



# CHARTER REVIEW

DS-21-582

November 15, 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 22, 2021: Charter Review
- ❑ November 29, 2021: Charter Review
- ❑ December 6, 2021: Charter Review
- ❑ December 13, 2021: Charter Townhall meeting

# Charter Review Timeline (cont'd)

- ❑ 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 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 The ~~full~~ names of all candidates for the council as hereinbefore provided, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designations.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

## □ **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

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- ***TERMS AND CONDITIONS***
- Section 122. No determinate or fixed term franchise shall ever be granted for a longer term than twenty-five years;
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# 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 V. – THE BUDGET

## □ **FISCAL YEAR**

- Section 49. The fiscal year of the City of Killeen shall begin the 1<sup>st</sup> day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

# ARTICLE V. – THE BUDGET

## □ ***PREPARATION AND SUBMISSION OF BUDGET***

- Section 50. Not less than forty-five (45) days prior to the beginning of each fiscal year, the city manager shall submit to the council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:
  - (1) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditures and revenue items, and shall explain any major changes in financial policy.
  - (2) A consolidated statement of receipts and expenditures of all funds.
  - (3) An analysis of property valuations.
  - (4) An analysis of tax rate.

# ARTICLE V. – THE BUDGET

- ***PREPARATION AND SUBMISSION OF BUDGET (cont'd)***
  - (5) Tax levies and tax collections by years for at least five years or, if records for five years are not available, then for as many years as are available.
  - (6) General fund resources in detail.
  - (7) Summary of proposed expenditures by function, department, and activity.
  - (8) Summary of proposed expenditures by character and subject.
  - (9) Detailed estimates of expenditures shown separately for each activity to support the summaries No. 7 and 8 above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay.
  - (10) A revenue and expense statement for all types of bonds.

# ARTICLE V. – THE BUDGET

- ***PREPARATION AND SUBMISSION OF BUDGET (cont'd)***
  - (11) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount and authorized, amount issued, and amount outstanding.
  - (12) A schedule of requirements for the principal and interest of each issue of bonds.
  - (13) A special funds section.
  - (14) The appropriation ordinance.
  - (15) The tax levying ordinance.

(Amend. of 5-11-13)

# ARTICLE V. – THE BUDGET

- **ANTICIPATED REVENUES COMPARED WITH OTHER YEARS IN BUDGET**

- Section 51. In preparing the budget, the City Manager shall in the preparation of the budget place in parallel columns opposite the several items of revenue the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

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- **PROPOSED EXPENDITURES COMPARED WITH OTHER YEARS**

- Section 52. The City Manager in the preparation of the budget shall in parallel columns opposite the various items of expenditures place the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

# ARTICLE V. – THE BUDGET

- ***BUDGET A PUBLIC RECORD***

- Section 53. The budget and all supporting schedules shall be filed with the City Clerk when submitted to the Council and shall be a public record for inspection by anyone. The City Manager shall cause copies to be made for inspection by all interested persons. (Amend. of 5-11-13)

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- ***NOTICE OF PUBLIC HEARING ON BUDGET***

- Section 54. At the meeting of the Council at which the budget is submitted, the Council shall fix the time and place of a public hearing on the budget and shall cause to be published a notice of the hearing setting forth the time and place thereof at least five days before the date of hearing.

# ARTICLE V. – THE BUDGET

## □ ***PUBLIC HEARING ON BUDGET***

- Section 55. At the time and place set forth in the notice required by Section 54, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

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## ***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

## ❑ ***PROCEEDINGS ON ADOPTION OF BUDGET***

- ❑ Section 57. After such further hearing, the Council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such total proposed expenditures.



## ***VOTE REQUIRED FOR ADOPTION***

- ❑ Section 58. The budget shall be adopted by the favorable vote of a majority of the members of the whole Council.

# ARTICLE V. – THE BUDGET

## □ **DATE OF FINAL ADOPTION: FAILURE TO ADOPT**

- Section 59. The budget shall be finally adopted not later than the twentieth day of the last month of the fiscal year. Should the council take no action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

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## **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 V. – THE BUDGET

- ***BUDGET ESTABLISHES APPROPRIATIONS***

- Section 61. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

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- ***BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX***

- Section 62. From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year.

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- ***CONTINGENT APPROPRIATION***

- Section 63. Deleted from the Charter. (Amend. of 5-11-13)

# ARTICLE V. – THE BUDGET

- ***ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES***
- Section 64. The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (Prospective income plus cash on hand.) The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Municipal Accounting, or some other nationally accepted classification.
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- ***EMERGENCY APPROPRIATIONS***
- Section 65. Deleted from the Charter. (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)

## □ **ISSUANCE OF BONDS AND TIME WARRANTS**

- Section 67. All bonds and warrants of the City of Killeen shall be issued pursuant to the procedures and requirements established by the general laws of the State of Texas.

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ ***DIRECTOR OF FINANCE: APPOINTMENT***

- Section 68. There shall be a department of finance, the head of which shall be the director of finance. (Amend. of 5-11-13)

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## ***DIRECTOR OF FINANCE: QUALIFICATIONS***

- Section 69. The director of finance shall have the proper knowledge of municipal accounting and sufficient experience in budgeting and financial control to properly perform the duties of the office, and shall be a Certified Public Accountant. (Amend. of 5-11-13)

# ARTICLE VII. – FINANCE ADMINISTRATION

- ***DIRECTOR OF FINANCE: POWER AND DUTIES***
- Section 70. Under the direction of the city manager, the director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required to:
  - (1) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
  - (2) Maintain a general accounting system for the city government and each of its offices, departments, and agencies, keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as may be deemed expedient;

# ARTICLE VII. – FINANCE ADMINISTRATION

- **DIRECTOR OF FINANCE: POWER AND DUTIES (cont'd)**
  - (3) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
  - (4) Prepare, as of the end of each fiscal year, a complete financial statement and report;
  - (5) Collect license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from state or federal government, or from any court, or from any office, department or agency of this city;
  - (6) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depository or depositories as may be designated by the city council, subject to the requirements of law in force from time to time as to the furnishing of bond or the deposit of securities and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account;



# ARTICLE VII. – FINANCE ADMINISTRATION

- ***DIRECTOR OF FINANCE: POWER AND DUTIES (cont'd)***
- (7) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (8) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
- (9) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriation and available funds, no expenditure shall be made.

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ ***TRANSFERS OF APPROPRIATIONS***

- Section 71. The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the city manager, the council may by ordinance transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. (Amend. of 5-11-13)



## ***ACCOUNTING SUPERVISION AND CONTROL***

- Section 72. Deleted from the Charter. (Amend. of 5-11-13)

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ ***LAPSE OF APPROPRIATIONS***

- Section 73. Except for an appropriation approved as part of the Capital Improvement Program, all appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered. An appropriation approved as part of the Capital Improvement Program shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from the appropriation.
- ( Amend. of 5-15-18 )

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ ***FEES SHALL BE PAID TO CITY***

- Section 74. All fees received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the director of finance.

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## ***SALE OF CITY PROPERTY***

- Section 75. Any sale or contract for the sale of any property belonging to the City, either in the form of land, real estate or other real or personal properties, shall be in accordance with the Texas Constitution, Texas Local Government Code, Chapters 252, 253, 271, 272, 273, and 280, and the acts amendatory thereof and supplementary thereto, now or hereafter enacted, and all other applicable State law. (Amend. of 5-4-91)

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ ***PURCHASE PROCEDURE***

- Section 76. The Director of Finance shall have authority to make expenditures from one or more municipal funds without the approval of the City Council for all budgeted items up to that amount which, under State law, triggers the competitive Procurement process. All contracts or purchases requiring expenditures from one or more municipal funds in the amount involving more than the dollar amount which, according to Section 252.021 of the Local Government Code, or any successor statute thereto, triggers the competitive procurement process, shall be let in compliance with the procedures prescribed by Chapter 252 of the Local Government Code and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. (Amend. of 5-4-91; Amend. of 5-5-01; Amend. of 5-7-05)

# ARTICLE VII. – FINANCE ADMINISTRATION

- **CONTRACTS FOR IMPROVEMENTS**
- Section 77. Any city contract requiring an expenditure by, or imposing an obligation or liability on the City of more than the amount provided in Section 271.054 of the Texas Local Government Code and the acts amendatory thereof and supplementary thereto, must comply with the competitive bidding process of the Local Government Code. These contracts shall include contracts for the construction of public works or the purchase of materials, equipment, supplies, or machinery for which competitive bidding is required by the Local Government Code. (Amend. of 5-4-91; Amend. of 5-5-01; Amend. of 5-11-13)

# ARTICLE VII. – FINANCE ADMINISTRATION

## □ **DISBURSEMENT OF FUNDS**

- Section 78. All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the director of finance, or his deputy, and countersigned by the city manager. In the event the city manager is the director of finance, all checks signed by him shall be countersigned by the assistant city manager or the city clerk. (Amend. of 5-11-13)

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## **ACCOUNTING CONTROL OF PURCHASES**

- Section 79. All purchases made shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any seller unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

# ARTICLE VII. – FINANCE ADMINISTRATION

- ***BORROWING IN ANTICIPATION OF PROPERTY TAXES***

- Section 80. For the purpose of temporary borrowing, the City Council shall have the power by ordinance to raise money on the credit of the city by the issuance of warrants and notes in anticipation of the collection of taxes and of special assessments.

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- ***SALE OF NOTES: REPORT OF SALE***

- Section 81. All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale by the director of finance without previous advertisement, but such sale shall be authorized by the Council.

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- ***SURETY BONDS***

- Section 82. Deleted from the Charter. (Amend. of 5-11-13)



# ARTICLE VIII. – TAX ADMINISTRATION

- ***DIRECTOR OF TAXATION: APPOINTMENT***

- Section 83. Deleted from the Charter. (Amend. of 5-11-13)

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- ***POWER TO TAX***

- Section 84. The City Council shall have the power under the provisions of State Law to levy, assess and collect an annual tax upon taxable property within the city to the maximum provided by the Constitution and general laws of the State of Texas.

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- ***PROPERTY SUBJECT TO TAX: METHOD OF ASSESSMENT***

- Section 85. Deleted from the Charter. (Amend. of 5-11-13)

# ARTICLE VIII. – TAX ADMINISTRATION

- ❑ **BOARD OF EQUALIZATION: APPOINTMENT: QUALIFICATIONS**

- ❑ Section 86. Deleted from the Charter. (Amend. of 5-11-13)

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- BOARD OF EQUALIZATION: PUBLIC HEARINGS: NOTICE TO OWNER**

- ❑ Section 87. Deleted from the Charter. (Amend. of 5-11-13)

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- BOARD OF EQUALIZATION: POWER AND DUTIES**

- ❑ Section 88. Deleted from the Charter. (Amend. of 5-11-13)

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- BOARD OF EQUALIZATION: RECORDS: APPROVAL OF ROLLS**

- ❑ Section 89. Deleted from the Charter. (Amend. of 5-11-13)

# ARTICLE VIII. – TAX ADMINISTRATION

- ***TAXES: WHEN DUE AND PAYABLE***

- Section 90. Deleted from the Charter. (Amend. of 5-11-13)

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- SEIZURE AND SALE OF PERSONAL PROPERTY***

- Section 91. Deleted from the Charter. (Amend. of 5-11-13)

# ARTICLE VIII. – TAX ADMINISTRATION

## □ **TAX LIENS**

- Section 92. The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge, or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January 1 in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can defeat such lien.

# ARTICLE VIII. – TAX ADMINISTRATION

- ***TAX LIENS (cont'd)***
- All persons or corporations owning or holding personal property or real estate in the City of Killeen on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.
- The personal property of all persons owing any taxes to the City of Killeen is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.