

AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION FOR MAY 04, 2019, ON THE QUESTION OF ADOPTING SEVEN (7) AMENDMENTS TO ITS HOME RULE CHARTER; PROVIDING FOR ONE (1) MUNICIPAL POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; 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; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 16.02 of the Home Rule Charter of the City of Clute, Texas, ("the City") provides that the City Council shall appoint at its first regular meeting in July of each even-numbered year a Charter Review Commission; and,

WHEREAS, on July 12, 2018, Resolution No.11-2018 of the City Council of the City was passed and a Charter Review Commission was appointed for the City; and,

WHEREAS, Section 16.03 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable and advisable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council in writing; and,

WHEREAS, on December 13, 2018, the Charter Review Commission of the City appointed by Resolution No. 11-2018, reported its findings and presented in writing seven (7) proposed amendments to said charter, the substance of each of which is hereinafter set forth, and the same were accepted by the City Council on such date, and,

WHEREAS, Section 16.04 of said Charter provides that if any amendment is presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of the City in the manner provided in said Charter and/or V.T.C.A., Local Government Code, as now or hereafter amended; and,

WHEREAS, Section 9.004 of Chapter 9 of said Code, requires that the ordinance providing for the submission of such amendment shall require the submission thereof at an election to be held on the next uniform election date that occurs on or after the 30th day after the date of adoption of said ordinance; and,

WHEREAS, under the applicable provisions of the Texas Election Code, the next uniform election date that occurs on or after the 30th day after the date of adoption of this ordinance will be the first Saturday in May, 2019, being May 4, 2019; and,

WHEREAS, the City Council of the City has determined to submit the hereinafter mentioned amendments to the voters of the City and is required by said Section 9.004 to do so at the regular municipal election which, as required by the Texas Election Code, will be held on the first Saturday in May, 2019, being May 4, 2019; and,

WHEREAS, said Section 9.004 provides that notice of an election for the submission of any amendment to a Home Rule Charter shall be given by publication thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form or such notice shall include a substantial copy of the proposed amendments; and,

WHEREAS, said Section 9.004 provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and,

WHEREAS, the City Council of the City has determined to submit to a vote of the people all of the amendments proposed by the Charter Review Commission in its report, hereinafter set forth, such report having been presented to and considered and approved by the City Council on December 13, 2018; and,

WHEREAS, Section 5.01A of the Home Rule Charter of the City divides the City into five (5) election wards, being Wards A, B, C, D and E, and 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, establishes the boundaries of each such district but not the polling place; and,

WHEREAS, the Charter Review Commission has proposed the following amended wording to the Home Rule Charter:

PROPOSED AMENDMENT NUMBER ONE

Should Section 7.01 - (City Manager) of the Home Rule Charter of the City be amended to read as follows:

Sec. 7.01. - City manager.

- (a) Appointment for qualifications. The city council shall appoint a city manager who shall be the chief administrative and executive officer of the City of Clute. He shall be chosen by the city council solely on the basis of his executive and administrative training, with experience, and ability, and need not, when appointed, be a resident of the City of Clute. However, during the tenure of his office, he shall reside within the corporate limits of the City of Clute. No member of the city council shall, during the time for which he is selected and for one year thereafter, be appointed to the office of city manager. During the first twelve (12) months of his tenure, the city manager shall become a resident of the City of Clute if he is not at the time of his appointment. Further the city manager shall be a member in good standing of either the Texas City Manager's Association, the International City Manager's Association or both at the time of appointment or within the first six (6) months of appointment.

PROPOSED AMENDMENT NUMBER TWO

Should Section 10.08 - (Sale of City Property) of the Home Rule Charter of the City be amended to read as follows:

Section 10.08 - Sale of City Property

From time to time, the City Council shall set forth policies and procedures for the disposition and sale of City Property. Such policies and procedures shall follow the standards and requirements of all relevant State Law for the disposition and sale of Real Property in addition property deemed Salvage and Surplus.

PROPOSED AMENDMENT NUMBER THREE

Should Section 10.13 of the Home Rule Charter of the City be amended to read as follows:

Sec. 10.13. - Certificates of Obligation.

In any fiscal year, in anticipation of the property tax, sales tax or other revenue which may be obliged under State Law for the retirement of obligations related to an instrument borrowing funds the City Council may issue Certificates of Obligation in lieu of a General Obligation Bond. Said Certificates shall be issued in the manor prescribed by State Law.

Such instrument may be used to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self-liquidating municipal function not now or hereafter prohibited by any general law of the state.

PROPOSED AMENDMENT NUMBER FOUR

Should Section 10.17 of the Home Rule Charter of the City be amended to read as follows:

Sec. 10.17. - Purposes for which sales and use tax revenue can be expended.

At least forty (40) percent of all monies, funds and revenues derived from and as a result of the local sales and use tax shall be used and expended by the city for the construction of storm sewers, sidewalks, curbs and gutters, for the resurfacing, lighting, and landscaping of existing streets and for the construction of new streets and alleys, including but not limited lighting, landscaping, and the purchase of easements in conformance with the ordinances of the city, but the cost of routine maintenance of streets (patching potholes, etc.,) and the purchase price of equipment therefor shall not be included within such percentage.

The aforementioned funds may also be used to repair, replace or relocate existing water and waste water infrastructure within an existing Right of Way.

PROPOSED AMENDMENT NUMBER FIVE

Should Section 10.17 of the Home Rule Charter of the City be amended to read as follows:

Sec. 10.17. - Purposes for which sales and use tax revenue can be expended.

At least forty (40) percent of all monies, funds and revenues derived from and as a result of the local sales and use tax shall be used and expended by the city for the construction of storm sewers, sidewalks, curbs and gutters, for the resurfacing, lighting, and landscaping of existing streets and for the construction of new streets and alleys, including but not limited lighting, landscaping, and the purchase of easements in conformance with the ordinances of the city, but the cost of routine maintenance of streets (patching potholes, etc.,) and the purchase price of equipment therefor shall not be included within such percentage.

The aforementioned funds may also be used to repair, replace or relocate existing water and waste water infrastructure within an existing Right of Way. Further not more than fifty (50) percent of the annual gross receipts of the aforementioned funds may be obligated for use to repay instruments of obligation resulting from the borrowing of funds associated with a qualifying project.

PROPOSED AMENDMENT NUMBER SIX

Should Section 11.12 of the Home Rule Charter of the City be amended to read as follows:

Sec. 11.12. - Contents of budget.

The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

1. A Budget Message conveying the general State of the City in both physical and financial terms, indicating project status and a description proposed projects for the coming Fiscal Year.

2. A consolidated Statement of Revenues and Expenditures for all operating funds of the City.
3. An analysis of Tax Values and Rates for a minimum of three (3) consecutive years.
4. General and other operating funds in detail showing the prior year's budget, actuals and projections alongside the proposed budget by line item.
5. Discussion of the City's debt including current obligations, showing interest rates, dates of issue, purpose, maturity and balance due as of the end of the current Fiscal Year.
6. Required Ordinances as prescribed by State Law.

PROPOSED AMENDMENT NUMBER SEVEN

Should Section 15.23 of the Home Rule Charter of the City be amended to read as follows?

Sec. 15.23 - Election Dates.

All references within the preceding and succeeding sections to specific Election Dates are henceforth held to be synonymous with the General Election Dates as proscribed by current State Law and as may be revised by acts of the State Legislature in the future.

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

SECTION ONE--Charter Amendment Election Called

Pursuant to Section 16.04 of the Home Rule Charter of the City and Section 9.004, Chapter 9, Local Government Code of Texas, the Mayor and City Council of the City hereby order and ordain, respectively, that a Charter Amendment Election shall be held in and throughout the City 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., in conjunction with the regular municipal election to be held on such day and at such time, for the purpose of submitting to the qualified voters of the City amendments to the Home Rule Charter of the City, hereinafter set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code, Section 9.004, Chapter 9, Local Government Code of

Texas, and Section 52.072(b) of the Texas Election Code, shall contain the following proposed ballot summaries, to-wit:

PROPOSED AMENDMENT NUMBER ONE

Shall Section 7.01 be amended to require that the City Manager be a member in good standing with the Texas City Managers Association and/ or the International City Managers Association at the time of or within six (6) months of their appointment to the position?

PROPOSED AMENDMENT NUMBER TWO

Shall Section 10.08 be revised to ensure that the City Council sets policies and procedures for the sale of property consistent with State Law?

PROPOSED AMENDMENT NUMBER THREE

Shall Section 10.13 be revised to eliminate the term Time Warrants which are instruments of debt no longer used in Municipal Finance and replace that term with Certificates of Obligation which allow the City to borrow money for necessary construction projects, public improvements, utility enhancements and extensions, recreational facilities or the purchase of equipment?

PROPOSED AMENDMENT NUMBER FOUR

Shall Section 10.17 of the Charter be modified to allow the City to use the Special Streets, Drainage and Sidewalk Sales Tax allocation to repair, replace or relocate Water and Sewer infrastructure located under or alongside streets, drainage ways and sidewalks?

PROPOSED AMENDMENT NUMBER FIVE

Shall Section 10.17 of the Charter be modified to specifically allow the City to use no more than fifty (50) percent of the Special Streets, Drainage and Sidewalk Sales Tax allocation to repay funds borrowed to fund allowable projects?

PROPOSED AMENDMENT NUMBER SIX

Shall Section 11.12 be modified to make the City's Annual Operating Budget more concise, easier to understand and more efficient to prepare and present?

PROPOSED AMENDMENT NUMBER SEVEN

Shall the Charter be amended to include Election Dates as standardized by State Law?

SECTION THREE--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 of 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 th 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 th 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 FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Clute, Texas, and who is duly registered to vote in the county election precinct where and on the day on which he or she votes in the charter amendment election called by this Ordinance, shall be entitled to vote for or against each of the proposed amendments set forth above in Section Two of this Ordinance.

SECTION FIVE--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 between the City and the County Clerk of Brazoria County, Texas, adopted herein by reference.

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, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday day, 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, 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

Manvel Branch Location: Courthouse North Annex
7313 Corporate Dr., Manvel

Pearland East Branch Location: Tom Reid Library
3522 Liberty Dr., Pearland

Pearland West Branch Location: Westside Event Center
2150 Countryplace Pkwy., Pearland

Shadow Creek Branch Location: Pearland Westside Library
2803 Business Dr. #101, Pearland

Sweeny Branch Location: Sweeny Community Center
205 W. Ashley Wilson Rd., Sweeny

West Columbia Branch Location: Precinct 4 Building 2
121 N. 10th 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 said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) 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 charter election on the bulletin board used for posting notices of meetings of the City Council.

(b) As required by Section 9.004 (c) of the Local Government Code the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION NINE--Ratification and Confirmation by Mayor.

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

SECTION TEN--Effective Date.

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

READ, PASSED AND ADOPTED this 24th day of January, 2019.



Calvin Shiflet, Mayor,
City of Clute, Texas

ATTEST:



Rosie Poitevint, City Clerk,
City of Clute, Texas

APPROVED AS TO FORM ONLY:



Christopher Duncan, City Attorney,
City of Clute, Texas