

ORDINANCE NO. 2025-004

AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION FOR MAY 03, 2025, ON THE QUESTION OF ADOPTING FOUR (4) 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 11, 2024, Resolution No.40-2024 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, 2023, the Charter Review Commission of the City appointed by Resolution No.40-2024, reported its findings and presented in writing FOUR (4) 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, 2025, being May 3, 2025; 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, 2023, being May 6, 2023; 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 January 23, 2025; 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, Ordinance No. 2016-021 and Ordinance No. 2022-002, 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 6.02 of the Home Rule Charter of the City be amended to read as follows:

**Sec. 6.02 - Petition for Recall Election.**

Before the question of recall of such officer shall be submitted to the qualified voters of the City of Clute, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary; which said petition shall be signed by the qualified voters of the City of Clute, equal in number to at least fifty (50) percent of the number of votes cast at the last regular municipal election of the City of Clute, but in no event less than two hundred (200) such signers or petitioners. Each signer of such recall petition shall personally sign his name thereto in ink. **THE FOLLOWING INFORMATION MUST ACCOMPANY THE SIGNATURE OF EACH SIGNER OR PETITIONER:**

1. PRINTED NAME;
2. DATE OF BIRTH OR VOTER REGISTRATION NUMBER;
3. RESIDENCE ADDRESS WITH NAME OF STREET AND ADDRESS NUMBER; AND
4. THE DAY, MONTH AND YEAR THE SIGNATURE WAS AFFIXED.

PROPOSED AMENDMENT NUMBER TWO

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, **TRAFFIC SIGNALS, AND OTHER TRAFFIC CONTROL DEVICES** and landscaping of existing streets, **FOR THE REMOVAL AND RECONSTRUCTION OR RELOCATION OF EXISTING STREETS,** and for the construction of new streets and alleys, including but not limited to lighting, **TRAFFIC SIGNALS, AND OTHER TRAFFIC CONTROL DEVICES** 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.

PROPOSED AMENDMENT NUMBER THREE

Should Section 15.18(A)(c) of the Home Rule Charter of the City be amended to read as follows:

**Sec. 15.18 - Offices and Elections**

(c) *Publicizing city elections.* It is the responsibility of the city council to inform the voters as to the time, place, date, purpose and filing period for the potential candidates for any upcoming city election at least sixty (60) days prior to such election. The provisions for absentee balloting shall also be publicized at this time. Sample ballots shall be posted at the same places at which public notices of meetings of the city council are posted and shall be published **ON THE CITY WEBSITE** not less than ten (10) days prior to any election.

PROPOSED AMENDMENT NUMBER FOUR

Should Section 17.00 be added to the Home Rule Charter of the City and read as follows:

**Sec. 17.00 - Clarification of Article 17**

The provisions of this Article 17 apply exclusively to the creation or change of the city Charter as a whole. Provisions of Article 16 apply exclusively to amendments of the City Charter

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, 2025, being May 3, 2023, 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 the charter be revised to clarify that Article 16 of the Charter applies only to charter amendments and Article 17 of the Charter applies only to the creation or change of the entire Charter as a whole.

**PROPOSED AMENDMENT NUMBER TWO**

Shall the charter be revised so that designated sales and use tax revenue can be expended to pay for traffic signals and other traffic control devices on new and existing streets, and for the removal and reconstruction or relocation of existing streets?

**PROPOSED AMENDMENT NUMBER THREE**

Shall the charter be revised so that sample ballots for city elections be published on the city website instead of the local newspaper?

**PROPOSED AMENDMENT NUMBER FOUR**

Shall the charter be revised to clarify that Article 16 of the Charter applies only to charter amendments and Article 17 of the Charter applies only to the creation or change of the entire Charter as a whole.

**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, Ordinance No. 2016-021, and Ordinance No. 2022-002 shall vote on election day. . On that day, voting will also be permitted at the Polling Places established by the Brazoria County Elections Official, as set forth in Exhibit A, attached and incorporated herein.

**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 26, 2025, and end on April 29, 2025, 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. from Tuesday, April 22, 2025, through Saturday, April 26, 2025; and between the hours of 8:00 a.m. through 5:00 p.m. on Monday, April 28, and Tuesday, April 29, 2023, at such locations, established by the Brazoria County Election official as set forth in Exhibit B, attached and incorporated herein.

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--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 \_\_\_\_\_ day of January, 2025.

\_\_\_\_\_  
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

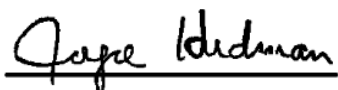
## NOTICE OF EARLY VOTING AT BRANCH POLLING PLACES

**Early voting by personal appearance will be conducted at the following locations:**

Angleton (Main) .....East Annex, 1524 E Mulberry  
Alvin .....Alvin Library, 105 S Gordon  
Brazoria .....Brazoria Library, 620 S Brooks  
Clute .....Clute Event Center, 100 Parkview Dr  
Freeport .....Freeport Library, 410 Brazosport Blvd  
Lake Jackson.....Doris Williams Civic Center, 333 Hwy 332 East  
Manvel .....Manvel Annex, 7313 Corporate Dr  
Pearland East .....Tom Reid Library, 3522 Liberty Dr  
Pearland West.....West Pearland Community Center, 2150 Countryplace Pkwy  
Shadow Creek .....West Pearland Library, 11801 Shadow Creek Pkwy  
Sweeny.....Sweeny Community Center, 205 W Ashley Wilson Rd  
West Columbia.....Precinct 4 Building #2, 121 N 10<sup>th</sup> St

### DATES AND HOURS:

April 22-26.....8 AM – 5 PM  
April 28-29.....8 AM – 5 PM



Early Voting Clerk

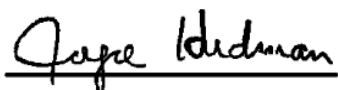
## AVISO DE VOTACIÓN ADELANTADA EN LOS SITIOS DE VOTACIÓN AUXILIARES

***La votación adelantada en persona se llevará a cabo en los siguientes sitios de esta manera:***

Angleton (Ubicación Principal).....East Annex, 1524 E Mulberry  
Alvin .....Alvin Library, 105 S Gordon  
Brazoria .....Brazoria Library, 620 S Brooks  
Clute .....Clute Event Center, 100 Parkview Dr  
Freeport .....Freeport Library, 410 Brazosport Blvd  
Lake Jackson .....Doris Williams Civic Center, 333 Hwy 332 East  
Manvel .....Manvel Annex, 7313 Corporate Dr  
Pearland Este .....Tom Reid Library, 3522 Liberty Dr  
Pearland Oeste .....West Pearland Community Center, 2150 Countryplace Pkwy  
Shadow Creek .....West Pearland Library, 11801 Shadow Creek Pkwy  
Sweeny.....Sweeny Community Center, 205 W Ashley Wilson Rd  
West Columbia .....Precinct 4 Building #2, 121 N 10<sup>th</sup> St

### FECHAS Y HORAS

22-26 de abril.....8 AM – 5 PM  
28-29 de abril.....8 AM – 5 PM



Secretaria de la Votación Adelantada

	Election Day Locations- Tentative and subject to change- "DO NOT POST"	
Home Pct #	Polling Place	Zip Code
1	East Annex (Old Walmart), 1524 E Mulberry, Angleton	77515
2	Precinct 4 Building #2, 121 N 10th St, West Columbia	77486
4	Brazoria Library, 620 S Brooks, Brazoria	77422
9	Bonney Annex Building, 19025 FM 521, Bonney	77583
11	Alvin ISD Heritage Complex, Liberty Alumni Hall, 10855 Iowa Colony Blvd, Iowa Colony	77583
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny	77480
15	Danbury Community Center, 6115 5th St, Danbury	77534
17	Freeport Library, 410 Brazosport Blvd, Freeport	77541
19	Clute Event Center, 100 Parkview Dr, Clute	77531
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek	77541
23	Doris Williams Civic Center, 333 Hwy 332 East, LJ	77566
26	Brookside Village Community Center, 6243 Brookside Rd, Brookside Village	77581
29	West Pearland Community Center, 2150 Countryplace Pkwy, Pearland	77584
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach	77541
39	Alvin Library, 105 S Gordon, Alvin	77511
46	Tom Reid Library, 3522 Liberty Dr, Pearland	77581
50	West Pearland Library, 11801 Shadow Creek Pkwy, Pearland	77584
65	Manvel Annex, 7313 Corporate Dr, Manvel	77578
79	Iowa Colony Public Safety Building, 3144 Meridiana Pkwy, Iowa Colony	77583
Tentative, depending on city elections		
6	Liverpool City Hall, 8901 County Road 171, Liverpool	77577
8	Oyster Creek City Hall, 3210 FM 523, Oyster Creek	77541
25	Hillcrest Village Municipal Building, 200 W Timberlane, Alvin	77511
75	Richwood City Hall, 1800 Brazosport Blvd N, Richwood	77531
12	Drainage District No. 4 Building, 4813 W Broadway, Pearland	77581
37	Pearland Recreation Center, 4141 Bailey Rd, Pearland	77584
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland	77584