

Bastrop Board of Ethics Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



March 25, 2024

Agenda - Board of Ethics at 1:30 PM

Board of Ethics meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

1. CALL TO ORDER

2. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission's presence will not be tolerated.

3. MINUTE APPROVAL

3A. Approval of minutes from February 6, 2024, meeting.

4. CONSIDER PROCEDURAL ISSUES

4A. Consider procedural motions, evidentiary objections, or issues related to complaint against Lyle Nelson.

5. EVIDENTIARY HEARING

- 5A. The Board of Ethics will conduct an Evidentiary Hearing with regard to the complaint filed by Mayor Pro Tem John Kirkland against Mayor Lyle Nelson to determine whether Lyle Nelson violated Section 1.15.009(h)(2) of the City of Bastrop Code of Ethics (Article 1.15 of the Code of Ordinances). Depending on the outcome of the Evidentiary Hearing, the Board of Ethics may deliberate and take action on the assessment of the appropriate sanction.

6. EXECUTIVE SESSION

- 6A. Ethics Commission may convene into closed executive session pursuant to Texas Government Code:

Section 551.071, to seek the advice of legal counsel regarding the formal ethics complaint received on January 18, 2024.

Section 551.074(a)(2), to consider a complaint or charge against a public officer (Lyle Nelson, Mayor) received on January 18, 2024.

7. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

8. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, March 14, 2024, at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Ann Franklin
Ann Franklin, City Secretary

**MINUTES OF SPECIAL MEETING
City of Bastrop Board of Ethics**

Monday, February 6, 2024

Pursuant to the Texas Government Code, Chapter 551, the City of Bastrop Board of Ethics met in a Special Meeting on Tuesday, February 6, 2024, at 10:00 a.m. at the Bastrop City Hall, 1311 Chestnut Street, Bastrop Texas. Commissioners present: Chairman Judge Duggan, and Commissioners Jackson and Caldwell. City Staff present: Ross Fischer, Attorney, Alan Bojorquez, City Attorney, and Ann Franklin, City Secretary.

CALL TO ORDER

At 10:00 a.m. Commissioner Duggan called the meeting to order with, a quorum present.

CITIZEN COMMENTS - NONE

MINUTE APPROVAL

- 3A. Approval of Meeting Minutes from September 12, 2022.
Motion was made by Commissioner Bernie to approve the minutes from the September 12, 2022, meeting, seconded by Commissioner Caldwell, motion was approved on a 5-0 vote.
- 4A. Consideration and discussion of complaint filed by Mayor Pro Tem Kirkland on January 18, 2024, determination as to whether the complaint shall be deemed actionable or baseless, and related procedural issues.
Continued below.

EXECUTIVE SESSION

The Board of Ethics met at 10:08 a.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 5A. Ethics Commission may convene into closed executive session pursuant to Texas Government Code:
- Section 551.071, to seek the advice of legal counsel and for preliminary assessment regarding the formal ethics complaint received on January 18, 2024.
 - Section 551.074(a)(2), to consider a complaint or charge against a public officer (Lyle Nelson, Mayor) received on January 18, 2024.

Commissioner Duggan recessed the Executive Session at 10:32 a.m.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

- 4A. Consideration and discussion of complaint filed by Mayor Pro Tem Kirkland on January 18, 2024, determination as to whether the complaint shall be deemed actionable or baseless, and related procedural issues.
Commissioner Duggan made a motion based on definitions contained in Ethics Ordinance to take as true would constitute violation of ordinance complaint is actionable, seconded by Commissioner Caldwell, motion was approved on a 5-0 vote.

Adjourned at 10:45 a.m. without objection.

Item 3A.

Judge Chris Duggan, Chair

Ann Franklin, City Secretary