

## ORDINANCE NO. 2024-\_\_\_\_

ORDINANCE CALLING A SPECIAL ELECTION  
TO AMEND THE HOME-RULE CHARTER

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

**Cty Atty Note:**

- *First Reading occurred on October 13<sup>th</sup>.*
- *Second Reading is anticipated to occur on October 19<sup>th</sup>.*
- *Props F & G have been removed as unnecessary.*
- *Prop H (formerly J) has been modified*
- *Prop K (formerly M) has been modified (further in this "F")*

**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. Order:** 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. Voters:** All qualified voters of the City shall be entitled to cast a vote in the special election of the City.

**Section 4. Propositions:** 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 A**

Shall Section 2.03 of the Charter be amended to conform with state law by removing reference to the City's power to annex territory without consent of the inhabitants?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**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?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**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?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**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?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**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?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION F**

*(formerly H)*

Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION G***(formerly I)*

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

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION H***(formerly J)*

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 ~~confirms~~ considers confirmation of the appointment?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION I***(formerly K)*

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?

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION J***(formerly L)*

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

\_\_\_\_\_FOR

\_\_\_\_\_AGAINST

**PROPOSITION K***(formerly M)***Cty Atty Note:** Council asked for 3 options to be presented on this item:

- (a) 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 voting members** of the Council shall constitute a quorum for all other purposes of compliance with the Texas Open Meetings Act?
- (b) 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?
- (c) 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 **except when attending a meeting of a committee appointed by the Council or discussing calling a Special Meeting?**

\_\_\_\_ FOR

\_\_\_\_ AGAINST

**PROPOSITION L***(formerly N)*

Shall Section 4.01 of the Charter be amended to remove the requirement that the City Manager must reside within the City Limits?

\_\_\_\_ FOR

\_\_\_\_ AGAINST

**Section 5.** This City has eight (8) election precincts and voters are allowed to vote at any of the locations. The election shall be held at the following locations:

For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 (including all of the area within the boundaries of the Bastrop City limits) the election polling places shall be as follows:

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 Co. ESD No. 2 Fire Station 3	926 FM 1441	Bastrop
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 (15th) day before the election and ends on November 1, 2024, the fourth (4th) day preceding the date of the election. SECTION 23.

**EARLY VOTING DATES, TIMES, AND LOCATIONS**  
(voters are allowed to vote at any of the locations)

**Main Location:** **Editor's Note: Verifying Hours**

Bastrop County Courthouse Annex, Lower Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>21</b> 7:00 am – 7:00 pm	<b>22</b> 8:00 am – 5:00 pm	<b>23</b> 8:00 am – 5:00 pm	<b>24</b> 8:00 am – 5:00 pm	<b>25</b> 8:00 am – 5:00 pm
<b>28</b> 7:00 am – 7:00 pm	<b>29</b> 8:00 am – 5:00 pm	<b>30</b> 8:00 am – 5:00 pm	<b>31</b> 8:00 am – 5:00 pm	<b>1</b> 8:00 am – 5:00 pm

4 7:00 am – 7:00 pm				
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**Branch Locations:**

Smithville Rec Center, 106 Royston St., Smithville

Bastrop County Cedar Creek Annex, 5785 FM, Bastrop also knowas 535, Cedar Creek, Bastrop

Elgin Recreation Center, 361 N. Hwy 95, Elgin

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
21 8:00 am – 5:00 pm	22 8:00 am – 5:00 pm	23 8:00 am – 5:00 pm	24 8:00 am – 5:00 pm	25 8:00 am – 5:00 pm
28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm	30 8:00 am – 5:00 pm	31 8:00 am – 5:00 pm	1 8:00 am – 5:00 pm
4 7:00 am – 7:00 pm				

**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, Carol Spencer is hereby appointed as Presiding Judge of the Early Voting Ballot Board. 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 13<sup>th</sup> day of August 2024.

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

**CITY OF BASTROP, TEXAS:**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

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Irma Parker, Interim City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney