

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, to submit to the resident-qualified electors of the City of Bastrop the propositions as submitted by the Home Rule Charter Committee is 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 about 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, staff discovered a Scrivener's Error related to Proposition J which indicated an amendment to Section 3.09 instead of Section 13.09. The wording is correct, but the ballot and Notice of Special Election showed the incorrect Section. The results of said Proposition J are shown as follows and are recommended to be included in a future Home Rule Charter Election.

PROPOSITION J: Shall Section 3.09 of the Charter be amended to mandate that the City Council must appoint a Charter Review Commission every six years?

J	TOTAL	Absentee	EV	ED
For	3,759	156	2,988	615
Against	516	19	418	79
TOTAL	4,275	175	3,406	694
Overvotes	0	0	0	0
Undervotes	812	40	617	155
Contest TTL	5,087	215	4,023	849

WHEREAS, upon the consideration of the returns of the Election, it is hereby found and determined that the election was held by 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 with the adoption of Propositions A, B, C, D, E, F, G, H, I, K, L, and M.

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 Official Canvass of the Returns of the November 5, 2024, Special 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 the consent of the inhabitants?

A	TOTAL	Absentee	EV	ED
For	2,599	114	2,095	390
Against	1,785	66	1,397	322
TOTAL	4,384	180	3,492	712
Overvotes	0	0	0	0
Undervotes	703	35	531	137
Contest TTL	5,087	215	4,023	849

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?

B	TOTAL	Absentee	EV	ED
For	3,629	155	2,904	570
Against	673	22	527	124
TOTAL	4,302	177	3,431	694
Overvotes	0	0	0	0
Undervotes	785	38	592	155
Contest TTL	5,087	215	4,023	849

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?

C	TOTAL	Absentee	EV	ED
For	4,132	176	3,276	680
Against	303	9	253	41
TOTAL	4,435	185	3,529	721
Overvotes	0	0	0	0
Undervotes	652	30	494	128
Contest TTL	5,087	215	4,023	849

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?

D	TOTAL	Absentee	EV	ED
For	4,160	179	3,303	678
Against	294	8	249	37
TOTAL	4,454	187	3,552	715
Overvotes	0	0	0	0

Undervotes	633	28	471	134
Contest TTL	5,087	215	4,023	849

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?

E	TOTAL	Absentee	EV	ED
For	3,658	157	2,901	600
Against	509	14	422	73
TOTAL	4,167	171	3,323	673
Overvotes	0	0	0	0
Undervotes	920	44	700	176
Contest TTL	5,087	215	4,023	849

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?

F	TOTAL	Absentee	EV	ED
For	3,112	135	2,495	482
Against	851	28	689	134
TOTAL	3,963	163	3,184	616
Overvotes	0	0	0	0
Undervotes	1,121	52	836	233
Contest TTL	5,084	215	4,020	849

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

G	TOTAL	Absentee	EV	ED
For	1,907	103	1,539	265
Against	2,559	75	2,013	471
TOTAL	4,466	178	3,552	736
Overvotes	0	0	0	0
Undervotes	621	37	471	113
Contest TTL	5,087	215	4,023	849

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?

H	TOTAL	Absentee	EV	ED
For	3,204	142	2,555	507
Against	1,044	35	830	179
TOTAL	4,248	177	3,385	686
Overvotes	1	0	1	0
Undervotes	838	38	637	163
Contest TTL	5,087	215	4,023	849

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.

I	TOTAL	Absentee	EV	ED
For	2,543	127	2,026	390
Against	1,767	51	1,407	309
TOTAL	4,310	178	3,433	699
Overvotes	1	1	0	0
Undervotes	776	36	590	150
Contest TTL	5,087	215	4,023	849

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?

K	TOTAL	Absentee	EV	ED
For	3,072	119	2,439	514
Against	1,107	56	894	157
TOTAL	4,179	175	3,333	671
Overvotes	0	0	0	0
Undervotes	908	40	690	178
Contest TTL	5,087	215	4,023	849

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?

L	TOTAL	Absentee	EV	ED
For	1,665	71	1,305	289
Against	2,772	111	2,225	436
TOTAL	4,437	182	3,530	725
Overvotes	1	0	1	0
Undervotes	649	33	492	124
Contest TTL	5,087	215	4,023	849

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?

M	TOTAL	Absentee	EV	ED
For	3,204	115	2,526	563
Against	1,387	63	1,120	204
TOTAL	4,591	178	3,646	767
Overvotes	2	0	2	0
Undervotes	494	37	375	82
Contest TTL	5,087	215	4,023	849

SECTION 3. 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 the 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. The City Secretary shall record in the Office of the Texas Secretary of State the

2024 City of Bastrop, Texas Home Rule Charter as Amended.

SECTION 5. This Ordinance shall become effective from and after its adoption.

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

RETURNED TO FIRST READING, READ AND ADOPTED by the Bastrop City Council on first reading on this the 10th day of DECEMBER 2024.

READ AND ADOPTED by the Bastrop City Council on the second and final reading on this the 14th day of JANUARY 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney