

ORDINANCE NO. 2025-012

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 2025, BEING MAY 3, 2025, ON THE QUESTION OF THE ADOPTION OF FOUR (4) 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. 2025-004 of the City of Clute, Brazoria County, Texas, heretofore read, passed, adopted and ratified on January 23, 2025, 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, 2025, being the 3RD day of May, 2025, for the purpose of permitting the qualified electors of said City to vote for or against the adoption of FOUR (4) 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. 2025-004 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	239	34
AMENDMENT 2	227	50
AMENDMENT 3	224	55
AMENDMENT 4	212	49

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 6.02 of the Home Rule Charter of the City is hereby 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.**

AMENDMENT NUMBER TWO

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, **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.

AMENDMENT NUMBER THREE

Section 15.18(A)(c) of the Home Rule Charter of the City is hereby
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.

AMENDMENT NUMBER FOUR

Section 17.00 of the Home Rule Charter of the City is hereby amended
to 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

SECTION FOUR--Effective Date

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

READ, PASSED AND ADOPTED this 8th day of May, 2025.

Calvin Shiflet, Mayor,
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Rosie Poitevint, City Clerk,
City of Clute, Texas

Christopher Duncan, City Attorney,
City of Clute, Texas