



# City of Killeen

## Legislation Text

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**File #:** RS-23-157, **Version:** 1

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Consider a memorandum/resolution authorizing the remainder of funds previously approved for Fiscal Year 2023 to defend the Bell County lawsuit related to marijuana enforcement be carried forward into FY 2024.

**DATE:** September 19, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Holli Clements, City Attorney

**SUBJECT:** Carry Forward Funds for Bell County lawsuit from FY 2023 to FY 2024

### **BACKGROUND AND FINDINGS:**

On February 8, 2023, the City engaged Sheils Winnubst, PC, to represent the City with regard to potential litigation regarding the marijuana enforcement ordinance. At the end of December 2022, Bell County authorized its attorneys to file suit against the City of Killeen related to the marijuana enforcement ordinance and on April 11, 2023, Bell County did file a lawsuit against the City seeking to invalidate the marijuana enforcement ordinance.

The marijuana enforcement ordinance was adopted pursuant to the City Charter initiative process where the citizens of Killeen placed Proposition A on the November 8, 2022 ballot. The initiative ordinance was then passed by majority vote of the citizens of Killeen. The ordinance limits certain enforcement action of low-level marijuana offenses.

On June 27, 2023, City Council ratified the agreement with Sheils Winnubst for legal services in an amount not to exceed \$100,000 for Fiscal Year 2023 without further Council approval. To date, \$42,213.68 is remaining in authorized funding for Fiscal Year 2023.

This item would not increase the amount of funding, but would carry forward the remainder of funds previously approved for FY 2023 into FY 2024.

### **THE ALTERNATIVES CONSIDERED:**

The Council's alternatives are to:

1. Not authorize previously approved funds to defend the lawsuit be carried forward into FY 2024; or
2. Authorize the previously approved funds to defend the lawsuit be carried forward into FY 2024.

### **Which alternative is recommended? Why?**

It is recommended that the City Council authorize the previously approved funds to defend the lawsuit be

carried forward into FY 2024.

**CONFORMITY TO CITY POLICY:**

Approval of this item is in compliance with state law and city policy. Expenses for legal services are professional services and exempt from competitive purchasing requirements.

**FINANCIAL IMPACT:**

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

Expenditures for legal services for this contract will be determined by decisions made by the City with regard to the litigation, but limited to \$100,000 without future Council action. This item would not increase the amount of funding, but would carry forward the remainder of funds previously approved for FY 2023 into FY 2024.

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

Recurring until resolution of litigation.

**Is this expenditure budgeted?**

Funds are available in the General Fund Non-Departmental account 010-9501-491.47-11.

**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:**

It is recommended that the City Council authorize the previously approved funds to defend the lawsuit be carried forward into FY 2024.

**DEPARTMENTAL CLEARANCES:**

Purchasing  
Finance  
City Manager

**ATTACHED SUPPORTING DOCUMENTS:**

Agreement