury Credit of \$66,531
- □ Fire deployments (100% reimbursed) \$293,562
- COVID tests (100% reimbursed by FEMA) \$70,000

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City Council approve the ordinance amending the FY 2021 Annual Budget