

1 The Charter Review Commission held a regular meeting on Monday, January 5, 2015 at 7:00 p.m. in
2 Seabrook City Hall, 1700 First Street, Seabrook Texas in the second floor conference room to discuss,
3 and if appropriate, take action on the items listed below.
4

5 **THOSE PRESENT WERE:**

6 LAURA DAVIS	CHAIR
7 JOHN CHISLER	MEMBER
8 KEVIN FERGUSON	VICE-CHAIR
9 DELAINA HANSSSEN	MEMBER
10 DON HOLBROOK	MEMBER
11 DAVID JOHNSON	MEMBER
12 ELAINE RENOLA	MEMBER
13 GAYLE COOK	CITY MANAGER
14 STEVEN L. WEATHERED	CITY ATTORNEY
15 MICHELE L. GLASER	CITY SECRETARY

16
17 Chair Laura Davis called the meeting to order at 7:00 p.m.

18
19 **1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.**

20
21 **2.0 NEW BUSINESS**

22
23 **2.1 Review/Consider the minutes of December 15, 2014.**

24
25 Motion was made by Mr. Holbrook and seconded by Mr. Ferguson

26
27 To approve the minutes as presented.

28
29 Ayes: Davis, Ferguson, Hanssen, Holbrook, Johnson, Renola.
30 Abstain: Chisler.

31
32 MOTION CARRIED BY MAJORITY VOTE.

33
34 **2.2 Review/Prepare final report to City Council.**

35
36 Members reviewed the draft final report prepared by Chair Davis and thanked her for her hard
37 work. Several changes were made to the final report as shown on Attachment A.

38
39 Motion was made by Mr. Johnson and seconded by Mr. Holbrook

40
41 To extend the meeting until 9:30 p.m.

42
43 Ayes: Davis, Hanssen, Holbrook, Johnson, Renola.
44 Nays: Chisler, Ferguson.

45
46 MOTION CARRIED BY MAJORITY VOTE.
47

48 When reviewing the language for Section 5.21, Proposition 12, it was discovered that the ballot
49 language for proposition 12 as amended unanimously by the Commission on December 15, 2014
50 did not match the language in the actual charter amendment.
51

52 Motion was made by Mrs. Renola and seconded by Mr. Johnson
53

54 That the language for the charter amendment in Section 5.21 and the explanation of Section 5.21
55 in the final report should match the ballot language for Proposition 12 as approved on December
56 17, 2014.
57

58 The ballot language reads as follows:
59

60 *“The Council may approve non-emergency, capital expenditures in an amount not to exceed 20*
61 *percent of the combined General and Enterprise Operating and Reserve Fund Budgets, less any*
62 *required reserve fund balance required by the city’s financial policy in effect at the time of the*
63 *expenditure. Voter approval shall be required for non-emergency, capital expenditures in excess*
64 *of the permitted amount.*
65

66 *Capital expenditures for emergencies or disasters, as declared by federal, state or city*
67 *government, which pose an imminent threat to public health and safety, may be made without*
68 *voter approval.”*
69

70 MOTION CARRIED BY UNANIMOUS CONSENT.
71

72 Motion was made by Mr. Ferguson and seconded by Mr. Johnson
73

74 To approve the final report with the amendments shown on Attachment A. In addition, the city
75 secretary is directed to make capitalization and punctuation consistent throughout the document.
76

77 MOTION CARRIED BY UNANIMOUS CONSENT.
78

79 **3.0 OLD BUSINESS**

80
81 **3.1 Review/Approve final draft of charter amendments and ballot propositions, if applicable.**
82

83 See amendment made to Section 5.21 as shown in lines 55 to 79 above.
84

85 **4.0 ROUTINE BUSINESS**
86

87 **4.1 Establish future meeting dates and agenda items.**
88

89 The next meeting will be held on January 12 to give final approval to the final report, charter
90 changes and ballot propositions. Members and staff were asked to submit any additional
91 proposed changes to Mrs. Glaser no later than Friday, January 9, 2014 for inclusion into the
92 agenda packet.
93

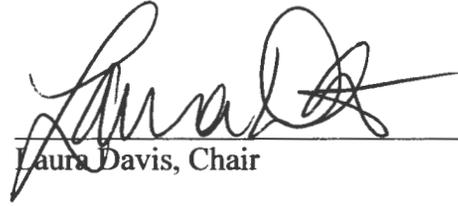
94 Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 9:30 p.m.

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102

Approved this 12th day of January 2015.



Michele L. Glaser, TRMC, City Secretary



Laura Davis, Chair



1 **Seabrook Charter Review Commission**

2 **Final Report to City Council (as revised on 1/5/15)**

3 **February 3, 2015**

- 4
- 5 **Chairperson: Laura Davis**
6 **Vice Chairperson: Kevin Ferguson**
7 **John Chisler**
8 **Delaina Hanssen**
9 **Don Holbrook**
10 **David Johnson**
11 **Elaine Renola**

12
13
14 The Seabrook Charter Review Commission, commissioned by City Council to review the City’s
15 Charter and to recommend any changes as seen necessary by the Commission, respectfully
16 submits the following report of the Commission’s findings and proposed Charter amendments to
17 City Council to be voted upon by the electorate of the City of Seabrook at the next scheduled
18 election in May, 2015.

19
20 The Commission’s goal was to recommend changes that were deemed necessary in order to
21 improve city operations, address statutory changes, and to create better consistency within the
22 Charter, especially with voting requirements for City Council, to allow for easier interpretation
23 in the future. The Commission received recommendations from City Council, the City Manager
24 and staff, the City Secretary, the City Attorney, the Municipal Court Judge, various City Boards,
25 Committees, Commissions or other appointed positions, and from the citizens of Seabrook. All
26 recommendations were weighted equally, regardless of the source of the recommendation.
27 Following the highlighted recommendations of the Commission on each Article of the Charter is
28 a brief explanation of the Commission’s reasoning for these recommendations, and the
29 Commission’s assessment of its positive, negative or neutral impact to the City’s budget. At the
30 end of the report are suggestions for a future Charter Review Commission to consider
31 (Attachment A).

32
33 We request that this official report and the proposed ballot propositions be placed on the City
34 web site as soon as possible, to allow citizens ample time to review all proposed changes before
35 the May 2015 election.

- 36
37 **No Proposed Changes:**
38 • **Article I: Incorporation**
39 • **Article III: The City Manager**

- Article VI: Planning and Zoning
- Article XII: Transitional Provisions

ARTICLE II: THE COUNCIL

Proposition 1: Section 2.01—Term Limits

Change the term of a Councilmember from a 3-year to a 4-year term, beginning with the General Municipal Election in 2017 for the Mayor and Council Positions 2, 4 and 6 and in 2018 for Council Positions 1, 3 and 5.

Commission Explanation: ~~The Mayor and members of Council are currently at a disadvantage in participating in leadership positions in organizations that could greatly benefit the City. By extending the term of office from 3 to 4 years, the Mayor and Council would be able to build better relationships and connections with organizations that have a direct impact on the City. This would also cause elections to be held less frequently, which would save the City money. The Commission identified the following disadvantages of the current term lengths: 1) difficulty for the City to place Council representatives in leadership positions in external organizations that have a direct impact on the City; 2) administrative costs involved with the orientation and training of Council members every three (3) years; 3) costs associated with more frequent elections and 4) availability of candidates. Extending the terms of office from three to four years mitigates these disadvantages, while still adhering to the~~ The limitation of two consecutive terms of office. ~~would remain the same.~~

Budget Impact: ~~It is~~ This proposition is expected to ~~that the City would~~ save money, as elections would be held less often.

Proposition 2: Section 2.05—Vacancies, Forfeiture, Filling of Vacancies (and related Charter requirements for filling a vacancy, such as Section 8.13, “Results of Election”)

Allow an affirmative vote of 4 or more councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less.

Commission Explanation: State Law now allows for this provision that permits a Council to fill an unexpired term without having to call a special election, which can be very costly. If the remaining term of the vacant position is greater than 12 months, a special election would be called by Council.

Budget Impact: It is expected that the City would save money as appointment is less costly than a special election.

Proposition 3: Section 2.08—Administrative Offices and Departments

84 Delete the list of City Departments.
85

86 **Commission Explanation:** The name and number of City Departments can change or be
87 modified over time, as is dictated by the needs of the City. The Departments are named
88 by ordinance, which should suffice.
89

90 **Budget Impact:** There is no expected budget impact.
91

92 **Proposition 4: Section 2.09—City Secretary**
93

94 Require an affirmative vote of four or more councilmembers to appoint or remove the
95 City Secretary.
96

97 **Commission Explanation:** The Commission compared the voting requirements of
98 Council for appointment or termination of critical positions within the City, including the
99 City Secretary, City Manager, City Attorney and Municipal Judge. It found
100 inconsistencies and, in some instances, silence on the subject. As all of these positions
101 are essential for the operation of the City, it is recommended that the voting requirements
102 be the same for all of these positions. The Charter requires an affirmative vote of four or
103 more councilmembers to appoint or remove the City Manager, so this is the template the
104 Commission used for the other positions, including the City Secretary. In this instance,
105 the Charter has no requirement for removal of a City Secretary, so one is added for
106 consistency.
107

108 **Budget Impact:** There is no expected budget impact.
109

110 **Proposition 5: Section 2.08—Administrative Departments, and Section 2.09—City**
111 **Secretary**
112

113 Move both sections from Article II (The Council) to Article IV (Administrative
114 Departments).
115

116 **Commission Explanation:** It would be easier to reference both of these sections if they
117 were in the Article that focuses on different departments, rather than the Article that
118 focuses on the City Council. There is no other revision associated with this amendment.
119

120 **Budget Impact:** There is no expected budget impact.
121

122 **Proposition 6: Section 2.12—Rules of Procedure**
123

124 Clarify that all required council actions shall be adopted by an affirmative vote of a
125 majority of Councilmembers present and voting, except as provided elsewhere in the
126 Charter or in state law.
127

128 **Commission Explanation:** The Charter currently limits any exception to this provision
129 | to Section 2.05. There may come a time when other sections of the Charter or state law
130 will also apply, so the Commission recommends changing the exception to “as provided
131 elsewhere in the Charter or state law” so that potential conflicts can be avoided.

132
133 **Budget Impact:** There is no expected budget impact.

134
135
136 **Provision 7: Section 2.13—Passages of Ordinances in General**

137
138 Delete the following: “A proposed ordinance may be amended at any reading but any
139 ordinance amended in substance, as determined by Council, shall automatically be placed
140 again on first reading at a subsequent meeting. Amendments involving such items as
141 typographical, grammatical or spelling changes or renumbering of sections shall not be
142 considered substantive.”

143
144 **Commission Explanation:** The phrase “in substance” has caused great confusion in the
145 past as it is left to City Council to interpret which changes are “substantive” in nature.
146 Removing this statement allows less confusion in interpreting the Charter.

147
148 **Budget Impact:** There is no expected budget impact.

149
150
151 **Proposition 8: Section 2.13—Passages of Ordinances in General**

152
153 Clarify that the effective date of ordinances with penal provisions be dictated by state law
154 rather than after it has been posted for two weeks.

155
156 **Commission Explanation:** In ordinances with penal provisions, the state requires
157 certain effective dates. This change is to avoid conflict with state law.

158
159 **Budget Impact:** There is no expected budget impact.

160
161
162 **Proposition 9: Section 2.14—Emergency Ordinances**

163
164 Require an affirmative vote of four councilmembers to approve an emergency ordinance,
165 except where otherwise provided in the Charter.

166
167 **Commission Explanation:** In an emergency, all councilmembers may not be available,
168 especially if an evacuation or natural disaster has occurred. For uniformity, the
169 | Commission recommends changing this voting requirement from 2/3's two-thirds of
170 those present to four or more for approval. This does not impact emergency

171 appropriations ordinances, which require a vote of five or more councilmembers for
172 approval.

173
174 **Budget Impact:** There is no expected budget impact.

175 **Proposition 10: Section 2.15—Authentication, Recording, Codification, Printing and**
176 **Distribution of Ordinances**

177
178 Change the requirement for availability of approved ordinances and resolutions from
179 posting at City Hall and the library to posting at City Hall and on the city website.

180
181 **Commission Explanation:** There is a cost associated with copying and distribution
182 distributing of every ordinance and resolution that is passed by Council. This would
183 eliminate that cost. There is also a computer at City Hall where the public can access this
184 information.

185
186 **Budget Impact:** ~~There~~ It is expected ~~to~~ that ~~this proposition~~ the city would save
187 copying and administrative costs.

188
189 **ARTICLE IV: ADMINISTRATIVE DEPARTMENTS**

190
191 **Proposition 11: Section 4.02—City Attorney**

192
193 Change the voting requirements for appointment or removal of a City Attorney from
194 “majority of members present” to “four or more councilmembers”.

195
196 **Commission Explanation:** See explanation for Proposition 4. This proposition is
197 intended to create consistency and uniformity in voting requirements. In this specific
198 instance, a majority of members present could be as little as three votes.

199
200 **Budget Impact:** There is no expected budget impact.

201
202 **ARTICLE V: FINANCIAL PROCEDURES**

203
204 **Proposition 12: Section 5.21—Citizen Approval Required for Certain Expenditures and**
205 **Use of Reserved Funds**

206
207 Consolidate this section and update it to address current and future city needs, allow for
208 grant opportunities requiring matching funds and adjust for changing state mandates by
209 allowing the City Council to make non-emergency capital expenditures in an amount not
210 to exceed 20 percent of the combined General and Enterprise Operating and Reserve
211 Fund Budgets, less any required reserve fund balance established by the city’s financial
212 policy in effect at the time of the expenditure, ~~less any required fund balance established~~
213 ~~by the city finance policy.~~

215 **Commission Explanation:** This section has been discussed and debated for many years.
216 Currently, the Council ~~is limited in spending funds less than may not spend funds of~~ one
217 (1) million dollars or more without a vote of the people. This limitation prevented the
218 City from ~~acquiring~~ applying for additional grant money following Hurricane Ike, which
219 could have been a major help in the recovery of the city, because grant application
220 deadlines do not generally allow for time to conduct elections. The Commission
221 determined that having a ~~static~~ fixed dollar amount in the Charter will cause future
222 problems ~~as related to~~ inflation, rising building costs and other economic factors ~~occur~~.
223 Therefore, the Commission recommends a percentage of the General and Enterprise
224 Funds (only these two major funds of the city, not including special funds) to keep in line
225 with the city's current budget needs and limitations. As the budget rises and falls, so will
226 the Council's cap on spending. This proposition does not allow Council to spend any of
227 the required fund balance that is established by the city finance policy, and it does not
228 apply to emergency expenditures.

229
230 **Budget Impact:** Budget impact cannot be quantified due to variables.

231
232 **ARTICLE VII: NOMINATIONS AND ELECTIONS**

233
234 **Proposition 13: Section 7.01—Nominations and Elections**

235
236 Allow the general city election to be held on a date other than the second Saturday in May, if
237 allowed by state law.

238
239 **Commission Explanation:** The State recently changed the allowable dates for municipal
240 elections and required cities to choose which date they would use. Because of this charter
241 requirement, the city could not change the date of its elections. It resulted in the city having to
242 purchase its own election equipment. This proposition would give the city flexibility to work
243 within state law.

244
245 **Budget Impact:** This could save money if the city is allowed to hold elections with Harris
246 County.

247
248 **ARTICLE IX: MUNICIPAL COURT**

249
250 **Proposition 14: Section 9.02—Judge of the Municipal Court**

251
252 Change the voting requirements for appointment or removal of the Municipal Judge from
253 "majority of members present" to "four or more councilmembers".

254
255 **Commission Explanation:** See explanation for Propositions 4 and 11.

256
257 **Budget Impact:** There is no expected budget impact.

258

259 **ARTICLE X: FRANCHISES AND PUBLIC UTILITIES**

260
261 **Proposition 15: Section 10.05—Ordinances Granting Franchises**

262
263 Change the requirement for approval of franchise ordinances to correspond to other
264 ordinances (after two readings unless otherwise required by state law).

265 **Commission Explanation:** The Charter currently requires three readings and a waiting
266 period of 42 days after the first reading. It also requires the full text of the ordinance to
267 be published in the newspaper, which can be very costly. The proposition would allow
268 for publishing the title and caption in the newspaper after passage. The current
269 requirements do not allow the city to be competitive with other cities.

270
271 **Budget Impact:** This proposition may save money due to the changes in requirements
272 for publicizing in the newspaper.

273
274 **ARTICLE XI: GENERAL PROVISIONS**

275
276 **Proposition 16: Section 11.08—Fire Department and Fire Marshal**

277
278 Modify the allowable service providers to state that the City could utilize the Seabrook
279 Volunteer Fire Department, and/or other fire service providers as permitted by law.

280
281 **Commission Explanation:** The City is exploring all options with the Seabrook
282 Volunteer Fire Department for providing services, including an Emergency Services
283 District. This amendment would allow the City to explore all select the best option for
284 service.

285
286 **Budget Impact:** Budget impact cannot be quantified due to variables.

287
288 **Proposition 17: Section 11.18—Charter Review Commission**

289
290 Allow the appointment of a Charter Review Commission no sooner than two years nor
291 later than five years after the most recent appointment.

292
293 **Commission Explanation:** This would allow City Council the flexibility to call appoint
294 a Charter Review Commission to coincide with the election schedule, rather than holding
295 a separate, costly, election. It would also allow Council to handle issues as they arise,
296 rather than waiting for the current prescribed time period.

297
298 **Budget Impact:** Budget impact cannot be quantified due to variables.

299
300 **Proposition 18: Section 11.16—Amending the Charter and Section 11.18—Charter Review**
301 **Commission**

303 Combine these two sections into one titled “The Charter Review Commission and
304 Amending the Charter”.

305
306 **Commission Explanation:** These two sections really discuss different aspects of the
307 same topic. The Commission felt that combining them would allow for easier reference
308 in the future. There is no other revision associated with this amendment.

309
310 **Budget Impact:** There is no expected budget impact.

311
312 **Proposition 19: Section 11.24—Comprehensive Master Plan Commission**

313
314 Allow the appointment of a Comprehensive Master Plan Commission no sooner than two
315 years nor later than five years after the most recent appointment, and to allow Council to
316 extend the six-month term of the Commission.

317
318 **Commission Explanation:** ~~When the~~The Charter Review Commission and
319 Comprehensive Master Plan Review Commission meet concurrently, ~~staff is stretched~~
320 ~~very thin in meeting the administrative needs of both commissions;~~ making it is difficult
321 for staff to support conflicting meeting schedules. The Council also finds it difficult to
322 attract qualified volunteers for concurrent commissions with volunteers. This proposition
323 would allow City Council the flexibility to ~~each~~ appoint a Comprehensive Master Plan
324 Commission at a different time than the Charter Review Commission, which would ~~help~~
325 assist with staff allocation and volunteer recruitment. It would also maintain consistency
326 between keep the Comprehensive Master Plan Review Commission requirements in line
327 with and the Charter Review Commission ~~requirements~~ (see Proposition 17). Finally, it
328 would allow the terms for the Comprehensive Master Plan Commission to be extended in
329 the event a planning consultant is hired or other needs arise.

330
331 **Budget Impact:** Budget impact cannot be quantified due to variables.

332
333 **Proposition 20: Section 11.28—Other Charter Requirements**

334
335 Require that all City appointees to boards, corporations, organizations, committees and
336 other related entities ~~formed or having oversight by the City~~ shall conform to the
337 requirements of the Charter provisions regulating personal, interest, conflicts of interest,
338 nepotism and ethics.

339
340 **Commission Explanation:** The current Charter language is vague, which may lead
341 to conflicting interpretations. The Commission is clarifying and specifying the
342 Charter provisions that apply to city appointees.

343
344 **Budget Impact:** Budget impact cannot be quantified due to variables.

345

346 **Conclusion:** The Charter Review Commission does hereby notify the City Council of the City
347 of Seabrook, City Manager and staff, and the citizenry of Seabrook of the completion of our
348 work. We wish to cause the attached proposed ballot language to be properly submitted to the
349 electorate of the City of Seabrook at the next appropriate and regular election date (May, 2015)
350 for approval by majority vote. This completes our service to the City of Seabrook, which began
351 in July, 2014. It has been an honor to be selected for this Commission and to serve the City in
352 such an important endeavor.

353
354

355

356 Respectfully submitted unanimously on this 3rd day of February, 2015 by

357

358

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361 _____
Laura Davis, Chairperson

Kevin Ferguson, Vice-Chairperson

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John Chisler

Delaina Hanssen

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Don Holbrook

David Johnson

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Elaine Renola

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Attachment “A”

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The Charter Review Commission respectfully submits these suggestions for a future Charter Review Commission to consider. These suggestions were made, in large part, to allow for more consistency within the Charter.

1. Article II, “The Council”, Section 2.01 and subsequent sections: Amend to identify the Mayor and Councilmembers collectively as “Council” or “City Council” to avoid ambiguity in reference to the Charter.
2. Article II, “The Council”, Section 2.07, “Prohibitions”. Amend to clarify that the “manager” referred to in these sections is the “City Manager”.
3. Article II, “The Council”, Section 2.13, “Passages of Ordinances in General”. Amend to allow an ordinance to adopt a technical code by reference provided that the technical code is authenticated by the city secretary and is available for review by the public.
4. Article II, “The Council”, Section 2.13, “Passages of Ordinances in General”. Amend to more clearly explain that failure to post an adopted ordinance with a penalty clause on the city website and TV channel shall not affect the validity of the ordinance.