

**ORDINANCE NO. 2024-041**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER AT THE SPECIAL ELECTION HELD ON TUESDAY, NOVEMBER 5, 2024; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City Council of the City of Bastrop, Texas, on August 19, 2024, ordered that a Special Election to amend the Home Rule Charter be held within the City of Bastrop on November 5, 2024, for the purpose of submitting to the resident qualified electors of the City of Bastrop the propositions hereinafter set forth; and

**WHEREAS,** Notice of Special Election and proposed Amendments were duly published in the Austin American Statesman on Friday, September 27, 2024, and Friday, October 4, 2024, and posted on the bulletin board at City Hall; and

**WHEREAS,** The City Council has investigated all matters pertaining to the Election, including Ordinance No. 2024-25 and Ordinance No. 2024-26 calling the Special Election, giving notice, appointing officers, holding and making returns of the Election; the election officers who held the Election have duly made the returns of the results thereof; and said returns have been duly delivered to the City Council to conduct the official canvass of the returns thereof; and

**WHEREAS,** Upon the consideration of the returns of the Election, it is hereby found and determined that the same was held in accordance with the authorizing proceedings and was in all respects legally held after due notice had been given, and the returns duly and legally made, along with other instruments; and

**WHEREAS,** The Official Canvass of the Returns of the November 5, 2024, Special Home Rule Charter Election showed the following results:

**PROPOSITION A**

Shall Section 2.03 of the Bastrop City Charter be amended to conform with state law by removing reference to the City's power to annex territory without consent of the inhabitants?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION B**

Shall Section 3.06(6) of the Charter be amended to conform with state law creating a vacancy on the City Council when a Council Member announces their candidacy for certain elected offices and the unexpired term of the Council Member exceeds one year and thirty days?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION C**

Shall Section 3.16 of the Charter be amended to reflect the fact that codes of technical regulations are available to the public digitally and free of charge?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION D**

Shall Section 3.17(b) of the Charter be amended to reflect the fact that ordinances are available to the public digitally and free of charge?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION E**

Shall Section 5.02 of the Charter be amended to conform with state law by stating that the term of office of municipal court judges shall be provided for by ordinance?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION F**

Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION G**

Shall the Charter be amended throughout to replace gender-specific language with gender-neutral terminology?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION H**

Shall Section 3.01 of the Charter be amended to clarify that the Mayor appoints candidates to serve on boards (committees, commissions, task forces, etc.) and the Council considers confirmation of the appointment?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION I**

Shall Section 3.07 of the Charter be amended to compensate the Mayor at a rate of \$400 per month and Council Members at \$250 per month? Sitting Mayor and Council Members at the time of a compensation increase shall be ineligible to receive the additional funds until re-elected.

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION J**

Shall Section 13.09 of the Charter be amended to mandate that the City Council must appoint a Charter Review Commission every six years?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION K**

Shall Section 3.13 of the Charter be amended to specify that four members of the Council shall constitute a quorum to do business, but three members of the Council shall constitute a quorum for all other purposes of compliance with the Texas Open Meetings Act?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION L**

Shall Section 4.01 of the Charter be amended to remove the requirement that the City Manager must reside within the City Limits?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**PROPOSITION M**

Shall an Article be added to the Charter as Article XV and titled “Bastrop Freedom Act” providing for the limited enforcement of marijuana offenses and establishing a policy to reform marijuana enforcement by City personnel with objectives of carefully allocating city resources, declaring misdemeanor marijuana offenses as the City’s lowest enforcement priority, and reducing the risk of discriminatory enforcement practices through the enactment of provisions addressing police enforcement of marijuana offenses?

Votes FOR: \_\_\_\_\_

Votes AGAINST: \_\_\_\_\_

**TOTAL BALLOTS CAST IN THE NOVEMBER 5, 2024 SPECIAL ELECTION: XXXX**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:**

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and are adopted by the City Council as part of its legislative findings.

**SECTION 2.** The City Council, having canvassed the returns of said Special Election and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made as presented herein.

**SECTION 3.** That the City Secretary shall record in the Office of the City Secretary the Charter amendments adopted by the voters of the City of Bastrop. The City Secretary with assistance of the City Attorney shall prepare an ordinance amending the Home Rule Charter indicating the approval of the qualified voters of the City of Bastrop of said amendments for future action by the City Council.

**SECTION 4.** This Ordinance shall become effective from and after its adoption.

**READ AND APPROVED** by the Bastrop City Council on first reading on this **12th** day of **November 2024.**

**READ AND ADOPTED** by the Bastrop City Council on second and final reading on this **10th** day of **December 2024.**

**CITY OF BASTROP, TEXAS**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Victoria Psencik, Assistant City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney