

## ORDINANCE NO. 2023-19

### AN ORDINANCE OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 1 OF THE BASTROP CODE OF ORDINANCES, CHAPTER 2, ARTICLE 1.04, SECTION 1.04.002, PROVIDING FOR AUTOMATIC RESIGNATIONS OF MEMBERS OF CERTAIN BOARDS, COMMITTEES AND COMMISSIONS WHO RUN FOR CITY COUNCIL; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE AND MEETING

**WHEREAS**, pursuant to Article 3, Section 3.01 of the City of Bastrop's Home Rule Charter, and Chapter 1, Article 1.04 of the Bastrop Code of Ordinances, the City Council of the City of Bastrop (City Council) may provide for boards and commissions, and appoint or remove members serving on those boards and commissions; and

**WHEREAS**, pursuant to Section 51.072 of the Texas Local Government Code, as a Home-Rule Municipality the City of Bastrop has the full power of self-government and the authority incident to local self-government; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to protect and preserve the integrity of certain boards, commissions and committees from the pressures and compromises that often accompany political campaigns and the act of running for elected office; and

**WHEREAS**, the City Council finds the attached ordinance provisions to be reasonable and necessary.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, TX:**

**Section 1. Findings of Fact:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. Amendment:** Chapter 1 of the Bastrop Code of Ordinances, Article 1.04 [Boards, Committees and Commissions], Section 1.4.002 [Membership, Terms] is hereby amended, and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**Section 3. Repealer:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.

**Section 4. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable

by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 5. Codification:** The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**Section 6. Effective Date:** This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

**Section 7. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED on *First Reading*** by the City Council of the City of Bastrop, on this, the 27<sup>th</sup> day of June 2023.

**PASSED & APPROVED on *Second Reading*** by the City Council of the City of Bastrop, on this, the 11<sup>th</sup> day of July 2023.

**APPROVED:**

by: \_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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

**City of Bastrop**

**Code of Ordinances**

**Chapter 1. General Provisions**

**Article 1.04. Boards, Committees and Commissions**

The Code of Ordinances is amended by amending Section 1.04.002 and inserting the following language:

**Sec. 1.04.002 - Membership, terms.**

Unless otherwise controlled and mandated by state or federal law and/or City Charter, the following overarching provisions shall apply to the city's boards, commissions, task forces, committees and advisory bodies ("board(s)," "body" or "advisory bodies"):

(7) Members of advisory boards that are subject to the Code of Ethics, Article 1.15 of the Code of Ordinances, shall be deemed to have resigned and automatically vacated their place immediately upon filing an application for a place on the ballot to run for city council.