

## **ORDINANCE 2023-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE CODE OF ORDINANCES, SECTION 1.02.005 REGARDING TERMINATION OF INACTIVE CAMPAIGN TREASURER APPOINTMENT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Bastrop is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

**WHEREAS**, the City Council of the City of Bastrop, Texas recognizes a need to add to its existing Code of Ordinances to adopt a process by which the City Secretary may terminate the campaign treasurer appointment of an inactive candidate or political committee; and

**WHEREAS**, Section 252.0131 of the Texas Election Code authorizes the governing body of a political subdivision by ordinance or order to adopt a process by which the city secretary of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the secretary; and

**WHEREAS**, the City Council of the City of Bastrop, Texas has determined that it is necessary to adopt a termination process; and

**WHEREAS**, in order to enact these provisions, it is necessary to amend the Bastrop Code of Ordinances by adding a new article to the Code of Ordinances.

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

**Section 1:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2:** That Chapter 1, Article 1.02, Section 1.02.005 "Termination Of Inactive Campaign Treasurer Appointment" of the Code of Ordinances of the City of Bastrop, Texas is hereby added to read as follows:

**Sec. 1.02.005 - TERMINATION OF INACTIVE CAMPAIGN TREASURER APPOINTMENT.**

(A) In this section, "inactive candidate" or "inactive political committee" means a candidate or political committee that:

- (1) has not filed a required report under Texas Election Code, Chapter 254 (Political Reporting), for more than one year since the last reporting deadline;
  - (2) in the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the city clerk; and
  - (3) has not filed:
    - (a) a final report under Texas Election Code, Section 254.065 (Final Report) or 254.125 (Final Report of Committee for Supporting or Opposing Candidate or Measure); or
    - (b) a dissolution report under Texas Election Code, Section 254.126 (Dissolution Report of Committee for Assisting Officeholder) or 254.159 (Dissolution Report).
- (B)The city clerk may terminate the campaign treasurer appointment of an inactive candidate or inactive political committee
- (C)Before the city clerk may terminate a campaign treasurer appointment under this section, the city council must consider and approve the proposed termination in a regularly scheduled open meeting.
- (D)Before the city clerk may terminate a campaign treasurer appointment under this section the city clerk must provide written notice to the affected candidate or committee of:
- (1)the proposed termination of the candidate's or committee's campaign treasurer appointment;
  - (2)the date, time, and place of the meeting at which the city council will consider the proposed termination; and
  - (3)the effect of termination of the candidate's or committee's campaign treasurer appointment.
- (E)The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the city council votes to terminate the appointment. Following that meeting, the city clerk shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

**Section 3:** All ordinances, resolutions, or parts thereof, that 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 regulated, herein.

**Section 4:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 5:** This Ordinance shall be effective immediately upon passage and publication.

**Section 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ** on First Reading on this the 14<sup>th</sup> day of February 2023.

**READ & ADOPTED** on Second Reading on this the 28<sup>th</sup> day of February 2023.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney