



Mayor
Craig Morgan

Mayor Pro-Tem
Matthew Baker

Councilmembers
Michelle Ly
Rene Flores
Frank Ortega
Kristin Stevens
Hilda Montgomery

City Manager
Laurie Hadley

City Attorney
Stephanie L. Sandre

October 24, 2023

Mayor Craig Morgan
Mayor Pro Tem Matthew Baker
Councilmember Michelle Ly
Councilmember Rene Flores
Council Member Frank Ortega
Councilmember Kristin Stevens
Councilmember Hilda Montgomery

Re: Official Report of the 2023 Round Rock Charter Review Commission

Dear Mayor Morgan and Councilmembers:

As Chairman of the 2023 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,

Writ Baese, Chairman
Charter Review Commission

On behalf of the Commission Members:

Melissa Fleming, Vice Chairman
Will Peckham
Jessica Mosman
Shannon Probe
Kellie Schindel
Richard Parson

**2023 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 2023 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. 4.03(a)(b)(e) and (f) be amended 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.

Recommendation No. 2

We recommend that Sec. 12.04 be amended by deleting (3) 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.

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.

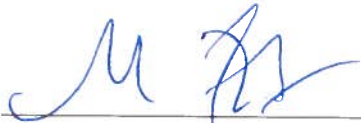
Dated this 24th day of October, 2023.

Respectfully submitted,

2023 Round Rock Charter Review Commission



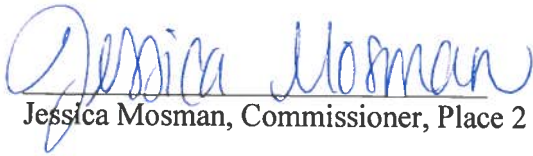
Writ Baese, Commission Chairman



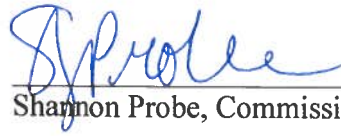
Melissa Fleming, Vice Chairman, Place 3



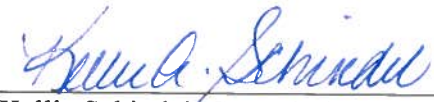
Will Peckham, Commissioner, Place 1



Jessica Mosman, Commissioner, Place 2



Shannon Probe, Commissioner, Place 4



Kellie Schindel, Commissioner, Place 5



Richard Parson, Commissioner, Place 6

RECOMMENDATION NO. 1:

TO AMEND SECTION 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.

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.

Arguments in favor of the proposed amendment: The current Charter language is vague and does not distinguish between the presiding municipal court judge and the additional associate judges or set forth the requirements for said associate judges. It also does not consider that a portion of the costs and fines are required to go to the state in lieu of the City Treasury.

Arguments in opposition of the proposed amendment: Elections are time consuming and expensive. Current language has not caused a problem in the past.

RECOMMENDATION NO. 2:

TO AMEND SECTION 12.04 BY DELETING (3) 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.

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.

Arguments in favor of the proposed amendment: The current Charter language requires the Planning and Zoning Commission to study plats and plans of proposed subdivision and insure that all plats and plans conform to the City's ordinances. Prior to the passage of HB 3699 amending Section 212.0065(a) of the Texas Local Government Code which became effective September 1, 2023, City staff could only be delegated by state law the ability to approve certain plat amendments and certain minor plats or replats. HB 3699 expanded that delegation ability to the approval, approval with conditions, or disapproval of a plat. The approval, approval with conditions, or disapproval of a plat is a technical and administrative function that is most efficiently and effectively accomplished by City staff. The process for plat review will be timelier for developers, as developers will not have to wait for their plats to be placed on a Planning and Zoning Commission agenda for action.

Arguments in opposition of the proposed amendment: Elections are time consuming and expensive. Current language has not caused a problem in the past.