

ORDINANCE NO. 2019-001

AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, CONTAINING A PREAMBLE; CALLING A GENERAL ELECTION FOR THE FIRST SATURDAY IN MAY, 2019, BEING MAY 4, 2019, FOR THE ELECTION AT LARGE OF A MUNICIPAL JUDGE FOR SAID CITY AND AN ELECTION BY WARDS FOR POSITIONS B AND D ON THE CITY COUNCIL OF SAID CITY; PROVIDING FOR ONE (1) POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; ESTABLISHING THE QUALIFICATIONS FOR CANDIDATES FOR THE OFFICES TO BE VOTED UPON; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND SPECIFYING A FILING DEADLINE AND THE DATE WHEN FILING MAY BEGIN; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 5.01A of the Home Rule Charter of the City of Clute, Texas, provides that members of the City Council shall be elected by wards, that Positions B and D on City Council, which represent Wards B and D, respectively, shall be filled by an election to be held on the first Saturday in May of each odd numbered year at which only persons residing in Wards B or D are eligible to become candidates for election to Council Positions B or D, respectively, and at which only voters residing in Wards B or D are eligible to vote for or against the candidates seeking election to City Council Positions B or D, respectively; and,

WHEREAS, Ordinance No. 92-03, as amended by Ordinance No. 92-18, and adjusted by Ordinance No.93-06, Ordinance No. 2003-05 and Ordinance No. 2016-021, establishes the boundaries of each such wards but does not specify the polling place therefor;

WHEREAS, Section 4.01 of the Home Rule Charter of the City provides that the Municipal Judge of the City shall be elected for a two-year term of office at an election to be held on the first Saturday in May of each odd-numbered year; and,

WHEREAS, the Texas Election Code has been amended to require that municipal elections be held on the first Saturday in May each year and Section 4.02 of the Home Rule Charter of the City further provides that, in the event of conflict, all elections for Municipal Judge shall be on a date when such elections are authorized by the Texas Election Code.

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

SECTION ONE--Elections Called

Pursuant Section 15.18 of the Home Rule Charter of the City, the Mayor and City Council of the City hereby order and ordain, respectively, there shall be held on the first Saturday in May, 2019, being May 4, 2019, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.:

(1) an election in Wards B and D for the purpose of electing for a two (2) year term each, persons to the following offices of the City, to-wit: Council Position B, now held by DON OAKES and Council Position D, now held by TRAVIS QUINN; and,

(2) an election at large in the City for the purpose of electing for a term of two (2) years a Municipal Judge, a position now held by RANDY SMITH.

SECTION TWO--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be one (1) municipal polling place located within the city limits of the City Clute, the Clute Event Center located at 100 Parkview Drive, Clute, Texas, where all voters residing in Wards A, B, C, D and E, as established by Ordinance No. 92-03, as amended by Ordinance No. 92-18, and adjusted by Ordinance No. 93-05, Ordinance No. 2003-05 and Ordinance No. 2016-021, shall vote on election day. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Building	121 N. 10 <sup>th</sup> St., West Columbia
Brazoria Library	620 S Brooks, Brazoria
Freeport Library	410 Brazosport Blvd., Freeport
Oyster Creek City Hall	3210 FM 523, Oyster Creek
Drainage District #4 Building	4805 W Broadway, Pearland
Sweeny Community Center	205 W Ashley Wilson Rd, Sweeny
Danbury Community Center	6115 5 <sup>th</sup> St, Danbury

Clute Event Center	100 Parkview Dr. Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd. Jones Creek
Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Westside Event Center	2150 Countryplace Pkwy, Pearland
Pearland Recreation Center	4141 Bailey Rd., Pearland
Alvin Library	105 S Gordon, Alvin
North Annex,	7313 Corporate Dr., Manvel
Silverlake Recreation Center	2715 Southwyck Pkwy, Pearland
Tom Reid Library	3522 Liberty Dr, Pearland
Pearland Westside Library	2803 Business Center Dr #101, Pearland

SECTION THREE--Candidates, Applications and Filing Fees.

(a) Any person who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of one (1) year immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Clerk, as hereinafter provided, and who resides in Ward B or D on such day shall be eligible to become a candidate for the office of Council Position B or D, respectively, by filing a sworn application as provided herein.

(b) Any person who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of one (1) year immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Clerk, as hereinafter provided, shall be eligible to become a candidate for the office of Municipal Judge of the City by filing a sworn application, as hereinafter provided.

(c) Each candidate's application shall be in writing, contain the matters set out in Section 141.031, Texas Election Code, and be filed with the City Clerk of the City. An application may not be filed earlier than the 30th day before the deadline prescribed by the Texas Election Code for filing such application and must be filed not later than 5:00 o'clock p.m. of the 78th day prior to the day of election, being January 16, 2019, and February 15, 2019, respectively, or

if either of such day is a Saturday, Sunday or holiday, on the next business day.

SECTION FOUR--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services mentioned above.

SECTION FIVE--Electors.

To be eligible to vote in such election, a person must, on the date such person votes, be (1) eligible to vote under the provisions of Chapter 2 of Title 2 of the Texas Election Code, (2) a resident of the City, (3) duly registered to vote in the Brazoria County, Texas, election precinct which includes that portion of the corporate limits of the City of Clute where such voter resides and (4), in the case of persons voting in the election for Positions B or D on the City Council of the City, a resident of Ward B or D of the City, respectively.

SECTION SIX--Early Voting.

Early voting shall begin on April 22, 2019, and end on April 30, 2019, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 22, 2019, through Friday, April 26, 2019, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 27, 2019, Monday, April 29, 2019, and Tuesday, April 30, 2019, at such locations, to-wit:

<u>Angleton Main Location:</u>	East Annex (Old Walmart Building) 1524 E. Mulberry, Angleton
<u>Alvin Branch Location:</u>	Alvin Library 105 S. Gordon, Alvin
<u>Brazoria Branch Location:</u>	Brazoria Library 620 S. Brooks, Brazoria
<u>Freeport Branch Location:</u>	Freeport Library 410 Brazosport Blvd., Freeport
<u>Lake Jackson Branch Location:</u>	Lake Jackson Library 250 Circle Way, Lake Jackson
<u>Manvel Branch Location:</u>	Courthouse North Annex 7313 Corporate Dr., Manvel
<u>Pearland East Branch Location:</u>	Tom Reid Library

<u>Pearland West Branch Location:</u>	Westside Event Center 2150 Countryplace Pkwy., Pearland
<u>Shadow Creek Branch Location:</u>	Pearland Westside Library 2803 Business Dr. #101, Pearland
<u>Sweeny Branch Location:</u>	Sweeny Community Center 205 W. Ashley Wilson Rd., Sweeny
<u>West Columbia Branch Location:</u>	Precinct 4 Building 2 121 N. 10 <sup>th</sup> St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of the election called by this ordinance shall be in the manner specified in the Joint Election Agreement and Contract for Election Services mentioned above.

SECTION EIGHT--Notice of Election.

The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said general annual election on the bulletin board used for posting notices of meetings of the City Council of the City, and to be published in the Brazosport Facts, a newspaper published in the City having a general circulation therein and the official newspaper of the City, not later than ten (10) days nor earlier than thirty (30) days before the date named above for the holding of said general annual election.

SECTION NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.


SECTION TEN--Severance Clause

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION ELEVEN--Effective Date

This ordinance shall be effective immediately upon its passage and approval.


READ, PASSED AND ADOPTED this 24<sup>th</sup> day of January, 2019.

  
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Calvin Shiflet, Mayor,  
City of Clute, Texas

ATTEST:

  
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Rosie Poitevint, City Clerk,  
City of Clute, Texas

APPROVED AS TO FORM ONLY:

  
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Christopher Duncan, City Attorney,  
City of Clute, Texas

