

**EXHIBIT
"A"**



Mayor
Craig Morgan

Mayor Pro-Tem
Writ Baese

Councilmembers
Tammy Young
Rene Flores
Matthew Baker
Will Peckham
Hilda Montgomery

City Manager
Laurie Hadley

City Attorney
Stephan L. Sheets

August 5th, 2019

Mayor Craig Morgan
Mayor Pro-Tem Writ Baese
Councilmember Tammy Young
Councilmember Rene Flores
Councilmember Matthew Baker
Councilmember Will Peckham
Councilmember Hilda Montgomery

Re: Official Report of the 2019 Round Rock Charter Review Commission

Dear Mayor Morgan and Councilmembers:

As Chairman of the 2019 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. The report 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,

George White, Chairman
Charter Review Commission

On behalf of the Commission Members:

Greg Rabaey, Vice Chairman
Kelly Darby
Steve Armbruster
Kristin Stevens
Trey Swor
Tracie Storie

**2019 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 2019 Round Rock Charter Review Commission (“Commission”) held five (5) 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. 14.04 be amended to change the conflict of interest regulations to follow Chapter 171 of the Texas Local Government Code, as amended.

Recommendation No. 2

We recommend that Sec. 14.08(a)(3) be amended to clarify the prohibitions against city officials and candidates requesting or accepting political contributions from city employees.

Recommendation No. 3

We recommend that Sec. 14.08(a)(4) be amended to prohibit city employees from contributing funds to a political action committee for use in a city election.

Recommendation No. 4

We recommend that Sec. 3.01 be amended by deleting the second paragraph related to the transition from two-year terms to three-year terms because this paragraph is no longer necessary.

Recommendation No. 5

We recommend that Sec. 14.10 regarding the submission of the original charter to the voters in 1977 be repealed and deleted because it is no longer necessary.

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 5th day of August, 2019.

Respectfully submitted,

2019 Round Rock Charter Review Commission

George White

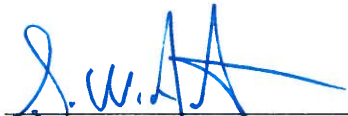
George White, Commission Chairman



Greg Rabaey, Vice Chairman, Place 3



Kelly Darby, Commissioner, Place 1



Steve Armbruster, Commissioner, Place 2



Kristin Stevens, Commissioner, Place 4



Trey Swof, Commissioner, Place 5



Tracie Storie, Commissioner, Place 6

RECOMMENDATION NO. 1:

TO AMEND SECTION 14.04 TO CHANGE THE CONFLICT OF INTEREST REGULATIONS TO FOLLOW CHAPTER 171 OF THE TEXAS LOCAL GOVERNMENT CODE.

Sec. 14.04. ~~Personal financial interest.~~ Conflicts of 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 elected official or employee of the City found guilty thereof shall thereby forfeit his or her elected office or 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.~~

No member of the City Council shall violate the conflict of interest provisions of Chapter 171, Texas Local Government Code, as amended. Any violation of the foregoing shall constitute malfeasance in office, and any elected official found guilty thereof shall forfeit his or her elected office.

Arguments in favor of the proposed amendment: The charter was adopted prior to the state of Texas adopting Chapter 171 of the Local Government Code which regulates elected officials and conflicts of interest. The current charter language has outlived its usefulness.

Arguments in opposition of the proposed amendment: Even though there is a state statute that regulates conflicts of interest of elected officials, the existing Charter language should be kept.

RECOMMENDATION NO. 2:

TO AMEND SECTION 14.08(a)(3) TO CLARIFY THE LANGUAGE PROHIBITING CITY OFFICIALS AND CANDIDATES FROM REQUESTING OR ACCEPTING POLITICAL CONTRIBUTIONS FROM CITY EMPLOYEES.

Sec. 14.08 Prohibitions.

(a) Activities Prohibited.

- (3) No City elected official or candidate for City office shall orally, by letter or otherwise directly solicit from any City employee any or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatever from any City employee to the campaign funds of any candidate to be used in a City election. In addition, no City elected official or candidate for City office shall knowingly accept any such contribution from a City employee.

Arguments in favor of the proposed amendment: The current Charter language is vague and does not take into account the random anonymous reach of modern social media. The amendment makes it clear that a candidate for city office cannot solicit or accept a contribution from a City employee.

Arguments in opposition of the proposed amendment: The current language has created no specific issue. The Charter should be left as is.

RECOMMENDATION NO. 3:

TO AMEND SECTION 14.08(a)(4) TO PROHIBIT CITY EMPLOYEES FROM CONTRIBUTING FUNDS TO A POLITICAL ACTION COMMITTEE FOR USE IN A CITY ELECTION.

Sec. 14.08. Prohibitions.

(a) Activities Prohibited.

- (4) No employee of the City shall make, solicit or receive any contribution to the campaign funds of any candidate or ~~of~~ to any political party or political action committee 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 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.

Arguments in favor of the proposed amendment: The current Charter language has a “loop hole” that does not specifically prohibit a City employee from contributing money to a political action committee to be used in a City election. This language closes that loop hole.

Arguments in opposition of the proposed amendment: The current language has created no specific issue. The Charter should be left as is.

RECOMMENDATION NO. 4:

TO AMEND SECTION 3.01 BY DELETING THE SECOND PARAGRAPH RELATED TO THE TRANSITION FROM TWO YEAR TERMS TO THREE YEAR TERMS.

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 place on the City Council, such 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 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.~~

Arguments in favor of the proposed amendment: The proposed amendment deletes an outdated paragraph that governed the City's transition from two-year terms to three-year terms. This transition if fact occurred over 40 years ago and the paragraph is no longer needed.

Arguments in opposition of the proposed amendment: The current language does not cause a problem. Leaving the language in place gives a historical reference to the original Charter and how things have changed over time. The Charter should be left as is.

RECOMMENDATION NO. 5:

TO REPEAL SECTION 14.10 REGARDING THE SUBMISSION OF THE ORIGINAL CHARTER TO THE VOTERS IN 1977.

Sec. 14.10. — Submission of Charter to voters.

~~The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the voters of the City at an election to be held for that purpose on August 13, 1977. Not less than thirty (30) days prior to such election, the City Council shall cause the City Clerk to mail a copy of this Charter to each registered voter of the City as appears from the latest certified list of registered voters. If a majority of the registered voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Round Rock, and after the returns have been canvassed, the same shall be declared adopted and the City Clerk shall file an official copy of the Charter with the Records of the City. The Clerk shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the state of Texas and shall show the approval of such Charter by majority vote of the registered voters voting at such election.~~

Arguments in favor of the proposed amendment: The proposed amendment deletes an outdated section that governed the submission of the original Charter to the voters in 1977. The election to approve the Charter occurred over 40 years ago and the section is no longer needed.

Arguments in opposition of the proposed amendment: The current language does not cause a problem. Leaving the language in place gives a historical reference to the original Charter and how things have changed over time. The Charter should be left as is.