

RESOLUTION NO. R-2023-44

BASTROP ECONOMIC DEVELOPMENT CORPORATION

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, REGARDING THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, EVALUATING PRESIDENT & CHIEF EXECUTIVE OFFICER, CALLING FOR A HIRING FREEZE, AND INITIATING THE ASSESSMENT OF EXPENDITURES; AND PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to the laws of the State of Texas, the Bastrop City Council (City Council) is the governing body of the City of Bastrop, Texas (City); and

WHEREAS, pursuant to Texas Local Government Code § 501.051 and upon voter approval, the City Council authorized the creation of Bastrop Economic Development Corporation (BEDC) and approved its Certificate of Formation; and

WHEREAS, pursuant to Texas Local Government Code § 501.062 and City of Bastrop Code of Ordinances article 1.04 it is the City Council that appoints the BEDC's Board of Directors; and

WHEREAS, pursuant to Texas Local Government Code § 501.064 it is the City Council that approved the BEDC's bylaws; and

WHEREAS, pursuant to Texas Local Government Code § 501.073 it is the City Council that approves all of the BEDC's programs and expenditures; and

WHEREAS, pursuant to Texas Local Government Code § 501.054 it is the City Council that approves all of the BEDC's proposed projects; and

WHEREAS, pursuant to Texas Local Government Code § 501.073 it is the City Council that has access to and may review all of BEDC's financial statements, corporate books and records; and

WHEREAS, pursuant to Texas Local Government Code § 501.401 it is the City Council that has authority to alter the structure, organization, programs and activities of the BEDC at any time; and

WHEREAS, pursuant to Texas Local Government Code § 501.054 the BEDC is subject to the control of the City Council; and

WHEREAS, the City Council has long questioned the policies of the BEDC in terms of economic incentives that are inconsistent with the goals established by the

City Council; and

WHEREAS, the City Council has become increasingly concerned about the public conduct of certain leaders of the BEDC and upon closer evaluation the City Council has concluded this behavior is inappropriate, unprofessional, and inexcusable; and

WHEREAS, the City Council finds it necessary and appropriate to take action designed to bring the BEDC into alignment with policy priorities that have been publicly established by the City Council; and

WHEREAS, the City Council finds that it is reasonable and prudent to take action intended to lessen friction and abate disharmony between the City of Bastrop and the BEDC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bastrop:

- Section 1:** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2:** The City Council hereby directs the City Manager to submit a letter to the BEDC Board of Directors detailing the City Council's concerns with the BEDC's failure to comply with written policy adopted by the City Council. The City Council instructs the Board of Directors to ensure immediate and total compliance with the policies as set forth by the BEDC and City Council.
- Section 3:** The City Council finds the conduct of the BEDC President and CEO to be inappropriate and in violation of the policies implemented by the BEDC and City Council, and therefore City Council instructs the BEDC Board of Directors to assess the actions of the BEDC President and CEO, and directs the BEDC Board of Directors to take any action deemed necessary and appropriate under the BEDC's power.
- Section 4:** The City Council hereby directs the BEDC Board of Directors to implement an immediate hiring freeze and refrain from employing additional personnel until an appropriate employment policy is approved by the City Council.
- Section 5:** The City Council hereby instructs the BEDC Board of Directors to make available to the City Manager and/or the City Manager's designee the BEDC's financial statements, corporate books, and all other financial records for review upon request.

Section 6: The City Council hereby directs that the information conveyed by the City Attorney to the BEDC's General Counsel shall be shared with the BEDC Board of Directors for the purposes of transparency and clarity.

Section 7: This Resolution shall be in full force and effect from and after its passage.

Section 8: The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution 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.

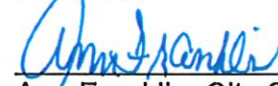
DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, TX, on this, the 7th day of March, 2023.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Rezzin Pullum, Assistant City Attorney