



STAFF REPORT

MEETING DATE: August 19, 2024

TITLE:

Consider and act on a charter amendment decriminalizing certain amounts of marijuana and calling for a special election on November 5, 2024.

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

BACKGROUND/HISTORY:

A petition was circulated that was certified and garnered sufficient signatures to be placed on the ballot in November 2024 regarding marijuana.

Per our City Attorney, the following is a list of cities who have passed ordinance amendments (not charter amendments)

- Austin: Ordinance No. 20220118-002; now codified in Title 16 of the Code of Ordinances as the Austin Freedom Act of 2021.
- San Marcos: Proposition A; now codified in Ch. 54, Art. 4 of the Code of Ordinances.
- Killeen: Proposition A; now codified in Ch. 21, Art. 5 of the Code of Ordinances.
- Denton: Proposition B; now codified in Ch. 22, Article 5 of the Code of Ordinances.
- Elgin: Proposition A; now codified in Ch. 24, Article 5 of the Code of Ordinances.

Subsequently, the Attorney General Ken Paxton, filed suit against such cities. The result of those changes are below:

- Austin: a Travis County district court judge dismissed the AG's case against the City.
- San Marcos: the AG suit remains pending.
- Killeen: the Bell County attorney filed suit against the City for the ordinance.
- Denton: the AG suit remains pending. However, both the City Council and Chief of Police have refused to enforce the ordinance.
- Elgin: the City settled with the AGs office via a consent decree and agreed to drop enforcement of the ordinance

FISCAL IMPACT:

\$31,000 for an election

RECOMMENDATION:

Review the attached staff report and consider the impacts of the amendment.

ATTACHMENTS:

1. Memo from the Chief of Police, V. Steffanic
2. Election Costs
3. Ordinance language will be provided at the meeting on Monday.