



## STAFF REPORT

**DATE:** February 1, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Holli Clements, Deputy City Attorney

**SUBJECT:** Calling a Charter Amendment Election on May 7, 2022

### **BACKGROUND AND FINDINGS:**

The charter is the fundamental governing document of a home-rule city in Texas. The City of Killeen originally adopted its home-rule charter in 1949 and it has been amended various times since then, most recently in 2018. The Charter may only be amended by popular vote at an election.

On August 17, 2021, City Council directed that a Council-led charter review be scheduled with an anticipated May 2022 municipal election date. Over the past several months, Council has reviewed all twelve articles of the charter, proposed changes to various sections, and held a townhall meeting and two public hearings to solicit citizen input on proposed changes. The proposed revisions are as follows:

- Sec. 6 & 7: replace annexation provisions inconsistent with state law with provisions that provide for annexation in accordance with state law;
- Sec. 8: repeal the requirement to obtain preclearance approval under the Voting Rights Act that is no longer required under federal law prior to amendments of existing district boundaries becoming effective;
- Sec. 24: change monthly compensation from \$100 to \$250 for each Councilmember and \$200 to \$350 for the Mayor;
- Sec. 28: remove the provision that allows the City Manager, if removed at any time after six months from appointment, to demand written charges and a public hearing prior to the date on which final removal shall take effect;
- Sec. 34: provide for a special meeting following an election for the purpose of qualifying newly elected Councilmembers;
- Sec. 38: require a public hearing for any ordinance imposing or increasing a fine or fee;
- Sec. 39: allow individual councilmembers to inquire into the conduct of any office, department, agency or officer of the city;
- Sec. 60: delete the requirement to send a copy of the budget to the State Comptroller;
- Sec. 66: remove the authority to secure revenue bonds by a mortgage or deed of trust on the physical properties of public utilities;
- Sec. 96: remove the requirement for full names to be printed on official ballots;
- Sec. 100: except from the power of initiative an ordinance subject to state or federal law requirements that cannot be met through the initiative ordinance process; and
- Sec. 151: define the term "Officer".

The last day to call a May 2022 election is February 18, 2022 per state law. If approved, the charter election will be May 7, 2022, to coincide with the general election for Mayor and Councilmembers at Large.

**THE ALTERNATIVES CONSIDERED:**

The alternatives are to hold a charter election on proposed amendments, not hold a charter election, or hold a charter election on different or additional charter amendments.

**Which alternative is recommended? Why?**

Based on Council's direction to propose certain changes to the City's Charter, Staff recommends that Council call a charter amendment election on proposed amendments.

**CONFORMITY TO CITY POLICY:**

This item conforms to charter provisions as well as relevant provisions of the Texas Election Code.

**FINANCIAL IMPACT:**

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

As the Charter Election will coincide with the general election, costs for ballots and running the election have previously been approved. Additional funds will be expended to post the Notice of Election including amendments in the newspaper twice one week apart. The approximate cost for posting required notice is \$5,000.

**Is this a one-time or recurring expenditure?**

This is a one-time expenditure.

**Is this expenditure budgeted?**

Yes, funds are available in the General Fund City Secretary account 010-1010-416.50-45.

**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 Council call a charter amendment election on proposed amendments.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Proposed Charter Revisions  
Ordinance