



**Early Voting**

**Oct. 1 – Nov. 1, 2024**

**ELECTION DAY**

**Nov. 5, 2024**

Go to

[https://www.cityofbastrop.org/page/cs.election\\_nov\\_2024](https://www.cityofbastrop.org/page/cs.election_nov_2024) for polling locations and times.

## 2024 Special Election

A Special Election of the City of Bastrop shall be held on Tuesday, November 5, 2024, to Vote on Possible Amendments to the Bastrop Charter.

All registered voters of the City may cast a vote on the propositions. Voters can vote FOR or AGAINST each proposition. A proposition will be adopted if approved by a majority of the qualified voters at the election held for that purpose. The propositions appear as follows.

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### Proposition A:

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

Yes    No

**Explanation:** The amendment has the Charter defer to state law and avoid conflicting language. Periodically the Texas Legislature modifies city statutory authority and procedures for annexing property. See Texas Local Government Code Chapter 43.

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### 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?

Yes    No

**Explanation:** The amendment makes the Charter consistent with the Texas Constitution. The Texas Constitution has a provision commonly referred to as the *Resign to Run* rule, which automatically creates vacancies in certain elected offices if

the incumbent announces they are seeking another elected office. The *Resign to Run* rule applies (in relevant part) when certain candidates for other offices have 1 year and 30 days left on their current term. The current Charter provision only references the 1 year mark, but omits the additional 30 days.

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**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?

Yes    No

**Explanation:** The amendment provides that the technical codes can now be accessed by the public on-demand and without fees from the City’s website. Technical regulations such as the *Building Bastrop Block Technical Manual* are often necessary to implement city policies regarding building and construction. State law does not require such rules to be posted online. Whether to provide technical codes online is a local policy decision. With advances in technology, it is not always necessary or feasible to print and sell hardcopy versions of the City’s Code of Ordinances.

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**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?

Yes    No

**Explanation:** The amendment provides that ordinances can now be accessed by the public on-demand and without fees from the City’s website. Ordinances are municipal rules and regulations. State law does not require ordinances be compiled into a published collection called the Code of Ordinances (i.e., codified). Whether to codify ordinances is a local policy decision. State law does not mandate how Codes of Ordinances are published when codified. Bastrop has a Code of Ordinances. With advances in technology, it is no longer necessary or feasible to print expensive hard copy versions of the City’s Code of Ordinances.

**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?

Yes     No

**Explanation:** The amendment brings the Charter into compliance with state law by removing the term of office from the Charter and allowing it to be set solely by ordinance. Texas law states that the City Council shall provide by ordinance for the term of office of its municipal judges. The current Charter provision provides the term, which conflicts with the Code of Ordinances. Texas Government Code § 30.00006(d).

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**Proposition F:**

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

Yes     No

**Explanation:** The amendment removes surplus language that was included as part of the 2010 Charter amendments as an explanation regarding the implementation of that collection of modifications, which included increasing terms of office from 2 to 3 years. They no longer have any relevance to the current Charter and will not affect any future amendments.

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**Proposition G:**

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

Yes     No

**Explanation:** The Charter is replete with gender-specific terms, including:

his, him,  
his or her,  
him/her,  
his/her,

The proposed amendment makes a uniform series of non-substantive edits throughout the Charter.

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**Proposition H:**

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 considers confirmation of the appointment?

Yes     No

**Explanation:** The amendment removes conflicting language regarding the Mayor's authority to appoint candidates to boards and the Council's authority to confirm the appointments.

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**Proposition I:**

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? Sitting Mayor and Council Members at the time of a compensation increase shall be ineligible to receive the additional funds until re-elected.

Yes     No

**Explanation:** The amendment provides a phased-in increase in compensation for the Mayor and Council Members. Currently the Charter specifies particular amounts of compensation for the Mayor and City Council Members. The question of a raise has arisen. An increase will not go into effect for an individual (Mayor or Council Member) until they are elected (or re-elected if an incumbent).

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**Proposition J:**

Shall Section 13.09 of the Charter be amended to mandate that the City Council must appoint a Charter Review Commission every six years?

Yes     No

**Explanation:** The amendment mandates that the Council appoint a Charter Review Commission every six years. Currently the Charter requires that at least every six years the Council must consider whether the Charter needs to be revised. Interest has been expressed in the notion of going the extra step to mandate that a Charter Review Commission be appointed to conduct that assessment. Neither state law nor the

Charter mandates that the Council appoint a Charter Review Commission (i.e., it's optional).

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**Proposition K:**

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?

Yes     No

**Explanation:** The amendment maintains the current Charter requirement that at least four members of the Council must be participating to conduct a Council meeting, and adds a lower quorum of 3 for all other purposes of compliance with the Texas Open Meetings Act. Typically, a quorum of a governing body is a *simple majority* of the entirety of the voting members. Under the Charter, the Council is comprised of five Council Members and a Mayor (who votes only in instances of a tie). Often in that situation a quorum would be three. However, the Charter currently sets the quorum at four for conducting Council meetings. The language added by the amendment precludes three members of the Council from deliberating matters of City business outside of properly-posted public meetings.

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**PROPOSITION L**

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

Yes     No

**Explanation:** The amendment removes a City Manager's residency restrictions from the Charter. If this amendment is approved, it would be up to the City Council to establish limitations on where the City Manager must reside (if any) through other means such as a job description, an ordinance, or an agreement with the City Manager.

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**PROPOSITION M**

Shall an Article be added to the Charter as Article XV and titled "Bastrop Freedom Act" providing for the limited enforcement of marijuana offenses and establishing a policy to reform marijuana enforcement by City personnel with objectives of carefully allocating

City resources, declaring misdemeanor marijuana offenses as the City's lowest enforcement priority, and reducing the risk of discriminatory enforcement practices through the enactment of provisions addressing police enforcement of marijuana offenses?

Yes     No

**Explanation:** The amendment changes the City's local enforcement of marijuana laws. The amendment is the result of a petition that was filed with the City. The objectives of the amendment are to:

- Reduce marijuana enforcement by City personnel.
- Declare misdemeanor marijuana offenses as the City's lowest enforcement priority.
- Reduce the risk of discriminatory enforcement practice.