

**ORDINANCE NO. 2024-20**

**AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 IN LOCKHART, TEXAS FOR THE PURPOSE OF VOTING ON PROPOSED CHARTER AMENDMENTS; PROVIDING FOR MATTERS INCIDENTAL THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lockhart (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, pursuant to Section 9.004(a) of the Texas Local Government Code, the City Council of the City of Lockhart, Texas (the “City Council”) shall submit proposed Charter amendments to the City’s voters at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality; and

**WHEREAS**, Section 9.004(b) of the Texas Local Government Code requires that such an election be ordered by ordinance; and

**WHEREAS**, the City Council wishes to order a special election to be held on November 5, 2024 for the purpose of submitting proposed amendments to the City Charter to the voters.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS:**

**SECTION 1. INCORPORATION OF PREMISES.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2. ELECTION ORDERED.** The Lockhart City Council hereby orders a special election to be held on November 5, 2024 in Lockhart, Texas for the purpose of voting on the following proposition:

Shall the Charter of the City of Lockhart be amended to include Article XII, Section 12.01, Title: the “Lockhart Freedom Act”; Article XII, Section 12.02, Purpose: to reform marijuana enforcement by city personnel; Article XII, Section 12.03, Enforcement of misdemeanor marijuana offenses: limiting enforcement of said offenses; Article XII, Section 12.04, Safe Harbor: making enforcement of Class A and Class B misdemeanor marijuana possession its lowest enforcement priority; Article XII, Section 12.05, Exceptions to enforcement policy: setting forth exceptions to enforcement of the policy; Article XII, Section 12.06, Handling of evidence: related to seizure of evidence believed to be marijuana; Article XII, Section 12.07, No citations for paraphernalia or residue in lieu of possession charge: related to such citations; Article XII, Section 12.08, Ban on using City resources for THC concentration testing: prohibiting use of city funds for such

testing; Article XII, Section 12.09, Ban on using odor of marijuana or hemp as probable cause for search or seizure: relating to said ban; Article XII, Section 12.10, Training and policy updates: requiring adequate training concerning each of the provisions of this policy; Article XII, Section 12.11, Officer discipline: permitting officer discipline for violations of said policy; Article XII, Section 12.12, Quarterly reports: requiring certain quarterly reports; and, Article XII, Section 12.13, Severability: permitting severability?

FOR \_\_\_\_\_  
AGAINST \_\_\_\_\_

**SECTION 3. AMENDMENTS.** Should the voters approve the proposition listed above, the referenced sections of the City Charter shall be amended to read as follows:

Article XII, Section 12.01, Title: “This article shall be known as the Lockhart Freedom Act.”

Article XII, Section 12.02, Purpose: “Pursuant to the home rule authority of the Texas Constitution, to promote the health, safety, and general welfare of the people of Lockhart, Texas, the voters of Lockhart hereby enact the Lockhart Freedom Act a policy to reform marijuana enforcement by city personnel, with the specific objectives of carefully allocating scarce city resources, reducing the risk of discriminatory enforcement practices, and focusing city resources on the highest priority public safety concerns.”

Article XII, Section 12.03, Enforcement of misdemeanor marijuana offenses: “Unless and until a binding act of a state or federal court requires otherwise, the Lockhart Police Department shall not make any arrest or issue any citation for Class A or Class B misdemeanor marijuana possession, except in the limited cases described by this policy.”

Article XII, Section 12.04, Safe Harbor: “In the event of a binding act of a state or federal court, which would prevent the City of Lockhart’s fulfillment of Section 12.03, the City’s policy shall be to make enforcement of Class A and Class B misdemeanor marijuana possession its lowest enforcement priority. In particular, the City shall update its annual budget, police department manual, and relevant policies and procedures to ensure that public safety resources are not wasted on misdemeanor marijuana enforcement and are instead targeted at other programs that best promote the health, safety, and general welfare of the people of Lockhart.”

Article XII, Section 12.05, Exceptions to enforcement policy: “This policy shall not limit enforcement of misdemeanor marijuana possession offenses if an offense is (a) revealed as part of a felony narcotics investigation that has been designated as “high priority” by a commander, assistant chief of police, or chief of police; (b) and/or revealed as part of the investigation of a violent felony. Lockhart police officers shall not issue any charge for misdemeanor possession of marijuana unless it meets one or more of these exceptions.”

Article XII, Section 12.06, Handling of evidence: “In any instance governed by this policy, if a Lockhart police officer has probable cause to believe that a substance is marijuana, the officer may

seize the substance. If the officer seizes the substance, they must write a report explaining the grounds for seizure and release any detained person if possession of marijuana is the sole charge.”

Article XII, Section 12.07, No citations for paraphernalia or residue in lieu of possession charge: “A Class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.”

Article XII, Section 12.08, Ban on using City resources for THC concentration testing: “No city funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state or federal law, except (a) for purposes of toxicology testing to ensure public safety or (b) the investigation of a violent felony offense.”

Article XII, Section 12.09, Ban on using odor of marijuana or hemp as probable cause for search or seizure: “Lockhart police shall not consider the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances of a police investigation pursuant to Section 12.05.”

Article XII, Section 12.10, Training and policy updates: “The City Manager and Chief of Police shall ensure that (a) City policies and internal operating procedures are updated in accord with this policy and (b) Lockhart police officers receive adequate training concerning each of the provisions of this policy.”

Article XII, Section 12.11, Officer discipline: “Any violation of this policy may subject a Lockhart police officer to discipline as provided by the Texas Local Government Code or as provided by City policy.”

Article XII, Section 12.12, Quarterly reports: “The City Manager, in consultation with the Chief of Police and other relevant City personnel, shall prepare quarterly reports concerning the implementation of this policy, to be presented to the City Council at a public meeting subject to the Texas Open Meetings Act, and with the first report due no later than 120 days following the effective date of this policy. Each report shall include a summary of the City’s implementation of this policy and shall include specific information concerning enforcement of misdemeanor marijuana possession offenses, including total arrests made, total citations issued, estimated personnel hours used in conducting enforcement activities, and demographic information for each person charged with an offense, including age, gender, race, and ethnicity.”

Article XII, Section 12.13, Severability: “In any event that any court finds any section of the Lockhart Freedom Act to be unlawful or unenforceable, that section shall be severed from this policy and the rest shall continue in force.”

#### **SECTION 4. VOTER INFORMATION.**

A. Early voting by personal appearance will be conducted each weekday at the Scott Annex Building, 1403 Blackjack St., Suite A, Lockhart, Texas 78644 pursuant to the schedule below. Early voting by personal appearance will take place on Monday, October 21, 2024, through Friday,

October 25, 2024, from 8:00am to 5:00pm. Early voting by personal appearance will also be conducted on Saturday, October 26, 2024, between the hours of 7:00 a.m. and 7:00 p.m., and on Sunday, October 27 between the hours of 9:00am and 3:00pm. Extended hours for Early Voting are Monday, October 28 through Friday, November 1 between the hours of 7:00am and 7:00pm. **Locations and hours may be changed by the County Elections Administrator.**

Monday, October 21	8:00am – 5:00pm
Tuesday, October 22	8:00am – 5:00pm
Wednesday, October 23	8:00am – 5:00pm
Thursday, October 24	8:00am – 5:00pm
Friday, October 25	8:00am – 5:00pm
Saturday, October 26	7:00am – 7:00pm
Sunday, October 27	9:00am – 3:00pm
Monday, October 28	7:00am – 7:00pm
Tuesday, October 29	7:00am – 7:00pm
Wednesday, October 30	7:00am – 7:00pm
Thursday, October 31	7:00am – 7:00pm
Friday, November 1	7:00am – 7:00pm

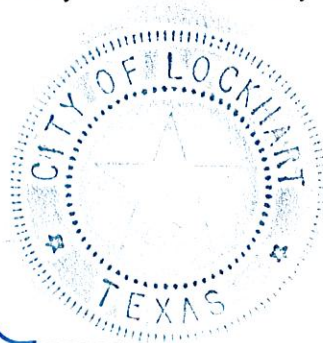
B. Applications for ballot by mail shall be mailed to:

Name of Early Voting Clerk: Devante Coe, Caldwell County Elections Administrator  
 Address: 1403 Blackjack Street, Suite A  
 Lockhart TX 78644  
 Telephone Number: 512-668-4347  
 Email Address: [devante.coe@co.caldwell.tx.us](mailto:devante.coe@co.caldwell.tx.us)  
 Early Voting Clerk’s Website: [www.co.caldwell.tx.us](http://www.co.caldwell.tx.us)

C. Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on Friday, October 25, 2024.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption by the City Council.

**PASSED AND APPROVED** by the Lockhart City Council in a public meeting on this the 6<sup>th</sup> day of August, 2024.



*Lew White*  
 Lew White, Mayor

ATTEST:  
*Julie Bowermon*  
 Julie Bowermon, City Secretary

APPROVED AS TO FORM:  
*Bradford E. Bullock*  
 Bradford E. Bullock, City Attorney