

**Bastrop, TX City Council Meeting Agenda**  
Bastrop City Hall City Council Chambers  
1311 Chestnut Street  
Bastrop, TX 78602  
(512) 332-8800



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**August 15, 2023**

**Budget Workshop at 5:00 PM**

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*City of Bastrop City Council 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.*

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The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**PLEASE NOTE: ANYONE IN ATTENDANCE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT CITYOFBASTROP.ORG/CITIZENCOMMENT AT LEAST TWO HOURS BEFORE THE MEETING STARTS ON THE REQUESTED DATE. COMMENTS SUBMITTED BY THIS TIME WILL BE GIVEN TO THE CITY COUNCIL DURING THE MEETING AND INCLUDED IN THE PUBLIC RECORD, BUT NOT READ ALOUD. COMMENTS FROM EACH INDIVIDUAL IN ATTENDANCE WILL BE LIMITED TO THREE (3) MINUTES.**

**1. CALL TO ORDER**

**2. WORK SESSION**

2A. Discuss FY 2023-2024 Proposed Budget and provide feedback to City Manager.

**3. ITEMS FOR INDIVIDUAL CONSIDERATION**

3A. Consider action to approve the second reading of Ordinance No. 2023-27 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a combined ballot proposition reducing the Economic Development Sales and Use Tax and adopting a Street Maintenance Sales and Use Tax; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

**3B.** Consider action to approve Resolution No. R-2023-129 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Mayfest Park; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

**3C.** Consider action to approve Resolution No. R-2023-130 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Ferry Park; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

#### **4. 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 Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) at least two hours before the meeting starts on the requested date. Comments submitted by this time will be given to the City Council during the meeting and included in the public record, but not read aloud. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council 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 Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.*

#### **5. ADJOURNMENT**

***All items on the agenda are eligible for discussion and action unless specifically stated otherwise.***

***The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).***

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](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Friday, August 11, 2023, at 2:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Ann Franklin  
Ann Franklin, City Secretary



# STAFF REPORT

**MEETING DATE:** August 15, 2023

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2023-27 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a combined ballot proposition reducing the Economic Development Sales and Use Tax and adopting a Street Maintenance Sales and Use Tax; and providing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Texas Election Code

Chapter 3. Ordering Election

Sec. 3.001. Order Required

Each general and special election shall be ordered as provided by this chapter.

Sec. 3.004. Election of Political Subdivision.

(a) The following authority shall order an election:

- (1) the county judge, for the general election for officers of the county government;
- (2) the mayor, for the general election for city officers in a city with a population of 1.9 million or more; and
- (3) the governing body of a political subdivision, other than a county or a city described by Subdivision (2), that has elective offices, for the general election for those officers.

**FISCAL IMPACT:**

Estimated Amount:

- Joint Election - \$24,091.63

**RECOMMENDATION:**

Consider action to approve the first reading of Ordinance No. 2023-27 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a combined ballot proposition reducing the Economic Development Sales and Use Tax and adopting a Street Maintenance Sales and Use Tax; and providing an effective date.

**ATTACHMENTS:**

- Resolution English
- Resolution Spanish

**ORDINANCE NO. 2023-27****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A NOVEMBER 7, 2023, SPECIAL ELECTION FOR THE PURPOSE OF A COMBINED BALLOT PROPOSITION REDUCING THE ECONOMIC DEVELOPMENT SALES AND USE TAX AND ADOPTING A STREET MAINTENANCE SALES AND USE TAX; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Bastrop, Texas (“City”), seeks to call a special election to be held on November 7, 2023, for the purpose of a combined ballot proposition for reducing the Economic Development Sales Tax from the existing rate of one-half of one percent (0.50%) to a rate of one-eighth of one percent (0.125%), and adopting a Street Maintenance Sales Tax at a rate of three-eighths of one percent (0.375%), as hereinafter set out; and

**WHEREAS**, in 1995, the voters of the City approved and the City adopted a sales and use tax at a rate of one-half of one percent (0.50%) to be used for the promotion of and development of new or expanded business enterprises and any other purpose authorized by Section 4B, Article 5190.6, of the Development Corporation Act of 1979, as amended (the “Economic Development Sales Tax”); and

**WHEREAS**, the proceeds from the Economic Development Sales Tax have been used to fund the operations of the Bastrop Economic Development Corporation, a Type B economic development corporation established and operating under the provisions of the Development Corporation Act, as amended (which has subsequently been codified, in Texas Local Government Code [Tex. Loc. Gov’t Code] Chapters 501 through 507); and

**WHEREAS**, pursuant to Tex. Loc. Gov’t Code Section 505.2566, the tax rate of the Economic Development Sales Tax may be reduced to any rate that is an increment of one-eighth of one percent (0.125%) by an election for that purpose under Texas Tax Code Chapter 321; and

**WHEREAS**, Texas Tax Chapter 327 allows the City to adopt a sales and use tax for the maintenance and repair of municipal streets (the “Street Maintenance Sales Tax”), which may be adopted at a tax rate that is an increment of one-eighth of one percent (0.125%), by an election for that purpose under the procedures of Texas Tax Code Chapter 321; and

**WHEREAS**, under Texas Tax Code Section 321.409, the City may by a combined ballot proposition reduce a municipal sales tax and by the same proposition adopt another municipal sales tax; 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 November 7, 2023, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters a certain proposed combined ballot proposition regarding sales and use taxes in 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 the proposed combined ballot proposition regarding sales and use taxes in the City of Bastrop, the voters of the City of Bastrop may vote FOR or AGAINST the following proposition:

**PROPOSITION A**

Without increasing the current combined rate of all local sales and use taxes imposed by the City of Bastrop, the adoption of a local sales and use tax within the City of Bastrop for the promotion and development of new and expanded business enterprises and any other purpose authorized by Texas Local Government Code Chapter 505, as amended, at the rate of one-eighth of one percent (0.125%), which is a reduction from the current local sales and use tax for this purpose at a rate of one-half of one percent (0.50%), and the adoption of an additional local sales and use tax within the City of Bastrop at the rate of three-eighths of one percent (0.375%) to provide revenue for maintenance and repair of municipal streets and any other purpose authorized by Texas Tax Code Chapter 327, as amended.

\_\_\_\_\_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:

**ELECTION DAY POLLING 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:**

Aqua Water Supply	415 Old Austin Hwy	Bastrop
River Valley Christian Fellowship	1224 W. Hwy 71	Bastrop
Ascension Catholic Church	804 Pine St.	Bastrop
Paige Community Center	107 S. Main St.	Paige
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Rec Center	106 Royston St.	Smithville
Rosanky Community Center	135 Main St.	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
Red Rock Community Center	114 Red Rock Rd.	Red Rock
Elgin Recreation Center	361 N. Hwy 95	Elgin
Faith Lutheran Church	230 Waco St.	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop County ESD#2 Station 4	1432 N. Hwy 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 with the Texas Election Code.

**Section 7.** Section 61.012 of the Texas Election Code requires at least one accessible voting system in each polling place. 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.** For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by the 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 11.** The polls at the above-designated polling place shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

**Section 12.** 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 13.** Kristin Miles, Bastrop County Elections Administrator, is hereby appointed Clerk for Early Voting. Early voting begins on October 23, 2023, the seventeenth (17<sup>th</sup>) day before the election and ends on November 3, 2023, the fourth (4<sup>th</sup>) 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.

**Branch Locations:**

Smithville City Hall, 317 Main St., Smithville  
Cedar Creek United Methodist Church, 5630 FM 535, Cedar Creek  
Elgin Public Library, 404 N. Main St., Elgin

**October 23, 2023– November 3, 2023**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
23 8am – 5pm	24 8am – 5pm	25 8am – 5pm	26 8am – 5pm	27 8am – 5pm	28 9am – 12pm
30 8am – 5pm	31 8am – 5pm	1 8am – 5pm	2 7am – 7pm	3 7am – 7pm	

**Section 14.** 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 October 27, 2023, the eleventh (11<sup>th</sup>) day before the election.



**Section 15.** The Early Voting Ballot Board shall be created pursuant to Section 87.0001 et seq. of the Texas Election Code and shall process early voting results in accordance with the Texas Election Code. The Early Voting Ballot Board shall consist of the presiding judge, an alternate presiding judge, and at least one (1) other member, appointed in accordance with Section 87.002 et seq. of the Texas Election Code. 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.

**Section 16.** Members of the Early Voting Ballot Board will be compensated in accordance with Section 87.005 of the Texas Election Code. The Presiding Judge and Alternate Presiding Judges 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 17.** 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 18.** 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 19.** The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the Charter and Ordinances of the City of Bastrop.

**Section 20.** 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 21.** 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 22.** 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 ACKNOWLEDGED** on First Reading on the 8<sup>th</sup> day of August, 2023.

**READ and APPROVED** on Second Reading on the 15<sup>th</sup> day of August, 2023.

**APPROVED:**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

**ORDENANZA NUM. 2023-27**

**ORDENANZA DEL CONSEJO DE LA CIUDAD DE BASTROP, TEXAS, PARA CONVOCAR LA ELECCIÓN ESPECIAL DEL 7 DE NOVIEMBRE, 2023 Y ESTABLECER LOS PROCEDIMIENTOS, CON EL PROPÓSITO DE PRESENTAR UNA PROPOSICIÓN EN LA BOLETA COMBINADA PARA REDUCIR EL IMPUESTO SOBRE VENTAS Y USO PARA PROPÓSITOS DE DESARROLLO ECONÓMICO, Y ADOPTAR UN IMPUESTO SOBRE VENTAS Y USO PARA MANTENIMIENTO DE CALLES; Y PROPORCIONAR LA FECHA DE VIGOR.**

**POR CUANTO**, el Consejo de la Ciudad de Bastrop, Texas (la Ciudad), desea convocar una elección especial que se lleve a cabo el 7 de noviembre, 2023, con el propósito de presentar una proposición en la boleta combinada para reducir el Impuesto Sobre Ventas para propósitos de desarrollo económico de la tasa actual de una mitad del uno por ciento (0.50%) a una tasa que sea un octavo del uno por ciento (0.125%), y adoptar un Impuesto Sobre Ventas para mantenimiento de calles que sea en una tasa de tres-octavos del uno por ciento (0.375%), como se detalla en la siguiente; y

**POR CUANTO**, en 1995 los votantes de la ciudad aprobaron y la ciudad adoptó un impuesto sobre ventas y uso en una tasa de una mitad del uno por ciento (0.50%) que se usara para la promoción y desarrollo de empresas comerciales nuevas y ampliadas y para cualquier otro propósito autorizado por la Sección 4B, Artículo 5190.6 de la Ley del 1979 del Desarrollo de Corporaciones (Development Corporation Act of 1979), con sus enmiendas (“Impuesto Sobre Ventas para Desarrollo Económico”); y

**POR CUANTO**, los ingresos del Impuesto Sobre Ventas para Desarrollo Económico se han usado para financiar las operaciones de Bastrop Economic Development Corporation, una corporación Tipo B para desarrollo económico establecida y que funciona bajo las provisiones de la Ley del Desarrollo de Corporaciones con sus enmiendas (que subsecuentemente ha sido codificado en el Código de Gobiernos Locales de Texas [Tex. Loc. Gov’t Code] Capítulos 501 a 507); y

**POR CUANTO**, de conformidad con la Sección 505.2566 del Código de Gobiernos Locales de Texas, la tasa impositiva del Impuesto Sobre Ventas para Desarrollo Económico puede reducirse a cualquier tasa que sea en incrementos de un octavo del uno por ciento (0.125%) mediante una elección para ese propósito bajo el Capítulo 321 del Código de Impuestos de Texas; y

**POR CUANTO**, el Capítulo 327 de Impuestos de Texas permite a la Ciudad adoptar un impuesto sobre las ventas y uso para el mantenimiento y reparación de calles municipales (el “Impuesto Sobre Ventas para Mantenimiento de Calles”), que puede adoptarse a una tasa que es un incremento de un octavo del uno por ciento (0.125%), mediante una elección para ese propósito bajo los procedimientos del Capítulo 321 del Código de Impuestos de Texas; y

**POR CUANTO**, bajo la Sección 321.409 del Código de Impuestos de Texas, la Ciudad, mediante una proposición en una boleta combinada, puede reducir un impuesto municipal sobre ventas y por la misma proposición adoptar otro impuesto municipal sobre las ventas; y

**POR CUANTO**, las leyes del Estado de Texas establecen además que el Código Electoral del Estado de Texas es aplicable a las elecciones, y que se debe aprobar una ordenanza que instituya los procedimientos a seguir en la elección y que designe los sitios de votación para la elección.

**AHORA, POR LO TANTO, ORDÉNESE POR EL CONSEJO MUNICIPAL DE LA CIUDAD DE BASTROP, TEXAS QUE:**

**Sección 1.** Los considerandos que figuran en el preámbulo por la presente se determinan ser ciertos, y dichos considerandos se adoptan y forman parte de la presente Ordenanza a todos los efectos, y se adoptan como parte del juicio y las determinaciones del Consejo de la Ciudad.

**Sección 2.** Por la presente se ordena que se lleve a cabo una elección especial en la Ciudad de Bastrop el 7 de noviembre, 2023, de conformidad con todas las leyes aplicables y según lo dispuesto en esta Ordenanza, con el propósito de presentar a los votantes una proposición en una boleta combinada tocante impuestos sobre ventas y uso en la Ciudad de Bastrop.

**Sección 3.** Todos los votantes calificados de la Ciudad tendrán derecho a emitir su voto en la elección especial de la Ciudad.

**Sección 4.** En la elección especial para la consideración de la proposición en la boleta combinada tocante impuestos sobre ventas y uso en la Ciudad de Bastrop, los votantes de la Ciudad de Bastrop podrán votar A FAVOR o EN CONTRA de la siguiente proposición:

**PROPOSICIÓN A**

Sin aumentar la tasa actual combinada de todos los impuestos locales sobre ventas y uso que la Ciudad de Bastrop impone, la adopción de un impuesto local sobre ventas y el uso dentro de la Ciudad de Bastrop para la promoción y el desarrollo de empresas comerciales nuevas y ampliadas y cualquier otro propósito autorizado por el Capítulo 505 del Código de Gobiernos Locales de Texas, con sus enmiendas, a una tasa de un octavo del uno por ciento (0.125%), por lo cual se reduce la tasa actual que es la mitad del uno por ciento (0.50%) sobre ventas y uso para este propósito, y disponiendo la adopción de un impuesto local adicional sobre las ventas y el uso dentro de la Ciudad de Bastrop a una tasa de tres octavos del uno por ciento (0.375%) para proporcionar ingresos para el mantenimiento y reparación de calles municipales y cualquier otro propósito autorizado por el Capítulo 327 del Código de Impuestos de Texas, con sus enmiendas.

\_\_\_\_\_A FAVOR

\_\_\_\_\_EN CONTRA

**Sección 5.** La Ciudad cuenta con ocho (8) precintos electorales y se permite que los votantes voten en cualquiera de los sitios de votación. La elección será llevada a cabo en los siguientes sitios:

### SITIOS DE VOTACIÓN PARA EL DÍA DE ELECCIONES

Para los precintos electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011, y 3017 (incluyendo toda el área dentro de los límites de la Ciudad de Bastrop) los sitios de votación serán:

Aqua Water Supply	415 Old Austin Hwy	Bastrop
River Valley Christian Fellowship	1224 W. Hwy 71	Bastrop
Ascension Catholic Church	804 Pine Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Hwy 95	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop Co. ESD #2 Station 4	1432 N. Hwy 95	Bastrop

**Sección 6.** El/la Administrador/a de Elecciones del Condado por la presente queda autorizado/a y se le instruye que proporcione y entregue todos los suministros electorales necesarios para llevar a cabo las elecciones. La votación en dicha elección será preparada en conformidad con el Código Electoral de Texas.

**Sección 7.** La Sección 61.012 del Código Electoral de Texas requiere que El Consejo Municipal de la Ciudad de Bastrop proporcione al menos un sistema de votar accesible en cada sitio de votación. Dicho sistema deberá cumplir con las leyes estatales y federales que decretan los requisitos para sistemas de votar que permiten a votantes con discapacidades físicas emitir/votar su boleta en secreto.

**Sección 8.** La Oficina del Secretario de Estado de Texas ha certificado que el equipo electoral llamado Election Systems & Software (ES&S) EVS 6110 que incluye el equipo de votación exprés para marcar boletas sea usado junto con el equipo DS850 escaneador central, y el DS200 escaneador de precinto, es sistema de votar accesible que se puede usar legalmente en las elecciones de Texas.

**Sección 9.** Las Secciones 123.032 y 123.035 del Código Electoral de Texas autorizan adquisición de sistemas de votación por subdivisiones locales políticas y además ordenan cumplimiento con ciertos requisitos mínimos para contratos relacionados con la adquisición de dichos sistemas de votación.

**Sección 10.** Para los precintos electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011, y 3017, el/la oficial presidente será determinado en una futura fecha por el/la Administrador/a Electoral del Condado de Bastrop. El/la Juez Presidente de dicha elección nombrará a no menos de dos (2) aunque a no más de cinco (5) secretarios para el día de elecciones.

**Sección 11.** Las casillas electorales en los sitios de votación indicados arriba estarán abiertas el Día de Elecciones de las 7:00 a.m. a las 7:00 p.m.

**Sección 12.** La Ciudad usará su sitio web oficial para anunciar los avisos requeridos por ley y cualquier información electoral que determine sea necesaria durante el periodo en que se lleve a cabo esta elección. El sitio web de la Ciudad es <https://www.cityofbastrop.org>.

**Sección 13.** Kristen Miles por la presente es nombrada Secretaria de la Votación Adelantada. La votación adelantada se inicia el 23 de octubre 2023, el decimoséptimo (17vo) día antes de la elección y se concluye el 3 de noviembre, 2023, el cuarto (4to) día antes de la fecha de la elección.

### **FECHAS DE LA VOTACIÓN ADELANTADA, HORAS, Y UBICACIONES (se permite que votantes voten en cualquier ubicación)**

**Sitio Principal:**

Anexo de la Corte Del Condado Bastrop, Salón de Conferencias en el Nivel Bajo (*County Courthouse Annex, Lower Level Conference Room*), 804 Pecan St., Bastrop, Texas 78602.

**Sitios Succursal de Votación:**

Smithville City Hall, 317 Main St., Smithville

Cedar Creek United Methodist Church, 5630 FM 535, Cedar Creek

Elgin Public Library, 404 N. Main St., Elgin

**23 de Octubre, 2023- 3 de Noviembre, 2023**

LUNES	MARTES	MIÉRCOLES	JUEVES	VIERNES	SÁBADO
<b>23</b> <b>8am – 5pm</b>	<b>24</b> <b>8am – 5pm</b>	<b>25</b> <b>8am – 5pm</b>	<b>26</b> <b>8am – 5pm</b>	<b>27</b> <b>8am – 5pm</b>	<b>28</b> <b>9am – 12pm</b>
<b>30</b> <b>8am – 5pm</b>	<b>31</b> <b>8am – 5pm</b>	<b>1</b> <b>8am – 5pm</b>	<b>2</b> <b>7am – 7pm</b>	<b>3</b> <b>7am – 7pm</b>	

**Sección 14.** Las solicitudes de boletas y las boletas que serán votadas por correo deberán enviarse al/la Secretario/a de la Votación Adelantada, Kristen Miles, Administradora Electoral del Condado de Bastrop (Bastrop County Elections Administrator), 804 Pecan Street, Bastrop, Texas 78602. Solicitudes de boletas por correo deberán recibirse a no más tardar del final del día hábil el 27 de octubre, 2023, que es el onceavo (11vo) día antes de las elecciones.

**Sección 15.** La Junta de Boletas de la Votación Adelantada se instituirá de conformidad con la Sección 87.0001 et.seq. del Código Electoral de Texas y procesará los resultados de la votación adelantada de acuerdo con el Código Electoral de Texas. La Junta Boletas de Votación Adelantada estará compuesta por el juez presidente, un juez presidente alterno y al menos otro (1) miembro, designado de acuerdo con la Sección 87.002 et.seq. del Código Electoral de Texas. Para los Precintos Electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011 y 3017, Staci Calvert es nombrada Juez Presidente de la Junta de Boletas de la Votación Adelantada.

**Sección 16.** Miembros de la Junta de Boletas de la Votación Adelantada recibirán compensación de acuerdo con la Sección 87.005 del Código Electoral de Texas. El/la Juez Presidente y el/la Juez Presidente Alterno recibirán compensación de \$12.00 por hora. Los secretarios recibirán compensación de \$10.00 por hora. El/la Juez Presidente o su designado recibirán \$25.00 adicional por recoger los suministros de la elección antes del Día de la Elección, y por devolver los suministros después de cerrarse los sitios de votación.

**Sección 17.** La Elección Especial se llevará a cabo de acuerdo con el Código Electoral y el Código de Gobiernos Locales de este Estado y solo votantes residentes calificados de dicha Ciudad serán elegibles para votar en la elección.

**Sección 18.** El/la Alcalde dará aviso de esta elección de acuerdo con los términos y disposiciones de las Secciones 4.004, 83.010, 85.004 y 85.007 del Código Electoral, la Sección 9.004 del Código de Gobiernos Locales, y todas las órdenes y decretos necesarios para la elección serán emitidos por la autoridad correspondiente. Los resultados de la elección se presentarán al Concejo Municipal inmediatamente después del cierre de las ubicaciones de votar.

**Sección 19.** Los resultados de la elección serán certificados, contados, y reportados en la forma y manera prescritas por las leyes del Estado de Texas y por la Carta y Ordenanzas de la Ciudad de Bastrop.

**Sección 20.** Los considerandos que figuran en el preámbulo se determinan ser ciertos, y dichos considerandos se adoptan y forman parte de la presente ordenanza a todos los efectos.

**Sección 21.** Si cualquier sección, subsección, oración, cláusula o frase de esta ordenanza se considera por cualquier razón inconstitucional, dicha determinación no afectará la validez de las partes restantes de esta ordenanza.

**Sección 22.** La presente ordenanza estará en pleno vigor y efecto a partir de su aprobación en la fecha que se indica a continuación; siempre que, si algún término o disposición de esta ordenanza está en conflicto con, o es inconsistente con, el Código Electoral de Texas, entonces el Código Electoral de Texas predominará y controlará, y el Oficial Electoral cumplirá con el Código Electoral de Texas.

**LEÍDO Y APROBADO** en su Primera Lectura el día 8 de agosto, 2023.

**LEÍDO y APROBADO** en su Segunda Lectura el día \_\_\_\_ de agosto, 2023.

**APROBADO:**

\_\_\_\_\_  
Lyle Nelson, Alcalde

**CERTIFICADO:**

\_\_\_\_\_  
Ann Franklin, Secretaria de la Ciudad

**APROBADO EN SU REDACCIÓN:**

\_\_\_\_\_  
Alan Bojorquez, Fiscal de la Ciudad





# STAFF REPORT

**MEETING DATE:** August 15, 2023

**TITLE:**

Consider action to approve Resolution No. R-2023-129 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Mayfest Park; and providing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Texas Election Code

Chapter 3. Ordering Election

Sec. 3.001. Order Required

Each general and special election shall be ordered as provided by this chapter.

Sec. 3.004. Election of Political Subdivision.

(a) The following authority shall order an election:

- (1) the county judge, for the general election for officers of the county government;
- (2) the mayor, for the general election for city officers in a city with a population of 1.9 million or more; and
- (3) the governing body of a political subdivision, other than a county or a city described by Subdivision (2), that has elective offices, for the general election for those officers.

**FISCAL IMPACT:**

Estimated Amount:

- Joint Election - \$24,091.63

**RECOMMENDATION:**

Ann Franklin recommends approval of Resolution No. R-2023-129 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Mayfest Park; and providing an effective date.

**ATTACHMENTS:**

- Resolution – English

**RESOLUTION NO. R-2023-129**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A NOVEMBER 7, 2023, SPECIAL ELECTION FOR THE PURPOSE OF A BALLOT PROPOSITION AUTHORIZING THE SALE BY THE CITY OF CERTAIN PARK PROPERTY, BEING A PORTION OF MAYFEST PARK; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Bastrop, Texas ("City"), has called by Ordinance No. 2023-27 a special election to be held on November 7, 2023, for the purpose of a combined ballot proposition related to local sales and use tax rates, referred to as Proposition A; and

**WHEREAS**, the City Council seeks to also call a special election to be held on November 7, 2023, for the purpose of a ballot proposition authorizing the sale by the City of certain park property, being a portion of Mayfest Park; and

**WHEREAS**, the City may sell or convey parkland following the procedures for a public hearing and Council determination that the sale is the best use of the parkland, in accordance with Texas Parks and Wildlife Code Chapter 27, and after approval of the sale of parkland by the voters at an election held for that purpose, in accordance with Texas Local Government Code Section 253.001 and Texas Government Code Section 158.006; 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 order must be passed establishing the procedures to be followed in the election and designating the voting places for the election.

**NOW, THEREFORE, BE IT RESOLVED 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 Resolution 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 November 7, 2023, in conformance with all applicable laws and as provided for in this Resolution, for the purpose of submitting to the voters a certain ballot proposition authorizing the sale by the City of a portion of Mayfest Park.

**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 the proposed ballot proposition authorizing the sale by the City of a portion of Mayfest Park, the voters of the City of Bastrop may vote FOR or AGAINST the following proposition:

**PROPOSITION B**

Shall the City of Bastrop, Texas, be authorized to sell a certain portion of Mayfest Park, being approximately 1.88 acres, more or less, located southeast of the rodeo arena between the existing driveway and the southern and eastern park property boundaries, through a public notice and bidding process consistent with state law, where the total value of the bid is equal to or greater than the appraised fair market value of the portion of the park property to be sold, including at minimum an exchange for at least 3.81 acres, more or less, of land contiguous to an existing City park?

\_\_\_\_\_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:

**ELECTION DAY POLLING 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:**

Aqua Water Supply	415 Old Austin Hwy	Bastrop
River Valley Christian Fellowship	1224 W. Hwy 71	Bastrop
Ascension Catholic Church	804 Pine St.	Bastrop
Paige Community Center	107 S. Main St.	Paige
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Rec Center	106 Royston St.	Smithville
Rosanky Community Center	135 Main St.	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
Red Rock Community Center	114 Red Rock Rd.	Red Rock
Elgin Recreation Center	361 N. Hwy 95	Elgin
Faith Lutheran Church	230 Waco St.	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop County ESD#2 Station 4	1432 N. Hwy 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 with the Texas Election Code.

**Section 7.** Section 61.012 of the Texas Election Code requires at least one accessible voting system in each polling place. 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.** For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by the 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 11.** The polls at the above-designated polling place shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

**Section 12.** 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 13.** Kristin Miles, Bastrop County Elections Administrator, is hereby appointed Clerk for Early Voting. Early voting begins on October 23, 2023, the seventeenth (17<sup>th</sup>) day before the election and ends on November 3, 2023, the fourth (4<sup>th</sup>) 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.

**Branch Locations:**

Smithville City Hall, 317 Main St., Smithville

Cedar Creek United Methodist Church, 5630 FM 535, Cedar Creek  
Elgin Public Library, 404 N. Main St., Elgin

**October 23, 2023– November 3, 2023**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
23 8am – 5pm	24 8am – 5pm	25 8am – 5pm	26 8am – 5pm	27 8am – 5pm	28 9am – 12pm
30 8am – 5pm	31 8am – 5pm	1 8am – 5pm	2 7am – 7pm	3 7am – 7pm	

**Section 14.** 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 October 27, 2023, the eleventh (11<sup>th</sup>) day before the election.

**Section 15.** The Early Voting Ballot Board shall be created pursuant to Section 87.0001 et seq. of the Texas Election Code and shall process early voting results in accordance with the Texas Election Code. The Early Voting Ballot Board shall consist of the presiding judge, an alternate presiding judge, and at least one (1) other member, appointed in accordance with Section 87.002 et seq. of the Texas Election Code. 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.

**Section 16.** Members of the Early Voting Ballot Board will be compensated in accordance with Section 87.005 of the Texas Election Code. The Presiding Judge and Alternate Presiding Judges 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 17.** 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 18.** 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 19.** The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the Charter and Ordinances of the City of Bastrop.

**Section 20.** 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 Resolution for all purposes.

**Section 21.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 22.** This Resolution 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.

**DULY RESOLVED AND ADOPTED** on the 15<sup>th</sup> day of August, 2023.

**APPROVED:**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney



# STAFF REPORT

**MEETING DATE:** August 15, 2023

**TITLE:**

Consider action to approve Resolution No. R-2023-130 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Ferry Park; and providing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Texas Election Code

Chapter 3. Ordering Election

Sec. 3.001. Order Required

Each general and special election shall be ordered as provided by this chapter.

Sec. 3.004. Election of Political Subdivision.

(a) The following authority shall order an election:

- (1) the county judge, for the general election for officers of the county government;
- (2) the mayor, for the general election for city officers in a city with a population of 1.9 million or more; and
- (3) the governing body of a political subdivision, other than a county or a city described by Subdivision (2), that has elective offices, for the general election for those officers.

**FISCAL IMPACT:**

Estimated Amount:

- Joint Election - \$24,091.63

**RECOMMENDATION:**

Ann Franklin recommends approval of Resolution No. R-2023-130 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a November 7, 2023, Special Election for the purpose of a ballot proposition authorizing the sale by the City of Certain Park Property, being a portion of Ferry Park; and providing an effective date.

**ATTACHMENTS:**

- Resolution – English

**RESOLUTION NO. R-2023-130**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A NOVEMBER 7, 2023, SPECIAL ELECTION FOR THE PURPOSE OF A BALLOT PROPOSITION AUTHORIZING THE SALE BY THE CITY OF CERTAIN PARK PROPERTY, BEING A PORTION OF FERRY PARK; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Bastrop, Texas ("City"), has called by Ordinance No. 2023-27 a special election to be held on November 7, 2023, for the purpose of a combined ballot proposition related to local sales and use tax rates, referred to as Proposition A; and

**WHEREAS**, the City Council seeks to also call a special election to be held on November 7, 2023, for the purpose of a ballot proposition authorizing the sale by the City of certain park property, being a portion of Ferry Park; and

**WHEREAS**, the City Council's intended purpose in the proposed transaction is to effectuate an exchange in adjacent property that is more suitable for public park purposes while allowing a portion of currently public land to be privately developed in a productive manner; and

**WHEREAS**, the City may sell or convey parkland following the procedures for a public hearing and Council determination that the sale is the best use of the parkland, in accordance with Texas Parks and Wildlife Code Chapter 27, and after approval of the sale of parkland by the voters at an election held for that purpose, in accordance with Texas Local Government Code Section 253.001 and Texas Government Code Section 158.006; 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 order must be passed establishing the procedures to be followed in the election and designating the voting places for the election.

**NOW, THEREFORE, BE IT RESOLVED 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 Resolution 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 November 7, 2023, in conformance with all applicable laws and as provided for in this Resolution, for the purpose of submitting to the voters a certain ballot proposition authorizing the sale by the City of a portion of Ferry Park.



**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 the proposed ballot proposition authorizing the sale by the City of a portion of Ferry Park, the voters of the City of Bastrop may vote FOR or AGAINST the following proposition:

**PROPOSITION C**

Shall the City of Bastrop, Texas, be authorized to sell a certain portion of Ferry Park, being approximately \_\_\_\_\_ acres, more or less, located \_\_\_\_\_, through a public notice and bidding process consistent with state law, where the total value of the bid is equal to or greater than the appraised fair market value of the portion of the park property to be sold, including at minimum an exchange for at least \_\_\_\_\_ acres, more or less, of land contiguous to an existing City park?

\_\_\_\_\_ 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:

**ELECTION DAY POLLING 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:**

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Bastrop County ESD#2 Station 4	1432 N. Hwy 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 with the Texas Election Code.

**Section 7.** Section 61.012 of the Texas Election Code requires at least one accessible voting system in each polling place. 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.** For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by the 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 11.** The polls at the above-designated polling place shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

**Section 12.** 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 13.** Kristin Miles, Bastrop County Elections Administrator, is hereby appointed Clerk for Early Voting. Early voting begins on October 23, 2023, the seventeenth (17<sup>th</sup>) day before the election and ends on November 3, 2023, the fourth (4<sup>th</sup>) 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.

**Branch Locations:**

Smithville City Hall, 317 Main St., Smithville  
Cedar Creek United Methodist Church, 5630 FM 535, Cedar Creek  
Elgin Public Library, 404 N. Main St., Elgin

**October 23, 2023– November 3, 2023**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>23</b> 8am – 5pm	<b>24</b> 8am – 5pm	<b>25</b> 8am – 5pm	<b>26</b> 8am – 5pm	<b>27</b> 8am – 5pm	<b>28</b> 9am – 12pm
<b>30</b> 8am – 5pm	<b>31</b> 8am – 5pm	<b>1</b> 8am – 5pm	<b>2</b> 7am – 7pm	<b>3</b> 7am – 7pm	

**Section 14.** 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 October 27, 2023, the eleventh (11<sup>th</sup>) day before the election.

**Section 15.** The Early Voting Ballot Board shall be created pursuant to Section 87.0001 et seq. of the Texas Election Code and shall process early voting results in accordance with the Texas Election Code. The Early Voting Ballot Board shall consist of the presiding judge, an alternate presiding judge, and at least one (1) other member, appointed in accordance with Section 87.002 et seq. of the Texas Election Code. 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.

**Section 16.** Members of the Early Voting Ballot Board will be compensated in accordance with Section 87.005 of the Texas Election Code. The Presiding Judge and Alternate Presiding Judges 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 17.** 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 18.** 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 19.** The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the Charter and Ordinances of the City of Bastrop.

**Section 20.** 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 Resolution for all purposes.

**Section 21.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 22.** This Resolution 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.

**DULY RESOLVED AND ADOPTED** on the 15<sup>th</sup> day of August, 2023.

**APPROVED:**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney