

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RATIFYING THE ORDINANCE CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A NOVEMBER 5, 2024, SPECIAL ELECTION FOR THE PURPOSE OF AMENDING THE HOME-RULE CHARTER REGARDING THE ENFORCEMENT OF MARIJUANA LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR PROPER MEETING AND NOTICE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop, Texas, seeks to call a special election to be held on November 5, 2024, for the purpose of amending the Home Rule Charter as hereinafter set out; and

WHEREAS, the City of Bastrop’s Home-Rule Charter is a foundational governmental document. Much like a municipality’s constitution, the Charter is both the legal source of authority and a limit on the City’s authority. Along with state law, it establishes the essential framework for the local government; and

WHEREAS, the proposed Charter amendments will be adopted if approved by a majority of the qualified voters at an election held for that purpose in accordance with the Charter, Article 11, Section 5 of the Texas Constitution, Chapter 52 of the Texas Election Code, and Sections 9.004 and 9.005 of the Texas Local Government Code; and

WHEREAS, pursuant to Local Government Code Section 9.004, the ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election; and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and an ordinance must be passed establishing the procedures to be followed in the election and designating the voting places for the election.

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

Section 1. **Finding of Facts:** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. It is hereby ordered that a special election be held in the City of Bastrop on November 5, 2024, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters certain proposed amendments to the Charter of the City of Bastrop.

Section 3. All qualified voters of the City shall be entitled to cast a vote in the special election of the City.

Section 4. At the special election for consideration of proposed Charter amendments, the voters of the City of Bastrop may vote FOR or AGAINST each of the following amendments to the City Charter of the City of Bastrop, Texas:

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?

_____ FOR

_____ AGAINST

Section 5. This City has eight (8) election precincts (1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017) and voters are allowed to vote at any of the locations. The election shall be held at the following locations:

LOCATION	ADDRESS	CITY
Wyldwood Baptist Church	398 Union Chapel Road	Cedar Creek
Aqua Water Supply	415 Old Austin Hwy.	Bastrop
River Valley Christian Fellowship	1224 W. State Highway 71	Bastrop
Bastrop County Courthouse Annex	804 Pecan Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Bastrop County Community Center	15 American Legion Drive	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
Bastrop County Road and Bridge Precinct 4	1133 Dildy Dr.	Elgin
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Highway 95	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop Co. ESD No. 2 Fire Station 4	1432 N. State Highway 95	Bastrop

Section 6. The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be prepared in conformity to the Texas Election Code.

Section 7. The Office of the Texas Secretary of State has certified that the Election Systems & Software’s (ES&S) EVS 6110 which includes the Express Vote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner is an accessible voting system that may legally be used in Texas elections.

Section 8. Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

Section 9. As chief elections officer as appointed by the Bastrop City Council, **the Elections Administrator** must, according to Section 61.012 of the Texas Election Code provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

Section 10. For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by Bastrop County Elections Administrator. The Presiding Judge at such election shall appoint no less than two (2), no more than five (5) clerks on election day.

Section 11. The polls at the above-designated polling place shall be open on the Election Day from 7:00 a.m. to 7:00 p.m.

Section 12. The City will use its official website to post those notices required by law and any election information it deems necessary during the conduct of this election. The City’s website is <https://www.cityofbastrop.org/>.

Section 13. Kristin Miles is hereby appointed Clerk for Early Voting. Early voting begins on October 21, 2024, the twelfth (12th) day before the election and ends on November 1, 2024, the fourth (4th) day preceding the date of the election.

EARLY VOTING DATES, TIMES, AND LOCATIONS

(voters are allowed to vote at any of the locations)

Main Location: Bastrop County Courthouse Annex, Lower-Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

SUNDAY (DOMINGO)	MONDAY (LUNES)	TUESDAY (MARTES)	WEDNESDAY (MIÉRCOLES)	THURSDAY (JUEVES)	FRIDAY (VIERNES)	SATURDAY (SÁBADO)
	21 8am – 5pm	22 8am – 5pm	23 8am – 5pm	24 8am – 5pm	25 8am – 5pm	26 7am – 7pm
27 9am - 3pm	28 7am – 7pm	29 7am – 7pm	30 7am – 7pm	31 7am – 7pm	1 7am – 7pm	

Branch Locations:

BRANCH LOCATIONS	ADDRESS	CITY
Wyldwood Baptist Church	398 Union Chapel Rd.	Cedar Creek
Aqua Water Supply	415 Old Austin Hwy.	Bastrop
River Valley Christian Fellowship	1224 W. Hwy 71	Bastrop
Bastrop County Courthouse Annex	804 Pecan Street	Bastrop
Paige Community Center	107 S. Main Street	Bastrop
Bastrop County Community Center	15 American Legion Drive	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
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Elgin Recreation Center	361 N. Hwy 95	Elgin
Bastrop County Road & Bridge, Precinct 4	1133 Dildy Drive	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop County ESD #2 – Station 4	1432 N. Hwy 95	Bastrop

Branch Locations Date and Time

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Section 14. Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Kristin Miles, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on October 25, 2024, the eleventh (11th) day before the election.

Section 15. For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Presiding Judges and Alternative Judges for all polling locations and Central Count and the Early Voting Ballot Board, as approved by County Commissioners. In accordance with Section 87.002 et seq. of the Texas Election Code the presiding judge shall appoint at least two (2) other members to the Early Voting Ballot Board and shall process early voting results in accordance with the Texas Election Code.

Section 16. The Presiding Judge and Alternate Presiding Judge will receive compensation at the rate of \$12.00 per hour. The Clerks will receive compensation at the rate of \$10.00 per hour. The Presiding Judge or his/her designee will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies after the polls close.

Section 17. The special election shall be held in accordance with the Election Code and Local Government Code of this State and only resident qualified voters of the City shall be eligible to vote at the election.

Section 18. The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, Section 9.004 of the Local Government Code, and all necessary orders and writs for the election shall be issued by the proper authority. Returns of the election shall be made to the City Council immediately after the closing of the polls.

Section 19. Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 20. Repealer: All orders, ordinances, and resolutions, or parts thereof, which 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 resolved herein.

Section 21. Proper Meeting & Notice: The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 22. Effective Date: This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

READ & APPROVED on First Reading by the City Council of the City of Bastrop on this, the 13th day of August 2024.

READ & APPROVED on Second Reading by the City Council of the City of Bastrop on this, the 19th day of August 2024.

ADOPTED & RATIFIED by the City Council of the City of Bastrop, Texas on this the 27th day of AUGUST 2024.

CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, Interim City Secretary

Alan Bojorquez, City Attorney