

ORDINANCE NO. O-2024-026

AN ORDINANCE OF THE CITY OF ROUND ROCK, TEXAS, CALLING AN ELECTION FOR MAY 4, 2024 FOR THE PURPOSE OF ELECTING CERTAIN OFFICIALS AND FOR SUBMITTING TO THE VOTERS CERTAIN PROPOSED AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

STATE OF TEXAS

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**COUNTIES OF TRAVIS
AND WILLIAMSON**

KNOW ALL BY THESE PRESENTS:

CITY OF ROUND ROCK

WHEREAS, pursuant to the provisions of the Texas Election Code (as amended), other related statutes, and its Home Rule Charter, the City Council of the City of Round Rock, Texas, is authorized to order a city election for the purpose of electing Councilmember Place 3 and Councilmember Place 5; and

WHEREAS, the City Council additionally wishes to order a special city election on May 4, 2024 to submit to the voters certain proposed amendments to the Home Rule Charter of the City of Round Rock; and

WHEREAS, Article 14, Section 11 of the Charter for the City of Round Rock provides that proposed amendments to such Home Rule Charter may be “framed and submitted to the voters of the City in the manner provided by Local Government Code Chapter 9, as amended;” and

WHEREAS, Local Government Code, Section 9.004(a) provides that the “governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality’s qualified voters for their approval at an election;” and

WHEREAS, certain charter amendments are proposed for submission to the voters of the City of Round Rock; and

WHEREAS, Local Government Code, Section 9.004(b) requires the charter amendment election to be held on the first authorized uniform election date prescribed by the Texas Election

Code or on the earlier of the date of the next municipal general election or presidential general election, and that allows sufficient time to comply with other requirements of law, and that occurs on or after the thirtieth (30th) day after the date the ordinance is adopted; and

WHEREAS, the City Council has determined that Saturday, May 4, 2024, is the appropriate date for holding the election to elect Councilmember Place 3 and Councilmember Place 5, and for holding the charter amendment election; and

WHEREAS, the City Council wishes to encourage all registered voters in the city to vote in this election; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.

Election Date. An election shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 4, 2024, in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit “A” attached hereto and incorporated herein by reference for all purposes.

Precincts and Polling Places. For voters in Williamson County, the City hereby designates the election precincts and polling places designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court for Election Day voting, and same are delineated on Exhibit “A-1” attached to the Order of Election and incorporated herein by reference for all purposes.

For voters in Travis County, the City hereby designates the election precincts and polling places designated by the Travis County Elections Administrator and approved by the Travis County Commissioners Court for Election Day voting, and same are delineated on Exhibit “A-2” attached to the Order of Election and incorporated herein by reference for all purposes.

Election Judges. For voters in Williamson County, the Williamson County Elections Administrator is conducting such election for the City pursuant to the terms of a Contract for Election Services. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Williamson County Elections Administrator.

For voters in Travis County, the Travis County Clerk is conducting such election for the City pursuant to the terms of a Contract for Election Services. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Travis County Clerk.

Section 2. ELECTION CLERKS.

The presiding election judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election, and such election clerks shall be qualified voters of the City of Round Rock, Texas. If the election is conducted by the regularly appointed presiding election judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

Section 3. EARLY VOTING.

Early Voting Clerk. For voters in Williamson County, the City Council hereby appoints the Williamson County Elections Administrator as the City of Round Rock Election Officer and Early Voting Clerk. The Early Voting Clerk’s mailing address to which applications for ballots by mail may be sent, for voters residing in Williamson County, is as follows:

Early Voting Clerk
Williamson County
Post Office Box 209
Georgetown, TX 78627

For voters in Williamson County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to bbm@wilco.org.

For voters in Travis County, the City Council hereby appoints the Travis County Clerk as the City of Round Rock Election Officer and Early Voting Clerk. The Early Voting Clerk’s mailing address to which applications for ballots by mail may be sent, for voters residing in Travis County, is as follows:

Early Voting Clerk
Travis County
PO Box 149325
Austin, TX 78714-9325

For voters in Travis County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to ebbm@traviscountytexas.gov.

Applications for ballots by mail must be received not later than 5:00 p.m. on Tuesday, April 23, 2024.

Dates for Early Voting. Early voting shall commence on Monday, April 22, 2024, and continue through Tuesday, April 30, 2024, as provided by the Texas Election Code and as shown on attached exhibits.

Places for Early Voting. For voters in Williamson County, early voting shall be conducted by personal appearance and by mail at the early voting polling places and temporary polling places designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court for early voting, and same are delineated on Exhibit “B-1” attached to the Order of Election and incorporated herein by reference for all purposes.

For voters in Travis County, early voting shall be conducted by personal appearance and by mail at the early voting polling places and temporary polling places designated by the Travis County Clerk and approved by the Travis County Commissioners Court for early voting, and same are delineated on Exhibit “B-2” attached to the Order of Election and incorporated herein by reference for all purposes.

Times for Early Voting. For voters in Williamson County, during the period in which early voting is required or permitted by law, that being April 22, 2024, through April 30, 2024, the hours designated for early voting by personal appearance shall be designated in writing by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court.

For voters in Travis County, during the period in which early voting is required or permitted by law, that being April 22, 2024, through April 30, 2024, the hours designated for early voting by personal appearance shall be designated in writing by the Travis County Clerk, and approved by the Travis County Commissioners Court.

Section 4. EARLY VOTING BALLOT BOARD.

For voters in Williamson County, an Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Williamson County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

For voters in Travis County, an Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Travis County Clerk. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

Section 5. CUSTODIAN OF ELECTION RECORDS.

For voters in Williamson County, pursuant to the Texas Election Code and the applicable Contract for Election Services, the Williamson County Elections Administrator shall serve as the custodian of voted ballots, and the City Clerk of Round Rock, Texas shall be appointed as custodian of all other election records.

For voters in Travis County, pursuant to the Texas Election Code and the applicable Contract for Election Services, the Travis County Clerk shall serve as the custodian of voted

ballots, and the City Clerk of Round Rock, Texas shall be appointed as custodian of all other election records.

Section 6. CANDIDATE FILING PERIOD.

In accordance with Section 143.007(c)(2) of the Texas Election Code, the deadline for filing an application for a place on the ballot for this election is declared to be 5:00 p.m. on Friday, February 16, 2024. The deadline for a write-in candidate to declare candidacy is Tuesday, February 20, 2024.

Section 7. VOTERS.

All resident qualified voters of the City shall be entitled to vote at the election.

Section 8. NOTICE.

Posting. Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than Saturday, April 13, 2024, and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 4, 2024, or later than April 24, 2024.

Authorization to City Clerk. The City Clerk is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 9. VOTING DEVICES.

For voters in Williamson County, pursuant to the Election Code and the applicable Contract for Election Services, the Williamson County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Williamson County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

For voters in Travis County, pursuant to the Election Code and the applicable Contract for Election Services, the Travis County Clerk may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Travis County Clerk is currently using election systems and software certified by the Texas Secretary of State.

The Williamson County Elections Administrator and the Travis County Clerk, respectively, may also utilize a central counting station as provided by Texas Election Code Section 127.000 *et seq.*, as amended.

The City Council of the City of Round Rock, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. For voters in Williamson County and for voters in Travis County, as chief elections officer for the City of Round Rock, the Williamson County Elections Administrator and the Travis County Clerk shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Round Rock, including but not limited to lease or rental from Williamson County or Travis County or from any other legal source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

Section 10. CONDUCT ACCORDING TO STATUTES.

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Round Rock's Home Rule Charter.

Section 11. ELECTION RESULTS.

For voters in Williamson County, the Williamson County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 4, 2024.

For voters in Travis County, the Travis County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 4, 2024.

The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

Section 12. PROPOSED CHARTER AMENDMENT.

At the election to be held on Saturday, May 4, 2024, the voters will be asked to vote on the following amendments to the City's Home Rule Charter:

Proposed Amendment No. 1 (Municipal Court)

Amend Article 4.03(a)(b)(e) and (f) to clarify municipal court proceedings; the designation and requirements of municipal court judges; and the use of costs and fines imposed by the municipal court to read as follows:

Sec. 4.03. - Municipal Court.

- (a) There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses and civil proceedings, with all such powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- (b) The presiding judge of said court shall be appointed by the City Council to serve at the discretion of the City Council. The judge shall be an attorney licensed and practicing in the state of Texas and shall receive such salary-compensation as may be fixed by the City Council.
- (c) There shall be a clerk of said court appointed by the City Manager.
- (d) The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual, and necessary to be performed, by the clerks of courts, in issuing process of said courts, and conducting the business thereof.
- (e) The City Council shall have the power to create and appoint additional associate judges as provided by law. Such associate judges shall be an attorney licensed and practicing in the state of Texas and shall receive such compensation as may be fixed by the City Council.
- (f) All costs and fines imposed by the Municipal Court and not required to be paid to the state shall be paid into the City Treasury for the use and benefit of the City, subject to the state laws on the use thereof.

Proposed Amendment No. 2 (Plat and Plan Review)

Amend Article 12.04 to remove the requirement of Planning and Zoning Commission to study plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances to read as follows:

Sec. 12.04. - Planning and Zoning Commission.

There shall be a City Planning and Zoning Commission which shall consist of nine (9) members serving two (2) year terms which the City Council shall establish by ordinance.

The Commission shall have the power and be required to:

- (1) be responsible to and act as an advisory body to the City Council;
- (2) recommend to the City Council for its action an official zoning map and recommend any changes to the map; and
- ~~(3) study plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances; and~~
- (4) perform such other functions as may be duly delegated to them from time to time by the City Council or required by law.

Section 13. CHARTER ELECTION BALLOT.

At the election, the proposed amendment to amend the charter shall be set forth substantially in the form contained herein and said proposed charter amendment shall be submitted to the qualified voters in accordance with applicable law.

The official ballots shall be prepared so as to permit the qualified electors to vote on a proposed charter amendment by ballot title. The ballot title of a proposed charter amendment may differ from its legal title and shall be a clear, concise statement describing the substance of the proposed charter amendment without argument or prejudice. The official ballots for this charter amendment election shall be prepared so as to permit the qualified electors to vote “Yes” or “No” on the proposed charter amendments. Said proposed charter amendments shall be combined with other allowable matters on the same ballots, said ballots to contain such provisions, markings and language as required by law. The proposed charter amendments shall affect only the sections of the charter listed below and shall be submitted to the qualified voters of the City of Round Rock for amendment to read as follows:

PROPOSITION A

AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF ROUND ROCK, TEXAS TO CLARIFY THE TYPES OF MUNICIPAL COURT PROCEEDINGS; THE DESIGNATION AND REQUIREMENTS OF MUNICIPAL COURT JUDGES; AND THE USE OF COSTS AND FINES IMPOSED BY MUNICIPAL COURT.

Shall the above-described charter amendment be adopted?

Yes ()

No ()

PROPOSITION B

AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF ROUND ROCK, TEXAS TO ALLOW CITY STAFF TO BE DELEGATED THE ABILITY TO APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE A PLAT AS NOW PERMITTED BY SECTION 212.0065(A) OF THE TEXAS LOCAL GOVERNMENT CODE.

Shall the above-described charter amendment be adopted?

Yes ()

No ()

Section 14. MISCELLANEOUS.

The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this ____ day of _____, 2024.

Alternative 2.

READ and APPROVED on first reading this the ____ day of _____, 2024.

READ, APPROVED and ADOPTED on second reading this the ____ day of _____, 2024.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk

EXHIBIT “A”

**ORDER OF ELECTION
CITY OF ROUND ROCK, TEXAS**

An election is hereby ordered to be held on Saturday, May 4, 2024, for the purpose of electing Councilmember Place 3 and Councilmember Place 5 and for submitting proposed amendments to the Home Rule Charter of the City.

For voters in Williamson County, the election day precincts are as delineated on Exhibit “A-1” attached hereto and incorporated herein by reference for all purposes.

For voters in Travis County, the election day precincts are as delineated on Exhibit “A-2” attached hereto and incorporated herein by reference for all purposes.

For voters in Williamson County, early voting by personal appearance will be conducted at the locations designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court, all as are delineated on Exhibit “B-1” attached hereto and incorporated herein by reference for all purposes.

For voters in Travis County, early voting by personal appearance will be conducted at the locations designated by the Travis County Elections Administrator and approved by the Travis County Commissioners Court, all as are delineated on Exhibit “B-2” attached hereto and incorporated herein by reference for all purposes.

For voters in Williamson County, applications for ballots by mail shall be mailed to:

Williamson County Early Voting Clerk
Post Office Box 209
Georgetown, TX 78627

For voters in Williamson County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to bbm@wilco.org.

For voters in Travis County, applications for ballots by mail shall be mailed to:

Travis County Early Voting Clerk
PO Box 149325
Austin, TX 78714-9325

For voters in Travis County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to ebbm@traviscountytexas.gov.

Applications for ballot by mail must be received no later than 5:00 pm on Tuesday, April 23, 2024.

Issued this 8th day of February, 2024.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

EXHIBIT "A-1"

WILLIAMSON COUNTY ELECTION DAY PRECINCTS AND POLLING PLACES

*As of the date the Election Order was issued, Williamson County had not determined the Election Day precincts and polling places. As soon as this information is made available from Williamson County, it will be attached as Exhibit "A-1" to this Election Order.

EXHIBIT "A-2"

TRAVIS COUNTY ELECTION DAY PRECINCTS AND POLLING PLACES

*As of the date the Election Order was issued, Travis County had not determined the Election Day precincts and polling places. As soon as this information is made available from Travis County, it will be attached as Exhibit "A-2" to this Election Order.

EXHIBIT “B-1”

**EARLY VOTING LOCATIONS, DATES AND TIMES –
WILLIAMSON COUNTY**

*As of the date the Election Order was issued, Williamson County had not determined the Early Voting locations, dates and times. As soon as this information is made available from Williamson County, it will be attached as Exhibit “B-1” to this Election Order.

EXHIBIT “B-2”

EARLY VOTING LOCATIONS, DATES AND TIMES - TRAVIS COUNTY

*As of the date the Election Order was issued, Travis County had not determined the Early Voting locations, dates and times. As soon as this information is made available from Travis County, it will be attached as Exhibit “B-2” to this Election Order.