

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A MAY 7, 2022, SPECIAL ELECTION FOR THE PURPOSE OF AMENDING THE HOME RULE CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop, Texas, seeks to call a special election to be held on **May 7, 2022**, 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 Section 9.005 of the Texas Local Government Code; 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 THAT:

SECTION 1. 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 May 7, 2022, 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 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 3.15(b) of the Charter be amended to authorize the city council to waive by an affirmative vote of four (4) or more Council Members the requirement that an ordinance be read in two separate meetings?

_____FOR

_____AGAINST

PROPOSITION D

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 E

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 F

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 G

Shall Section 10.04 of the Charter be amended to conform with state law by requiring petitions calling for initiative or referendum elections to comply with the Texas Election Code?

_____FOR

_____AGAINST

PROPOSITION H

Shall Section 10.08 of the Charter be amended to conform with state law by requiring petitions calling for recall elections to comply with the Texas Election Code?

_____FOR

_____AGAINST

PROPOSITION I

Shall Section 12.01 of the Charter be amended to provide that the number of Planning and Zoning commissioners shall be established by ordinance?

_____FOR

_____AGAINST

PROPOSITION J

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 K

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

_____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
River Valley Christian Fellowship	1224 W. State Highway 71	Bastrop
Ascension Catholic Church	804 Pine Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Bastrop Co. ESD No. 2 Fire Station 3	926 FM 1441	Bastrop
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Substation	5785 FM 535	Cedar Creek
Bastrop Church of Christ	287 FM 20	Bastrop
Hills Prairie Baptist Church	1338 State Highway 304	Bastrop
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Highway 95	Elgin
New Life Baptist Fellowship	175 S. State 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. Section 61.012 of the Texas Election Code requires that the Bastrop City Council must 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. Kristin Miles is hereby appointed Clerk for Early Voting. Early voting begins on April 25, 2022, the twelfth (12th) day before the election and ends on May 3, 2022, 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.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Branch Locations:

Smithville Rec Center, 106 Royston St., Smithville
Cedar Creek Tax Office Annex, 5785 FM 535, Cedar Creek
Elgin Rec Center, 361 N. Hwy 95, Elgin

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Section 15. 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 April 26, 2022, the eleventh (11th) day before the election.

Section 16. For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Staci Calvert 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 17. 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 18. 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 19. 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 20. It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date to hold the drawing for a place on the ballot on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and the notice will be posted and remain posted continuously for at least seventy-two (72) hours preceding the scheduled time of the meeting. A copy of the return of the posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

Section 21. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby adopted and made a part of this ordinance for all purposes.

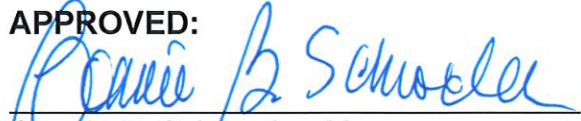
Section 22. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 23. 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 resolution 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 and APPROVED on First Reading on the 25th day of January, 2022.

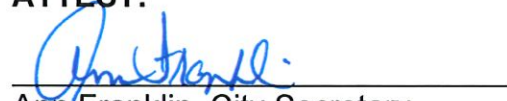
READ and APPROVED on Second Reading on the 8th day of February, 2022.

APPROVED:



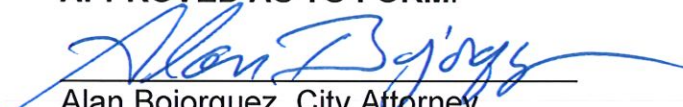
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney