



STAFF REPORT

MEETING DATE: December 10, 2024

TITLE:

Consider and act on first reading of Ordinance No. 2024-51; An Ordinance Ordering a Special Election to be held on Saturday, May 3, 2025 for the Recall of Mayor Lyle Nelson According to the Bastrop Home Rule Charter; Designating Polling Places with the City; Establishing other Procedures for the Conduct of the Special Election, Including Providing that the Election is to be held as a Joint Election in Conjunction with Bastrop County; Providing a Severability Clause; and Providing an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Irma G. Parker, City Secretary, TRMC, CMC

BACKGROUND/HISTORY:

A petition for the recall of Mayor Nelson was submitted on July 25, 2024. After a 'cure' to the missing items in the petition, was submitted on September 3, 2024. It was certified by the City Secretary, Irma G. Parker on Tuesday, September 17, 2024. See timeline below:

July 25, 2024	A petition to recall Mayor Lyle Nelson was submitted to the Bastrop City Secretary's office.
July 26, 2024	Counsel for Relator Mayor Lyle Nelson sent a demand to the Bastrop City Secretary to declare the Petition insufficient for lack of signer's affidavit on each page.
August 13, 2024	Respondent Interim City Secretary submitted a staff report to the City Council declaring the Petition insufficient for lack of a signer's affidavit on each page.
September 3, 2024	Petition circulators submitted a "Supplementary" recall petition to the City Secretary.
September 15, 2024	Relator's counsel sent a demand to the Interim City Secretary that she hold the Supplementary recall petition as insufficient for lack of valid signer's affidavits.
September 17, 2024	Interim City Secretary presented her determination (dated September 13, 2024) to the City Council that the Supplementary recall petition is sufficient.
September 22, 2024	A Writ of Mandamus (suit) is filed against City Secretary Irma G. Parker for certifying the petition.
November 25, 2024	The Writ of Mandamus was denied. The petition was declared valid.

The final petition tally is as follows:

Number	Comment
1,738	Signatures contained in the Petition Pages
-132	Minus disqualified Petition Signatures
-8	Minus requests for Withdrawal received before the Petition was filed
4	Withdrawal requests received after the Petition was filed (noted – but not counted in the final count)
1,598	Required Signatures for a Valid Petition
1,557	25%- Number of Qualified Signatures Required for a Valid Petition

Per the City Charter, Section 10.08 "Recall Election," within five (5) days after such petition has been certified and presented to the Council, the person seeking to be removed may request in writing to have a public hearing to present facts pertinent to the charges specified in the petition.

The deadline for such hearing has passed with no request by Mayor Lyle Nelson.

Bastrop Charter requires an election be ordered.

FISCAL IMPACT:

Costs of a Special Recall Election *after* the May 3, 2025 regular election, *if successful* in a recall of Mayor Lyle Nelson, could cost \$25,000+.

RECOMMENDATION:

As required by Section 10.08, the Bastrop City Council must call an election.

ATTACHMENTS:

1. Ordinance
2. Writ of Mandamus
3. Court ruling the petition valid
4. Amicus brief