

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION 1.** That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a general election be held in the City of Killeen, Texas, on May 5, 2018, for the purpose of submitting to the qualified voters of the City, certain propositions on whether the Charter of the City of Killeen should be amended. Any reference in this ordinance hereinafter to “Election Day” shall mean May 5, 2018.

**SECTION 2.** That the proposed amendments to the existing Charter of the City of Killeen are set forth in Exhibit A, attached hereto and incorporated by reference for all intents and purposes. Proposed, retained text of the existing Charter is shown in normal type. Text proposed to be deleted from the existing Charter is shown as a [ ~~strikeout~~ ]. New or additional text in the Charter is shown underlined.

**SECTION 3.** That the vote shall be upon an official ballot prepared in such manner as will permit the voters “FOR” or “AGAINST” the propositions submitted, with the propositions to be set forth on the official ballots in substantially the following form:

Proposition 1  
Transfers of Appropriations

Amend the Charter of the City of Killeen to provide the City Council the authority to make transfers from one fund to another; the City Manager authority to make interdepartmental transfers within a fund; the City Manager or designee authority to make intradepartmental transfers within a fund; and to make certain other grammatical and technical changes thereto.

Proposition 2  
Lapse of Appropriations

Amend the Charter of the City of Killeen to provide that an appropriation approved as part of a Capital Improvement Program does not lapse at the end of a fiscal year and shall continue until the purpose for which it was made has been accomplished or abandoned; and to make certain other grammatical and technical changes thereto.

**SECTION 4.** The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

**SECTION 5.** Each qualified voter who desires to cast an early vote or who expects to be absent on the date of the election shall be entitled to an official ballot and to cast such ballot in accordance with the applicable provisions of Title 7, V.T.C.A., Election Code, beginning April 23, 2018, and continuing through May 1, 2018. The City Secretary will be the early voting clerk, who may appoint by written order one or more temporary deputies to serve as deputy early voting clerks in accordance with the applicable law. Early voting will be held in the first floor lobby of the Killeen City Hall, 101 North College (mailing address: PO Box 1329, Killeen, TX 76540, Attention: Early Voting Clerk), at the Killeen Community Center, 2201 E. Veterans Memorial Boulevard, Killeen, and at the Killeen Lions Park Senior Center, 1700-B E. Stan Schlueter Loop between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State or City holidays. Provided,

however, that on the first and last day of early voting, the hours shall be 7:00 a.m. to 7:00 p.m. For the 2018 election those dates shall be April 23<sup>rd</sup> and May 1<sup>st</sup>. The City Hall location for early voting is also where ballot applications and ballots voted by mail may be sent. Should the Killeen Independent School District also have an election on such date, branch early voting shall also be at the KISD School Administration Office, 200 North W.S. Young Drive, Killeen, between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State holidays.

**SECTION 6.** The election shall be held in the hereafter-designated polling places between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election.

**PRECINCT # 106**

Fire Station #1  
3800 Westcliff Road

**PRECINCT #109**

St. Joseph's Catholic Church  
2903 East Rancier

**PRECINCT #201/204**

Fire Station #3  
700 Twin Creek Drive

**PRECINCT #205**

Jackson Professional Learning Center  
902 Rev. R. A. Abercrombie Drive

**PRECINCT #206/402/409**

Killeen Senior Center at Lions Club Park  
1700 E. Stan Schlueter Loop

**PRECINCT #207**

Copper Mountain Library  
3000 South W. S. Young Drive

**PRECINCT #203/208/210**

Cedar Valley Elementary School  
4801 Chantz Drive

**PRECINCT #404**

Fire Station #7  
3701 Watercrest Road

**PRECINCT #405**

Robert M. Shoemaker High School  
3302 Clear Creek Road

**PRECINCT #406**

Central Fire Station  
201 S. 28<sup>th</sup> Street

**PRECINCT #401/412/413**

Fire Station #9  
5400 Bunny Trail

**PRECINCT #408**

Fire Station #5  
905 West Jasper Road

**PRECINCT #410**

Fire Department Support Facility  
114 W. Avenue D

**SECTION 7.** The City Council shall appoint presiding election judges and alternate presiding judges for the election at the precinct polling places and as the Early Voting Ballot Board to process the early voting results, provided that if neither the presiding judge nor the alternate presiding judge can serve and their inability to serve is discovered so late that it is impracticable to fill the vacancy in the normal manner, the Mayor shall have the authority and is hereby directed to appoint a replacement judge to preside at the election. The presiding election judge for each precinct shall appoint no more than two (2) election clerks in addition to the alternate presiding judge named herein to assist the judge in the conduct of the election. The presiding election judges, alternate presiding judges, and clerks shall be paid \$10.00 per hour for serving in such capacities, and the election judges and/or alternate judges shall be paid an additional \$25.00 for delivering the returns of such election to the City Secretary for proper tabulation. No presiding election judge, alternate presiding judge, or clerk shall be compensated for a period in excess of the time extending from one hour before the polls open until two hours after the polls close. The Early Voting Ballot Board shall be paid a set rate of \$50.00 for serving in such capacity that will include proper tabulation. Provided, however, that should the Early Voting Ballot Board need to reconvene to tabulate provisional ballots, they shall be paid an additional \$10.00 per hour for such services.

**SECTION 8.** Optical scan ballots shall be used for early voting by mail, curbside voting, and Election Day and the Model 100 Optical Scan Voting System and AutoMARK Voter Assist Terminal shall be used for early voting by personal appearance and on Election Day.

**SECTION 9.** All resident qualified electors of the City shall be permitted to vote at the election.

**SECTION 10.** The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on Election Day and for early voting.

**SECTION 11.** Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City Hall, the official city website and at three (3) other public places in the City at least thirty (30) days

prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than fourteen (14) days prior to the date set for the election.

**SECTION 12.** Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

**SECTION 13.** It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 13<sup>th</sup> day of February, 2018, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**APPROVED**

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Jose L. Segarra, MAYOR

**ATTEST:**

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Dianna Barker, CITY SECRETARY

**APPROVED AS TO FORM**

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Kathryn H. Davis, CITY ATTORNEY