



CHARTER REVIEW

DS-21-146

November 29, 2021

Charter Review Timeline

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- ✓ September 20, 2021: Review Articles I – II and XII
- ✓ September 21, 2021: Direction re: Articles I – II and XII
- ✓ October 18, 2021: Review Articles III - IV
- ✓ November 8, 2021: Charter Review
- November 15, 2021: Charter Review
- ❑ November 29, 2021: Charter Review
- ❑ December 6, 2021: Charter Review (?)
- ❑ December 13, 2021: Charter Townhall meeting

Charter Review Timeline (cont'd)

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- ❑ January 11, 2022: Hold a Public Hearing on Proposed Charter Amendments and Ballot Language
- ❑ January 25, 2022: Hold a Public Hearing on proposed Charter Amendments and Ballot Language
- ❑ February 8, 2022: Consider an ordinance calling a Charter Amendment Election
- ❑ April 9, 2022: Publish first newspaper notice
- ❑ April 16, 2022: Publish second newspaper notice
- ❑ April 25, 2022: Early voting begins
- ❑ May 7, 2022: Election

Article II. – Corporate and General Powers

□ **EXTENSION OF CITY LIMITS UPON PETITION**

- Section 6. The City Council may, by ordinance, annex an area if each owner of land in the area requests the annexation in accordance with Texas Local Government Code 43.0671, et seq., and as it may be hereinafter amended.
- ~~When a majority of the inhabitants, qualified to vote for members of the Texas State Legislature, of any territory adjoining Killeen, registered voters of an area with a population of less than 200~~ desires the annexation of such territory to ~~Killeen area,~~ they may present a written petition to that effect to the City Council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified registered voters, and thereupon, the City Council at the next regularly scheduled session held not sooner than twenty (20) days after the presentation of said petition may, by ordinance, annex such territory to Killeen in accordance with the Texas Local Government Code 43.0681, et seq., and as it may be hereinafter amended. If the registered voters of the area do not own more than 50 percent of the land in the area, the petition must be signed by more than 50 percent of the owners of the land in the area.
- The City Council may, by ordinance and in accordance with Texas Local Government Code 43.0691, et seq., and as it may be hereinafter amended, annex an area with a population of 200 or more after the City holds an election in the area to be annexed at which a majority of the votes received approved the annexation and if the registered voters of the area do not own more than 50 percent of the land in the area, the City obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.
- On the effective date of the ordinance, the area becomes a part of the City of Killeen and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens of the City of Killeen and shall be bound by the acts, ordinances, resolutions and regulations of the city.
- ~~Should there be no such qualified voters in said territory, the owners may petition the City Council in accordance with Texas Local Government Code, § 43.028 or any successor statute thereto, and the City Council by ordinance consistent with State law, may annex the area.~~

Article II. – Corporate and General Powers

□ ***EXTENSION OF CITY LIMITS BY THE CITY COUNCIL***

- Section 7. The City Council shall have power, by ordinance, to fix and extend the boundaries of Killeen and to exchange area with other municipalities, ~~with or without the consent of the territory and inhabitants annexed or relinquished~~. Upon the introduction of such ordinance by the city council, the procedures for annexation set forth by state law shall be followed, as found in Chapter 43, Local Government Code, and as may hereafter be amended. Once annexed, the territory and inhabitants shall be a part of Killeen, entitled to all rights and privileges and shall be bounds by the acts, ordinances, resolutions and regulations of Killeen.

Article II. – Corporate and General Powers

□ **CHANGE OF DISTRICT BOUNDARIES**

- Section 8. The City Council may, by ordinance, alter or change the district boundaries of the City of Killeen, and resubdivide the City into districts, designating and describing same by metes and bounds or other adequate means, provided there shall at all times be four districts within the city. Each district now existing or that may hereafter be established shall be designated so that each district shall contain as nearly as possible the same number of qualified electors. The City Council shall review such districts for possible boundary changes within two (2) years after the federal decennial census has been conducted and reported; and the City Council, at its discretion, may review and change such districts at any time deemed necessary. ~~All amendments of existing district boundaries shall be effective only after preclearance approval under Section 5, Federal Voting Rights Act, 42 U.S.C. Section 1973c and the acts amendatory thereof and supplementary thereto, now or hereafter enacted.~~ If district boundaries are altered or changed and a councilmember no longer lives in the district for which he was elected, he shall remain in office until the end of his term.

ARTICLE III. THE COUNCIL

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- Section 24. The compensation for the councilmembers shall not exceed \$~~1000~~1500.00 per month and compensation for the mayor shall not exceed \$~~200~~1500.00 per month. Said compensation shall be fixed by the city council. (Amend. of 5-5-01; Amend. of 5-11-13)

ARTICLE III. THE COUNCIL

- Section 28. The Council shall appoint a City Manager who shall have the powers and perform the duties in this charter provided. No councilmember shall receive such appointment during the term for which he shall have been elected, nor within one year after he leaves office.
- The salary of the City Manager shall be fixed by the City Council, and he shall hold office at its will; ~~but if removed at any time after six months from his appointment, he may demand written charges and a public hearing thereon before the City Council prior to the date on which his final removal shall take effect, but during such hearing the Council may suspend him from office.~~ The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform the duties of the office; except in case of his temporary absence or disability.

ARTICLE III. THE COUNCIL

□ ***COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS***

□ Section 29. Neither the council nor any of its members shall direct the appointment or removal of any person ~~to, or his removal from office,~~ by the city manager or by any of his subordinates, other than the assistant city managers, department heads and city secretary; ~~provided, however, that~~ The City Council may direct the appointment or removal 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.

ARTICLE III. THE COUNCIL

□ **INDUCTION INTO OFFICE: MEETINGS**

□ Section 34. Hold a special ~~On the next regular~~ meeting following each regular municipal election held under this Charter, or any special election for the purpose of filling vacancies in the council, ~~or~~ as soon thereafter as practicable, ~~the council shall meet at the usual time and place for holding meetings,~~ for the purpose of qualifying ~~and the newly elected members shall qualify and assume the duties of office.~~

Thereafter, the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. All meetings shall be open to the public, in accordance with the Texas Government Code; special meetings shall be called by the city clerk upon request of the mayor, or a majority of the members of the council.

ARTICLE III. THE COUNCIL

□ Section 38. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of Article X of this charter. Any ordinance imposing a fine or fee shall require a public hearing. The city clerk shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in accordance with state law. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided that the provisions of this correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by Article XI of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the mayor and city clerk and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

ARTICLE III. THE COUNCIL

□ Section 39. Councilmembers~~The council~~ shall have power to inquire into the conduct of any office, department, agency, or officer of the city. ~~and to~~ Council shall have power to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed the maximum amount allowed by law.

ARTICLE V. – THE BUDGET

PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING AMENDING OR SUPPLEMENTING BUDGET

- Section 56. After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the Budget, except items in proposed expenditures fixed by law. Before inserting any additional item or increasing any item of appropriation where the overall effect is an increase in expenditures, it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five days after publication, at which the Council will hold a public hearing thereon.

ARTICLE V. – THE BUDGET

EFFECTIVE DATE OF BUDGET: CERTIFICATION: COPIES MADE AVAILABLE

- Section 60. Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the City Clerk, and the County Clerk of Bell County, ~~and the State Comptroller of Public Accounts at Austin.~~ The final budget shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations. (Amend. of 5-11-13)

ARTICLE VI. – ISSUANCE AND SALE OF BONDS

□ **POWER TO BORROW**

- Section 66. The City of Killeen shall have the right and power to issue its general obligation bonds on the full faith and credit of the City, payable from ad valorem taxes not to exceed the maximum rate permitted by the Texas Constitution, for the purpose of providing permanent public improvements or for any other public purpose. The City also shall have the right and power to issue its revenue bonds payable from the revenues of any municipally owned utility or utilities, ~~and may secure such revenue bonds by a mortgage or deed of trust on the physical properties of such utility or utilities.~~ The City also shall have the right and power to issue interest bearing time warrants pursuant to state law. (Amend. of 5-11-13)

ARTICLE IX. – NOMINATIONS AND ELECTIONS

□ ***COUNCIL BALLOTS***

□ Section 96. The ~~full~~ names of all candidates for the council as hereinbefore provided, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designations. If two candidates with the same surnames or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names on the ballot shall be determined by lot. The official ballots shall be printed not less than twenty (20) days before the date of the election.

ARTICLE X. – INITIATIVE, REFERENDUM, AND RECALL

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❑ **POWER OF INITIATIVE**

- ❑ Section 100. The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes or subject to state or federal law requirements that cannot be met through the initiative ordinance process, and to adopt or reject the same at its polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least twenty-five per cent of the number of voters in the last regular municipal election of the mayor and at-large councilmembers. (Amend. of 5-11-13)

ARTICLE X. – INITIATIVE, REFERENDUM, AND RECALL

□ ***SUBMISSION TO ELECTORS***

□ Section 107. If the council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition thereof, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law. ~~The council may, in its discretion, and if no regular election is to be held within such period shall, provide for a special election.~~ (Amend. of 5-11-13)

ARTICLE XI. – FRANCHISES AND PUBLIC UTILITIES

PROCEDURE

□ Section 121. The City of Killeen shall have the power by ordinance to grant any franchise, ~~or right mentioned in the preceding sections hereof,~~ which ordinances shall not be passed finally until its third and final reading shall be at three separate regular meetings of the City Council of the City of Killeen, the last of which shall take place not less than thirty days from the first. No ordinance granting a franchise shall pass any reading except by a vote of the City Council, and such ordinance shall not take effect until sixty days after its adoption on its third and final reading.

ARTICLE XI. – FRANCHISES AND PUBLIC UTILITIES

□ ***PUBLIC SERVICE CORPORATIONS TO FILE ANNUAL REPORTS***

- ~~Section 125. It shall be the duty of the City Council to pass an ordinance requiring all public service corporations operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much therefor for betterments or improvements, the rate of tolls and charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any question that may arise between the City and the said public service corporations; and reports to be filed with the City Clerk, and preserved for the use of the City Council~~Deleted from the Charter.

Article XII. – General Provisions

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- ***CHURCH AND SCHOOL PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS***
- Section 144. ~~No property of any kind, church, school, or otherwise, in the city of Killeen, shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements unless the exemption is required by State law. Deleted from Charter.~~

Article XII. – General Provisions

□ **DEFINITIONS**

□ Section 151.

- (A) The term "City of Killeen," "City," or "said City" as used in this charter shall in all cases mean and refer to the City of Killeen, Bell County, Texas.
- (B) The term "Mayor" or "said Mayor" as used in this charter shall in all cases mean and refer to the duly elected and qualified mayor of the City of Killeen, Bell County, Texas.
- (C) The terms "Councilman," "Councilmember," "Council," and "City Council" as used in this charter shall in all cases mean and refer to the city council of the City of Killeen, Bell County, Texas, and the duly elected and qualified members thereof.
- (D) The term "City Manager" or "Manager" as used in this charter shall in all cases mean and refer to the duly appointed City Manager of the City of Killeen, Bell County, Texas.
- (E) Wherever the term "man," "men," "him," or "he" is used shall be construed as gender neutral. (Amend. of 5-3-97)
- (F) The term "Officer" as used in this Charter shall mean and refer to City Councilmembers, City Manager, and department heads, except that "officers of the police department" and "peace officers" shall refer to law enforcement officers.