

ORDINANCE NO. 2019-010

AN ORDINANCE OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A CHARTER AMENDMENT ELECTION HELD IN AND THROUGHOUT SAID CITY ON THE FIRST SATURDAY IN MAY, BEING THE 4TH DAY OF MAY, 2019, ON THE QUESTION OF THE ADOPTION OF SEVEN (7) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Scope of Ordinance

This ordinance relates to the charter amendment election called by Ordinance No. 2019-002 of the City of Clute, Brazoria County, Texas, heretofore read, passed, adopted and ratified on January 24, 2019, by the City Council and Mayor of said City ordaining and ordering, respectively, that such an election be held in and throughout the said City on the first Saturday in May, 2019, being the 4th day of May, 2019, for the purpose of permitting the qualified electors of said City to vote for or against the adoption of seven (7) amendments to the Home Rule Charter of said City.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Clute, Texas, make the following findings of fact with respect to said election, to-wit:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinance No. 2019-002 and only qualified voters were permitted to vote.

Third, that based on the election returns of said election, which are now before the Mayor and City Council and which are found to be in due form and order and to have been regularly made as required by law, the proposed amendment received the total votes "for" and "against" set opposite as follows:

<u>AMENDMENT NO.</u>	<u>YES</u>	<u>NO</u>
AMENDMENT 1	419	43
AMENDMENT 2	409	51
AMENDMENT 3	380	64
AMENDMENT 4	406	49
AMENDMENT 5	358	78
AMENDMENT 6	419	23
AMENDMENT 7	411	22

SECTION THREE--Declaring the Results of Election

The Mayor and City Council of the City hereby declare order and ordain, respectively, that the following amendments have been duly adopted and are now a part of its Home Rule Charter:

AMENDMENT NUMBER ONE

Section 7.01 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER TWO

Section 10.08 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER THREE

Section 10.13 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER FOUR

Section 10.17 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER FIVE

Section 10.17 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER SIX

Section 11.12 of the Home Rule Charter of the City is hereby 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."

AMENDMENT NUMBER SEVEN

Section 15.23 of the Home Rule Charter of the City is hereby 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."

SECTION FOUR--Effective Date


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

READ, PASSED AND ADOPTED this 14th day of May 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