

## **RESOLUTION NO. 2025-29**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ORDERING AND DECLARING CERTAIN NOVEMBER 2024 CHARTER AMENDMENTS ADOPTED.**

**WHEREAS,** the City Council of the City of Bastrop, Texas, on August 19, 2024, ordered that a Special Election to amend the Home Rule Charter be held within the City of Bastrop on November 5, 2024, to submit to the resident-qualified electors of the City of Bastrop the propositions as submitted by the Home Rule Charter Committee is hereinafter set forth; and

**WHEREAS,** notice of Special Election and proposed Amendments were duly published in the *Austin American Statesman* on Friday, September 27, 2024, and Friday, October 4, 2024, and posted on the bulletin board at City Hall; and

**WHEREAS,** the City Council duly canvassed the votes of the election; and

**WHEREAS,** propositions A through F and H through K and M were approved by the voters at the special election held for that purpose; and

**WHEREAS,** proposition G and L failed to be approved by the voters at the special election held for that purpose; and

**WHEREAS,** Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

**WHEREAS,** the City Council hereby finds and determines that proposition M is preempted by state law and unenforceable; and

**WHEREAS,** pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Bastrop, Texas, convened into a regular meeting of the City Council on this the 28<sup>th</sup>, day of January, 2025 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted.

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein and are adopted by the City Council as part of its legislative findings.

**SECTION 2.** It is hereby ordered that the amendments passed and approved by the voters as stated in A through F and H through K are hereby adopted and that the corresponding amending language,

with ~~strikethroughs~~ being deletions and underlines being additions, is hereby incorporated into the City of Bastrop's Charter:

**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 the consent of the inhabitants?

**AMENDED LANGUAGE**

**Section 2.03 - Annexation.**

The Council shall have the power by ordinance to fix the boundary limits of the City to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, ~~with or without the consent of the territory and inhabitants annexed.~~ During the annexation process, the Council shall provide an opportunity for all interested persons to be heard at public hearing(s), in conformance with state law. Upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance. When any additional territory has been annexed, the same shall be a part of the City, and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

**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?

**AMENDED LANGUAGE**

**Section 3.06 - Vacancies, Forfeiture of Office and Filling of Vacancies.**

The office of a Council Member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office. A Council Member shall forfeit that office if the Council Member:

(6) announces his/her candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the Council Member then held shall exceed one (1) year and thirty (30) days, such announcement or such candidacy shall constitute an automatic resignation of the Council position then held, as set forth in Article XVI, Sec. 65(b) of the Texas Constitution.

**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?

## **AMENDED LANGUAGE**

### **Section 3.16 - Codes of Technical Regulations.**

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedures and requirements governing such an adopting ordinance shall be that prescribed for ordinances generally. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Secretary pursuant to Section 3.17.

Copies of any adopted code of technical regulations shall be made available by the City Secretary for purchase at a reasonable price are available to the public on the City's website free of charge.

**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?

## **AMENDED LANGUAGE**

### **Section 3.17 - Authentication and Recording; Codification.**

(b) *Codification.* All City ordinances having the force of law shall be codified. The general codification shall be adopted by the Council by ordinance and shall be published in loose-leaf form and shall include this Charter and any amendments thereto. The official copy of the City Code in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in this codification any technical codes adopted by reference. Copies of the City Code shall be made available on-line to the public at no cost. ~~furnished to City offices, placed in libraries and public offices for free public reference and made otherwise available for purchase by the public at a reasonable price fixed by the Council. Amendments to the City Code shall also be made available for purchase by the public as they become available.~~

**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?

## **AMENDED LANGUAGE**

### **Section 5.02 - Judge of the Municipal Court.**

The Municipal Court shall be presided over by a Judge(s). The Judge(s) shall be nominated by the Mayor and appointed by the Council for a term to be set by ordinance, of three (3) ~~years to run concurrently with the term of the office of the Mayor, or for the portion of such unexpired term as may remain at the time of the appointment.~~ The Judge(s) shall receive such salary as shall be fixed by ordinance. In the absence or disability of the

Judge(s), the Council shall appoint one or more qualified persons to serve in an interim capacity. Such interim appointees shall have all powers and duties of the office and shall be entitled to compensation as set by the Council.

The Municipal Court Judge(s) may be removed from office in accordance with state law.

**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?

### **AMENDED LANGUAGE**

#### **Section 3.02 Number, Selection and Terms of Office.**

(b) Selection. The Mayor shall be elected to office from the city at large. The other members of the Council shall be elected to office at large, but by specific place which shall be designated as Places One (1), Two (2), Three (3), Four (4), and Five (5). Each year, two (2) Council places, including the Mayoral position, shall be up for election for three-year terms, ~~except as otherwise set forth in the Transitional Provisions hereinafter detailed.~~

#### **~~Section 14.03 Submission of Charter Amendment to Election.~~**

~~The City Council, in preparing these Charter Amendments, finds and declares that it is impracticable to segregate each subject so that the voter may vote "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to properly function it is necessary that it should be amended as set forth on the seven (7) separate ballots presented. For this reason, the City Council directs that the ballot provisions related to these Charter Amendments be voted upon as set forth on the seven (7) ballot propositions presented, and that these amendments shall be submitted to the qualified voters of the City at an election to be held on the 2nd day of November, 2010. The various Charter Amendments approved by a majority of the qualified voters, voting at this election, shall become the Amended Charter of the City of Bastrop on the date the Council enters an order in the records of the City declaring that the various approved Charter Amendments are adopted and the Home Rule Charter is, thus, Amended to include the ballot changes approved by the voters of the City of Bastrop. No amendments to the Charter are intended nor shall same be made other than those specifically approved by the voters in the upcoming election, and as noted herein. (Sec. 14.03 and by Ordinance 2010-32 adopted 12/14/10)~~

#### **~~Section 14.04 Transitional Elections/Staggered Terms.~~**

~~In order to provide for a smooth transition from the former two-year terms for all Council Members to the three-year staggered terms set forth in Charter Section 3.02, the following transitional election rules shall be applied.~~

~~(1) — *Staggering Terms.* At the first Council meeting following the approval by the electorate of three-year terms of office pursuant to the Amended Charter, then sitting Council Members, including the Mayor, shall draw lots to determine which Council places~~



~~and/or Mayoral position shall be subject to a transitional length term of office, in order to provide for staggering of terms, the objective being that as stated in Section 3.02; specifically that each year, two (2) Council places, including the Mayoral position, shall be up for election for 3-year terms of office.~~

~~(2) — *Implementation of Staggered Terms.* No City Council Member shall be required to draw lots that would result in a transitional term of less than two years or exceeding four years to accomplish the staggering of terms as set forth herein.~~

~~(3) — *Deadline for Accomplishing Staggering Terms.* The City Council shall accomplish staggering the terms of office for all Council Member places and the Mayoral position on or before the General Election that will occur in 2015.~~

~~(Sec. 14.04 added by Ordinance 2010-32 adopted 12/14/10)~~

**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?

### **AMENDED LANGUAGE**

#### **Section 3.01 - Powers and Duties.**

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are enumerated for greater certainty. The City Council may:

(5) provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, ~~and appoint the members of all such boards and commissions.~~ Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;

**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.

### **AMENDED LANGUAGE**

**The increase in compensation provided for herein shall not apply to the currently serving Mayor and City Council Members until such time as they may be re-elected.**

#### **Section 3.07 - Compensation and Expenses.**

The Mayor shall be compensated in the amount of ~~\$150~~ \$400 per month and each of the

other Council Members shall be compensated in the amount of \$75 \$250 per month.

**PROPOSITION J:** Shall Section 3.09 (*sic*) of the Charter be amended to mandate that the City Council must appoint a Charter Review Commission every six years?

### **AMENDED LANGUAGE**

#### **Section 13.09 - Charter Amendment.**

Proposed amendments to this Charter shall be framed and submitted to the voters of the City in the manner prescribed by state law.

The Council shall, at intervals not to exceed six (6) years, formally appoint a charter commission to meet, review and consider the need for revision(s) to the Charter. This review shall be based on a written report from the City Manager, with special attention given to conflicts, if any, between the Charter and state law, and recommending such amendments to the Charter as may seem necessary for legal, administrative or other reasons.

**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?

### **AMENDED LANGUAGE**

#### **Section 3.13 - Rules of Procedure.**

The Council shall determine its own rules of procedure and order of business. Three members of the Council shall constitute a quorum for all purposes under the Texas Open Meetings Act, except that Ffour members of the Council shall be necessary to hold any meeting and conduct ~~constitute a quorum to do~~ business, and a majority vote of those attending any meeting at which there is a quorum four members of Council present shall be sufficient to adopt any ordinance or resolution, except as otherwise provided in this Charter. The vote upon the passage of all ordinances and resolutions shall be taken by "ayes" and "nays," and the vote of each Council Member present shall be entered on the minutes of the meeting.

All meetings of the Council, except for executive sessions authorized by state law, shall be open to the public, and minutes of all proceedings of such open meetings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute the archives of the City.


**SECTION 3.** The City Secretary shall record the Charter amendments adopted by the voters of the City of Bastrop in the Office of the City Secretary.

**SECTION 4.** This Resolution shall become effective from and after its adoption.

**DULY READ AND ADOPTED** by the Bastrop City Council on this the 28th day of January 2025.





**CITY OF BASTROP, TEXAS**

  
John Kirkland, Mayor Pro - Tem

**ATTEST:**

**APPROVED AS TO FORM:**

  
Irma G. Parker, City Secretary  
for Victoria Benek,  
Assistant City Secretary

  
City Attorney's Office