



Mayor
Alan McGraw

Mayor Pro-Tem
George White

Councilmembers
Craig Morgan
Frank Leffingwell
Will Peckham
John Moman
Kris Whitfield

City Manager
Laurie Hadley

City Attorney
Stephan L. Sheets

June 25th 2015

Mayor Alan McGraw
Mayor Pro Tem George White
Councilmember Craig Morgan
Councilmember Frank Leffingwell
Councilmember Will Peckham
Councilmember Writ Baese
Councilmember Kris Whitfield

Re: Official Report of the 2015 Round Rock Charter Review Commission

Dear Mayor McGraw and Councilmembers:

As Chairman of the 2015 Charter Review Commission, I am pleased to provide you with a report of our findings and recommendations for proposed amendments. The Official Report of the Commission is enclosed herein and summarizes the recommended amendments and includes a "redlined" version of the amendments, as well as arguments for and against each proposed amendment.

On behalf of each member of the Commission, I would like to express our appreciation for allowing us to serve our community. It was both an honor and an educational experience.

Sincerely,

Charlie Culpepper, Chairman
Charter Review Commission

On behalf of the Commission Members:

Joanne Land, Vice Chair
Karen Adair
Brent Baker
Rufus Honeycutt
Kristin Stevens
Scott Swindell

**2015 Round Rock Charter Review Commission's
Official Report on its Findings
and
Proposed Charter Amendments
Presented to
the Mayor and Council**

This report is being presented to the Mayor and Council pursuant to Section 14.12 of the Round Rock Home Rule Charter.

The 2015 Round Rock Charter Review Commission ("Commission") held four (4) meetings during which the Commission members discussed with staff and among themselves various issues and concerns with the present Charter. At each meeting an opportunity was given to citizens to address the Commission.

The Commission met and approved the following recommendations for amendments to the Charter.

Recommendation No. 1

We recommend that Sec. 3.06(c) be amended to change the procedure for the filling of vacancies on the City Council and the office of Mayor.

Recommendation No. 2

We recommend that Sec. 4.01(f) and (g) be amended to allow the City Council to authorize city employees other than the City Manager to execute contracts and/or to expend funds for budget items.

Recommendation No. 3

We recommend that the title of Article 6, and Secs. 3.01, 3.04, 3.08, 3.15, 3.16, 3.17, 4.01(e), 4.04, 5.02(b), 5.05, 5.06, 6.01, 6.02, 6.03, 6.04, 6.05, 6.07, 6.08, 6.10, 6.11, 8.04, 8.10, 14.03, 14.04, 14.05, 14.08, 14.12(a), and 15.02, be amended to clarify and make consistent the terms used to reference the Mayor, councilmembers, City Manager, and other city employees.

Recommendation No. 4

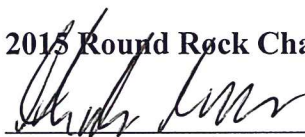
We recommend that Sec. 5.02(b) be amended to increase the candidate filing fee from \$50 to \$250 and that the number of signatures required for a petition signed by the qualified voters be increased to the greater of 100 or one-half of 1% of the total votes received by all candidates for mayor in the most recent mayoral regular election.

A "redlined" version of the above recommendations showing the current wording, as well as the proposed wording of each section is attached hereto, along with required arguments for and against each recommendation.

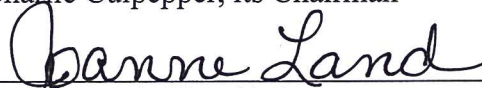
Dated this 4th day of June, 2015.

Respectfully submitted,

2015 Round Rock Charter Review Commission



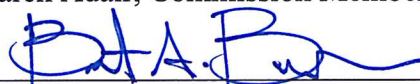
Charlie Culpepper, its Chairman



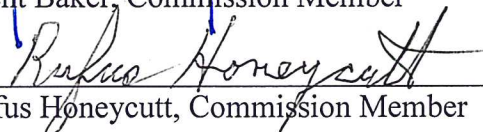
Joanne Land, Vice Chairman



Karen Adair, Commission Member



Brent Baker, Commission Member



Rufus Honeycutt, Commission Member



Kristin Stevens, Commission Member

Scott Swindell, Commission Member

RECOMMENDATION NO. 1:

TO AMEND SEC. 3.06(c) TO CHANGE THE PROCEDURE FOR THE FILLING OF VACANCIES ON THE CITY COUNCIL AND THE OFFICE OF MAYOR.

Sec. 3.06. Vacancies, forfeiture, filling of vacancies.

(c) Filling of Vacancies:

- (1) When any vacancy or vacancies shall occur on the City Council, a special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections, and there remains an unexpired term of more than 12 months, a special election shall be called to fill such vacancy in accordance with Art. 11, §11 of the Texas Constitution.
- (2) When any vacancy shall occur on Place 1 through Place 6 of the City Council, and there remains an unexpired term of 12 months or less, the City Council by majority vote may appoint a person who meets all of the qualifications of §3.02 to fill the vacancy until the next regular City Election date. If the City Council elects not to appoint such a person to fill the vacancy, then the City Council shall call a special election to fill such vacancy in accordance with Art. 11, §11 of the Texas Constitution.
- (3) When any vacancy shall occur in the office of Mayor, and there remains an unexpired term of 12 months or less, the City Council by majority vote may appoint one of the Councilmembers to fill the vacancy until the next regular City Election date. If the City Council elects not to appoint a Councilmember to fill the vacancy of Mayor, then the City Council shall call a special election to fill such vacancy in accordance with Art 11, §11 of the Texas Constitution.

Arguments in favor of the proposed amendment:

The current charter language results in situations where two elections for the same Council Place may be required in less than one year. The recent elections to fill the vacancy left by the resignation of former Councilmember Clifford is an example of this issue. The amended language will provide the City Council with the option of appointing a qualified citizen to fill a vacancy on the Council and/or to appoint a Councilmember to fill a vacancy of the office of Mayor. This saves the expense of an election and fills a vacancy much sooner.

Arguments in opposition of the proposed amendment:

Vacancies should always be filled by the vote of the people, not by the appointment of the City Council.

RECOMMENDATION NO. 2:

TO AMEND SEC. 4.01(f) AND (g) TO ALLOW THE CITY COUNCIL TO AUTHORIZE CITY EMPLOYEES OTHER THAN THE CITY MANAGER TO EXECUTE CONTRACTS AND/OR TO EXPEND FUNDS FOR BUDGET ITEMS.

Sec. 4.01. City Manager.

- (f) Contracts and Purchases: The City Council may by ordinance set a maximum amount for which the City Manager and/or other city employees shall be authorized to execute contracts and/or to expend funds for budgeted items; provided however, that all contracts and expenditures must comply with state laws requiring competitive bids. The City Council may by ordinance establish an amount above which all contracts or purchases must be approved in advance by the City Council. All contracts and purchases shall be handled in a manner to obtain the best value for the City.
- (g) Execution of Documents: If so authorized by the City Council, ~~The~~ City Manager and/or other city employees shall have the authority to execute, on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:
 - (i) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
 - (ii) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
 - (iii) That the form of such document shall be approved by the City Attorney.

Arguments in favor of the proposed amendment:

Authorizing city employees other than the City Manager to execute contracts will free up time spent by the City Manager and allow for transactions to occur faster and with less governmental red tape.

Arguments in opposition of the proposed amendment:

Only the Mayor and the City Manager should have the authority to contractually bind the City. Allowing other city employees to sign contracts could result in the City being legally bound without the knowledge of the Council or the City Manager.

RECOMMENDATION NO. 3:

TO AMEND THE TITLE OF ARTICLE 6, AND SECS. 3.01, 3.04, 3.08, 3.15, 3.16, 3.17, 4.01(e), 4.04, 5.02(b), 5.05, 5.06, 6.01, 6.02, 6.03, 6.04, 6.05, 6.07, 6.08, 6.10, 6.11, 8.04, 8.10, 14.03, 14.04, 14.05, 14.08, 14.12(a), AND 15.02, TO CLARIFY AND MAKE CONSISTENT THE TERMS USED TO REFERENCE THE MAYOR, COUNCILMEMBERS, CITY MANAGER, AND OTHER CITY EMPLOYEES.

Sec. 3.01. Number, selection and term.

The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and all Council members shall be elected from the City at large and each Council member shall occupy a ~~position place~~ on the City Council, such ~~positions places~~ being numbered 1 through 6 consecutively. The Mayor and Council members shall be elected in the manner provided in Article 5 of this Charter to serve for three (3) year terms.

In order to provide for an orderly transition from two (2) year terms to three (3) year terms, at the first general election held under this amended Article, two (2) Council members shall be elected to serve two (2) year terms and two (2) Council members shall be elected to serve three (3) year terms. The ~~positions places~~ which shall be elected to two (2) year terms shall be determined by drawing lots at the first regular City Council meeting held after this amended Article is adopted. The following year, and each year thereafter, all elections shall be for three (3) year terms.

Sec. 3.04. Compensation.

The Mayor and Council members shall receive compensation as may be fixed by ordinance; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official council duties upon approval by the City Council. Regardless of whether or not the Mayor and Council members receive compensation for their service, they shall not be considered to be employees of the City.

Sec. 3.08. Prohibitions.

- (a) Holding Other Office: Except where authorized by law, no Mayor or Council member shall hold any other City office or City employment during his or her term as Mayor or Council member and no former Mayor or Council member shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or Council member.
- (b) Appointments and Removals: Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City ~~administrative officers or~~ employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such ~~officers and~~ employees.
- (c) Interference with Administration: Except for the purpose of inquiries and investigations under Section 3.16, the City Council or its members shall deal with City ~~officers and~~ employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the

City Council nor its members shall give orders to any such ~~officer or~~ employee, either publicly or privately, except as otherwise provided in this Charter. This subsection shall not prohibit the Mayor and Council from giving direction and supervision to the assistant(s) appointed pursuant to Section 3.17

Sec. 3.15. Bonds for city employees.

The City Council shall require bonds of all municipal ~~officers and~~ employees who receive or pay out any monies of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be borne by the City.

Sec. 3.16. Investigative body.

The City Council shall have the power to inquire into the official conduct of any department, agency, office, ~~officer,~~ or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Sec. 3.17. Assistant(s) for the Mayor and Council.

The Mayor and Council, along with the City Manager, shall have the power to direct and supervise one or more assistant(s) appointed by the City Manager to provide clerical and administrative support services to the Mayor and Council. The aforesaid assistant(s) shall deal with other City ~~officers and~~ employees solely through the City Manager, and shall not give orders to any such ~~officer or~~ employee, either publicly or privately.

Sec. 4.01. City Manager.

- (e) Acting City Manager: The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Clerk, a qualified administrative ~~officer~~ employee of the City to be the Acting City Manager in his or her absence or disability. Such designation shall be subject to the prior approval of the City Council. The Acting City Manager is authorized to perform the same powers and duties as the City Manager while acting in the City Manager's stead. No member of the City Council shall serve as Acting City Manager. From time to time the City Manager may remove and appoint another Acting City Manager, also with the prior approval of the City Council. The Acting City Manager shall perform the duties of the City Manager until the City Manager returns or his or her disability shall cease or until the City Council designates another person to perform such duties.

Sec. 4.04. City attorney.

The City Council shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all ~~officers~~ elected officials, employees and departments thereof.

Sec. 5.02. Filing for office.

(b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:

- (1) An incumbent seeking reelection must file for the same ~~position~~ Council Place number presently serving.
- (2) No candidate may file for more than one office or ~~position~~ Council Place number per election.
- (3) No employee of the City shall continue in such ~~position~~ employment after filing for an elective office of the City.
- (4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) twenty-five, or (b) one-half of one percent of the total vote received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Clerk, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

Sec. 5.05. Election by majority.

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective ~~position~~ office receives a majority vote, none of such candidates shall be elected.

Sec. 5.06. Run-off election.

In the event no candidate for an elective office receives a majority of the votes cast for that ~~position~~ elective office in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with V.T.C.A., Election Code, as amended.

ARTICLE 6. RECALL OF ~~OFFICERS~~ ELECTED OFFICIALS

Sec. 6.01. Scope of recall.

Any ~~elected~~ City elected official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from the office by the qualified voters of the City.

Sec. 6.02. Petition for recall.

Before the question of recall of such ~~officer~~ elected official shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Clerk; which said petition shall be signed by qualified voters of the City equal in number to at least ten percent (10%) of the number of qualified voters as currently certified to by

the County Election Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

- (a) the signer's residence address, including the county;
- (b) the signer's date of birth and the signer's voter registration number;
- (c) the date of signing; and
- (d) the signer's printed name.

Sec. 6.03. Recall procedure.

Any qualified voters of the City may make and file with the person performing the duties of City Clerk an affidavit containing the name or names of the ~~officer(s)~~ elected official(s) whose removal is sought and a statement of the grounds for removal. The City Clerk shall immediately notify in writing the ~~officer(s)~~ elected official(s) sought to be removed that the affidavit has been filed and shall inform the ~~officer(s)~~ elected official(s) of its statement of grounds. The City Clerk shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal. The City Clerk shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Clerk shall bear the signature of the City Clerk and be of such form as prescribed in Section 6.04 of this Article, and shall be numbered, dated, and indicate the name of the person to whom issued. The City Clerk shall enter in a record to be kept in his or her office the name of the qualified voters to whom the petition blanks were issued and the number to said person.

Sec. 6.04. Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of Round Rock, must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, noncompliance with this Charter, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the ~~officer~~ elected official(s) sought to be removed, notice of such matters and things with which he or she is charged. Recall petition papers provided by the person performing the duties of City Clerk shall be in form substantially as follows:

We the undersigned qualified voters of the City of Round Rock hereby demand the question of removing (Name of Person) from the office of (Name of Office) be submitted to a vote of the qualified voters of the City. The charges and specifications upon which this demand for removal is predicated are as follows:

Signature	Printed Name	Address, including county	Date of Birth	Voter Registration No.
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The signatures shall be verified by oath in the following form:

"STATE OF TEXAS, COUNTY OF WILLIAMSON

I, _____/_____/_____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of _____, _____.

Notary Public in and for

Williamson County, Texas"

Sec. 6.05. Various papers constituting recall petition.

- (a) The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such original petition or petitions with the person performing the duties of City Clerk on the same day, and the said Clerk shall immediately notify, in writing by registered mail, the ~~officer~~ elected official(s) so sought to be removed, by mailing such notice to such ~~officer's~~ elected official's address.
- (b) Certification procedures as described in Section 7.04 shall be followed in certification of the recall petition.

Sec. 6.07. Public hearing to be held on recall petition.

The ~~officer~~ elected official whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit such ~~officer~~ elected official to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Sec. 6.08. Recall election to be called.

If the ~~officer~~ elected official whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with V.T.C.A., Election Code.

Sec. 6.10. Result of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

In no instance shall an ~~officer elected official~~ removed from office by recall election succeed himself or herself, nor shall such ~~officer's elected official's~~ name appear on a ballot for elective office of the City within a period of two (2) years following the date of the election at which such ~~officer elected official~~ was removed from office.

Sec. 6.11. Recall; restrictions thereon.

No recall petition shall be filed against any ~~officer elected official~~ of the City within six (6) months after such ~~officer's elected official's~~ election or appointment, nor within six (6) months after an election for such ~~officer's elected official's~~ recall.

Sec. 8.04. Administration of budget.

- (a) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be the cause for removal of any ~~officer employee~~ who knowingly authorized or made such payment or incurred such obligations, and such ~~officer employee~~ shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.
- (b) Financial Reports. The City Manager shall submit to the City Council at least quarterly the financial condition of the City by budget item, and budget estimate versus accruals for the fiscal year to date. The financial records of the City will be maintained on an accrual basis to support this type of financial management.

Sec. 8.10. Independent audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its ~~officers elected officials~~. Upon completion of the audit, a copy of the audited annual financial report shall be placed in the public library and placed on file in the City Clerk's office as public record.

Sec. 14.03. Nepotism.

No person related, within the second degree by affinity or within the third degree by consanguinity, to the Mayor or any member of the City Council or City Manager shall be employed or appointed to any ~~office~~ elective office, position ~~or clerkship~~ of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least two (2) years prior to and at the time of the election or appointment of the ~~officer~~ elected official related in the prohibited degree.

Sec. 14.04. Personal financial interest.

No member of the City Council or employee of the City shall have a financial interest, direct or indirect, in contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved provided such stock ownership amounts to less than one percent (1%) of the corporation stock or as falls within the scope of V.T.C.A., Local Government Code § 131.903 as now or hereafter amended. Any willful violation of this section shall constitute malfeasance in office, and any ~~officer~~ elected official or employee of the City found guilty thereof shall thereby forfeit his or her elected office or ~~position~~ employment. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

Sec. 14.05. Assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its ~~officers~~ elected officials, employees, or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. 14.08. Prohibitions.

(a) Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City ~~position or appointive City administrative office~~ employment because of race, sex, political or religious opinions or affiliations.
- (2) No person who seeks appointment or promotion with respect to any City ~~position~~ employment or appointive City ~~administrative~~ office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (3) No City ~~officer~~ elected official or candidate for City office shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatever from any ~~person holding any compensated~~ City position employee.
- (4) No ~~officer or~~ employee of the City ~~who receives compensation as such~~ shall make, solicit or receive any contribution to the campaign funds of any candidate or of any political party to be used in a City election or for or against any candidate for City office or take any part in the management, affairs or political campaign of any political party in a City election, but such

~~officer-or~~ employee may exercise all rights as a citizen to express opinions and to cast his or her vote. Nothing in this paragraph is intended to prohibit said person from participating in school district, special district, county, state, or national campaigns, elections, and political parties.

- (b) Penalties. Any person who either individually or with others willfully violates any provisions of the foregoing Section 14.08(a) shall be ineligible for appointment or election to a ~~position elected office or to employment~~ in the City for a period of four (4) years, and if such person is an ~~officer elected official~~ or employee of the City at the time of such violation, he or she shall immediately forfeit the office or ~~position employment~~ such person holds.

Sec. 14.12. Charter Review Commission.

The City Council shall appoint at its first regular meeting of 1979 and not later than every fourth year thereafter, a Charter Review Commission of seven (7) citizens of the City.

- (a) The duties of the Charter Review Commission are as follows:

- (1) inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any ~~officer elected official~~ or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
- (2) propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government;
- (3) propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
- (4) report its finding and present its proposed amendments, if any, to the City Council.

Sec. 15.02. ~~Officers~~Elected officials and employees.

- (a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City ~~officers~~ elected officials or employees at the time of its adoption.
- (b) Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect a City ~~administrative officer-or~~ employee holds any office or ~~position employment~~ which is or can be abolished by or under this Charter, he or she shall continue in such office ~~of position or employment~~ until adoption of some specific provision under this Charter directing that such ~~officer-or~~ elected official or employee vacate the office or ~~position employment~~.

Arguments in favor of the proposed amendment:

When first drafted, the original Charter utilized sections and language from a number of different existing city charters. This resulted in the terminology for elected officials, administration officials, and city employees being inconsistent from one section to another. This

caused confusion and sometimes even disagreement in interpretation. These amendments clarify the terminology and remove the confusion.

Arguments in opposition of the proposed amendment:

Charter amendment elections are time consuming and expensive. Current language has not caused a problem in the past.

RECOMMENDATION NO. 4:

TO AMEND SEC. 5.02(b) TO INCREASE THE CANDIDATE FILING FEE FROM \$50 TO \$250 AND TO REQUIRE A PETITION SIGNED BY THE QUALIFIED VOTERS EQUAL TO THE GREATER OF 100 OR ONE-HALF OF 1% OF THE TOTAL VOTES RECEIVED BY ALL CANDIDATES FOR MAYOR IN THE MOST RECENT MAYORAL REGULAR ELECTION.

Sec. 5.02. Filing for office.

- (b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:
- (1) An incumbent seeking reelection must file for the same position number presently serving.
 - (2) No candidate may file for more than one office or position number per election.
 - (3) No employee of the City shall continue in such position after filing for an elective office of the City.
 - (4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of ~~fifty two hundred-fifty~~ dollars (~~\$50.00 250~~), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) ~~twenty-five one hundred~~, or (b) one-half of one percent of the total votes received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Clerk, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

Arguments in favor of the proposed amendment:

These amendments will discourage candidates who are not serious about running for office and or willing and able to commit funds or effort in gaining voter support. If non-serious candidates are discouraged from filing for office, either elections will be conducted with only serious candidates, or the City will be able to save the expense of conducting elections.

Arguments in opposition of the proposed amendment:

All citizens should be encouraged to run for elective office and increasing the filing fee or number of signatures required for a petition discourages some potential candidates from participating in the democratic process. The cost of holding elections is the price we pay for living in a democracy.