

1 The Charter Review Commission held a regular meeting on Monday, January 12, 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 HANSSEN – arrived at 7:05 p.m.	MEMBER
10 DON HOLBROOK	MEMBER
11 DAVID JOHNSON – left at 8:00 p.m.	MEMBER
12 ELAINE RENOLA	MEMBER
13 GAYLE COOK – arrived at 8:00 p.m.	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 Approve the minutes of the January 5, 2015 meeting.**

24 Motion was made by Mr. Chisler and seconded by Mrs. Renola

25  
26 To approve the minutes of January 5, 2015 as presented.

27  
28 MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE PRESENT.  
29

30  
31 Mrs. Hanssen arrived at the meeting.  
32

33 **3.0 OLD BUSINESS**

34  
35 **3.1 Consider/approve all charter amendments, ballot propositions and the Commission's final**  
36 **report for the entire Charter, Articles I-XII.**  
37

38 **REVIEW OF CHARTER AMENDMENTS**

39 Additional changes were made to Sections 5.21, 7.01(a), 9.02 and 11.28.  
40

41  
42 **SECTION 5.21.**

43  
44 Section 5.21 had been previously amended. The only amendment made at tonight's meeting was  
45 change the word "*required*" to the word "*established*" as highlighted in yellow and as shown  
46 below.  
47

48 "Section 5.21. Citizen approval required for certain expenditures and use of reserved  
49 funds.

50 **The Council may approve non-emergency, capital expenditures in an amount not to exceed**  
51 **20 percent of the combined General and Enterprise Operating and Reserve Fund Budgets,**  
52 **less any required reserve fund balance [required] established by the City's financial**  
53 **policy in effect at the time of the expenditure. Voter approval shall be required for non-**  
54 **emergency, capital expenditures in excess of the permitted amount.**  
55

56 **Capital expenditures for emergencies or disasters, as declared by federal, state or city**  
57 **government, which pose an imminent threat to public health and safety, may be made**  
58 **without voter approval.**  
59

#### 60 SECTION 7.01

61  
62 Section 7.01 had been previously amended so that the word "*required*" had been changed to the  
63 word "*provided*." Tonight's amendment changes the word "*provided*" to the word "*allowed*"  
64 as highlighted in yellow and as shown below.

65 "Section 7.01. Nominations and elections.

66 (a) *Regular Elections:* The general city elections will be held annually on the second  
67 Saturday in May, unless otherwise [required] [provided] **allowed** by state law. The  
68 Council shall fix the place for holding such an election."  
69

#### 70 SECTION 9.02

71  
72 Section 9.02 had been previously amended. The only amendment made at tonight's meeting was  
73 to replace the word "*required*" with the word "*provided*" as highlighted in yellow and as  
74 shown below.

75  
76 "Section 9.02. Judge of the Municipal Court.

77 The Municipal Court shall be presided over by a magistrate, appointed by [the] **an affirmative**  
78 **vote of four or more Councilmembers,** known as the Judge of the Municipal Court. He or she  
79 shall be an attorney at law licensed to practice in the State of Texas. Unless the residency  
80 requirement is waived as explained below, he or she shall reside within the corporate limits of  
81 the City. The Council, **by an affirmative vote of four or more members,** shall appoint alternate  
82 judges as needed who shall meet the qualifications required for appointment as a Judge. The  
83 City Council may waive the residency requirement when appointing a Municipal Court Judge or  
84 Alternate Judge with an affirmative vote of five (5) council members. The Council shall fix the  
85 compensation of the Judge and the alternate Judge of the Municipal Court. The Judge and the  
86 Alternate Judge shall be appointed for a term of three (3) years unless otherwise required by state  
87 law. **Removal of a judge during his/her term requires an affirmative vote of four or more**  
88 **Councilmembers, unless otherwise [required] provided by state law.** At the time of passage of  
89 this Charter change: (1.) the terms of the incumbent Judge and Alternate Judge shall expire on  
90 June 7, 1996, when qualified candidates shall be appointed to the respective offices for three year

91 terms to expire on June 7, 1999, and a like term in each office shall be filled by appointment on  
92 said date every three years thereafter.”

93  
94 **SECTION 11.28**

95  
96 Section 11.28 had also been previously amended. New amendments made tonight are  
97 highlighted in yellow and as shown below.

98 “Section 11.28. Other Charter requirements.

99 All City appointees to [B] boards, committees, corporations, organizations, and other related  
100 entities [by any other name formed by or having oversight by the City of Seabrook] shall  
101 conform to the Charter requirements of the City of Seabrook **regulating personal interest,**  
102 **conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance.**”  
103

104  
105 **REVIEW OF BALLOT PROPOSITIONS**

106  
107 Commission members next reviewed all 20 ballot propositions. Changes made to the  
108 propositions tonight are highlighted in yellow and shown below.

109  
110 (As an editorial note, I tried to be consistent in the capitalization, punctuation, and the  
111 numbering and naming of sections throughout the document. I also placed the explanation  
112 of the budget impact of each proposition in sentence form for clarity.)  
113

114 <sup>1</sup> Shall Article II, “The Council”, Section 2.01, “The Council” be amended to allow a member of  
115 Council, including the Mayor, to be elected for no more than two consecutive four-year terms  
116 rather than two consecutive three-year terms as currently provided in the Charter, to begin with  
117 the General Municipal Election in 2017 for the Mayor and Councilmembers in positions 2, 4 and  
118 6 and in 2018 for Councilmembers in positions 1, 3 and 5? This proposed amendment would  
119 delete the prior historical charter language related to 3-year terms. This amendment is  
120 expected to save money, as there will be fewer elections.  
121

122 <sup>2</sup> Shall Article II, Section 2.05, “Vacancies, forfeiture, filling of vacancies”, Subsection (c),  
123 “Filling of Vacancies”, and related charter requirements for filling a vacancy, including Section  
124 8.13, “Results of election”, Subsection (b) “Recall”, be amended to allow an affirmative vote of  
125 four or more Councilmembers to fill a vacancy on Council by appointment, if the remaining term  
126 of the vacant position is 12 months or less as permitted by state law? This amendment is  
127 expected to save money, as appointment is less costly than a special election.  
128

129 <sup>3</sup> Shall Article II, Section 2.08, “Administrative offices and departments” be amended to delete the  
130 list of city departments, as the names and number of departments can periodically change by  
131 approval of an ordinance by City Council? This amendment has no expected budget impact.  
132

133 <sup>4</sup> Shall Article II, Section 2.09, “City Secretary” be amended to require an affirmative vote of four  
134 or more councilmembers to appoint and remove a City Secretary? Currently, appointment of a

135 City Secretary requires an affirmative vote of two-thirds of all councilmembers present. This  
136 amendment has no expected budget impact.  
137

5 138 Shall Section 2.08. "Administrative Departments" and Section 2.09. "City Secretary" be  
139 relocated [moved] from Article II. "The Council" to Article IV "Administrative Departments"  
140 for easier reference? There is no other revision associated with this amendment. This  
141 amendment has no expected budget impact.  
142

6 143 Shall Article II, Section 2.12 "Rules of Procedure" be amended to clarify generally that all  
144 required council actions shall be adopted by an affirmative vote of a majority of  
145 Councilmembers present and voting aye or nay, except as provided elsewhere in the Charter or in  
146 state law? Currently, Section 2.12 incorrectly states that the only exception to this voting  
147 requirement is Section 2.05. This amendment has no expected budget impact.  
148

7 149 Shall Article II, Section 2.13, "Passage of Ordinances in General" Subsection (b), "Procedure"  
150 be amended to delete the following: *"A proposed ordinance may be amended at any reading but*  
151 *any ordinance amended in substance, as determined by Council, shall automatically be placed*  
152 *again on first reading at a subsequent meeting. Amendments involving such items as*  
153 *typographical, grammatical or spelling changes or renumbering of sections shall not be*  
154 *considered substantive."*? This amendment is proposed to provide consistency in  
155 application, to avoid ambiguity, and to remove the continuing requirement for Council  
156 interpretation of what constitutes "substance". Pursuant to this Section, proposed Ordinances  
157 (~~except for an election, emergency or budget/tax Ordinances~~), already require two readings, with  
158 at least two weeks elapsing between each reading. This amendment has no expected budget  
159 impact.  
160

8 161 Shall Article II, Section 2.13, "Passage of Ordinances in General," Subsection (c), "Effective  
162 Date", be amended to require that City ordinances with penal provisions shall be posted on the  
163 city website within 10 days of approval and the effective date after passage shall be governed by  
164 state law to avoid potential conflict with statutory provisions? Currently, the City Charter  
165 requires that such ordinances shall be effective after posting on the city website and TV channel  
166 for a period of two (2) weeks. There is no change to the requirement that ordinances with penal  
167 provisions must be published once in the official city newspaper. This amendment has no  
168 expected budget impact.  
169

9 170 Shall Article II, Section 2.14 "Emergency Ordinances" be amended for uniformity to require an  
171 affirmative vote of at least four Councilmembers to approve an emergency ordinance, except as  
172 specifically otherwise provided specified by Charter? Currently the charter requires an  
173 affirmative vote of only 2/3's of Councilmembers present. This amendment has no expected  
174 budget impact.  
175  
176

10 177 Shall Article II, Section 2.15 "Authentication, Recording, Codification, Printing and Distribution  
178 of Ordinances," subsections (b) and (c) be amended to require that the "Seabrook City  
179 [Municipal] Code" and all approved ordinances and resolutions shall be available for review by

180 the public at City Hall and on the City website? Currently, the Charter provides only that these  
181 documents must be available ~~[for]~~ **to the** public ~~[[re]view]~~ at City ~~[Hall]~~ **offices** and in a library  
182 selected by Council. This amendment is expected to save labor and materials in copying.  
183

11 184 Shall Article IV, "Administrative Departments", Section 4.02, "City Attorney" Subsection (a),  
185 **"Appointment and Qualifications"**, and Subsection (d), **"Removal"**, be amended to require an  
186 affirmative vote of four or more Councilmembers to appoint and remove a City Attorney?  
187 Currently, the City Attorney may be appointed and removed by an affirmative vote of a  
188 majority of Councilmembers present. There is no expected budget impact.  
189

12 190 Shall Article V, Section 5.21 "Citizen approval required for certain expenditures and use of  
191 reserved funds" be updated, clarified and consolidated to address current and future City **funding**  
192 **needs? This amendment is requested proposed** to allow the City to apply for time- critical grant  
193 opportunities requiring matching funds, adjust for changing state mandates **and avoid a fixed**  
194 **limitation that fails to address current city financial status** by allowing the City Council to  
195 ~~[make]~~ **approve** non-emergency capital expenditures in an amount not to exceed 20 percent of  
196 the combined General and Enterprise Operating and Reserve Fund Budgets, ~~[in effect at the time~~  
197 ~~of the expenditure,]~~ less any required fund balance established by the city finance policy **in**  
198 **effect at the time of the expenditure?** Voter approval shall be required for non-emergency  
199 capital expenditures greater than this amount. Currently, non-emergency capital expenditures of  
200 \$1,000,000 or more or 30 percent or more of the Reserves must be approved by a majority of  
201 Seabrook voters. Budget impact cannot be quantified due to variables.  
202

13 203 Shall Article VII. "Nominations and Elections", Section 7.01. "Nominations and Elections" be  
204 amended to **permit** ~~[allow]~~ the General City election to be held on a date other than the second  
205 Saturday of May, ~~[if allowed by]~~ **in accordance with** state law? **November elections, as**  
206 **currently authorized by statute,** may save money if the election is held with Harris County.  
207

14 208 Shall Article IX, "Municipal Court", Section 9.02. "Judge of the Municipal Court" be amended  
209 to require an affirmative vote of four or more councilmembers to appoint and remove the  
210 Municipal Court Judge and Alternate Judges? Currently, judges are appointed by a majority of  
211 councilmembers present. This amendment has no expected budget impact.  
212

15 213 Shall Article X. "Franchises and Public Utilities", Section 10.05, "Ordinances Granting  
214 Franchises" be amended to provide that franchise ordinances shall be approved in the same  
215 manner as other city ordinances ~~[after]~~ **requiring** two readings, unless otherwise required by  
216 state law? Currently, franchise ordinances require three readings and shall not be acted upon  
217 until 42 days after the first reading and the full text of the ordinance shall be published one time  
218 in the city's official newspaper. Budget impact cannot be quantified due to variables.  
219

16 220 Shall Article XI. "General Provisions", Section 11.08, "Fire Department and Fire Marshal", be  
221 amended to allow expansion of potential service providers by recognizing that providing fire  
222 protection services to citizens is essential and that the city may continue to provide this service  
223 through the Volunteer Fire Department and/or other fire service providers as permitted by law?  
224 **Currently, [F]**the only two ~~[methods of]~~ **provisions for** fire service listed in the ~~[current]~~

Charter are by a contract with the Seabrook Volunteer Fire Department or by the establishment of a paid city fire department. Budget impact cannot be quantified due to variables.

17 Shall Article XI, Section 11.18. "Charter Review Commission" be amended to allow the appointment of a Charter Review Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Commission? Currently, the Charter limits the appointment of the Charter Review Commission ~~[must be appointed]~~ to once every five (5) years at the first Council meeting in July. Budget impact cannot be quantified due to variables.

18 Shall Article XI, Section 11.16, "Amending the Charter" and Section 11.18 "Charter Review Commission" be combined for easier reference? The new Section 11.16 shall be titled "The Charter Review Commission and amending the Charter" and all subsequent sections in Article XI shall be renumbered accordingly. This amendment has no expected budget impact.

19 Shall Article XI, Section 11.24, "Comprehensive Master Plan Review Commission" be amended to allow the appointment of a Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Comprehensive Master Plan Review Commission and to allow Council to extend the six (6) month term of the Commission? Currently, the Charter limits the appointment of the Comprehensive Master Plan Review Commission ~~[must be appointed]~~ to once every five years and there is no provision for a term extension. Budget impact cannot be quantified due to variables.

20 Shall Article XI, Section 11.28, "Other Charter Requirements" be amended to clarify, reform, confirm and add specify ~~[requirements]~~ that all city appointees of boards, corporations, organizations, committees and other related entities ~~[formed or having oversight by the City]~~ shall conform to the requirements of the Charter provisions regulating personal interest, conflicts of interest, nepotism and ethics? Currently the Charter applies to entities and not specifically to individual members. Budget impact cannot be quantified due to variables.

**REVIEW OF FINAL REPORT**

Commission members reviewed the final report. The only part of the report to be considered for change tonight was the explanation of Proposition 20. Mrs. Glaser expressed concern that the amendment and explanation did not clearly address that the proposed change would subject boards and commissions to some, but not all, of the provisions of the Charter.

Mr. Johnson left the meeting and Mrs. Cook arrived at this time.

After discussion, the Commission amended this portion of the final report. Changes made tonight are highlighted in yellow as shown below.

**"Proposition 20: Section 11.28—Other Charter Requirements**

270 Require that all City appointees to boards, corporations, organizations, committees and other  
271 related entities shall conform to the requirements of the Charter provisions regulating personal  
272 interest, conflicts of interest, nepotism and ethics.  
273

274 **Commission Explanation:** The current Charter language is vague, which may lead to  
275 conflicting interpretations and appears to apply to entities in their entirety. The Commission  
276 is clarifying and [specifying] limiting the specific Charter provisions that shall apply [~~to all~~  
277 ~~city appointees~~] and shifts the emphasis to City appointees. The Charter cannot govern  
278 entities outside of the city's jurisdiction; therefore, the proposed amendment places  
279 responsibility on the city representatives to comply with these mandates.

280  
281 **Budget Impact:** Budget impact cannot be quantified due to variables.”  
282  
283  
284

285 Motion was made by Mr. Holbrook and seconded by Mr. Chisler  
286

287 To approve and accept the Charter amendments, ballot propositions and final report as amended  
288 above.  
289

290 MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE PRESENT.  
291  
292

293 **4.0 ROUTINE BUSINESS**

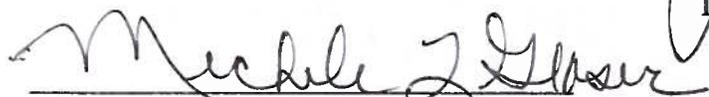
294  
295 **4.1 Establish future meeting dates and agenda items.**  
296

297 The final meeting will be held on Monday, January 26, 2015 at 7:00 p.m. to sign the final report  
298 and approve the January 12, 2015 minutes.  
299

300 Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 8:46 p.m.  
301  
302

303 Approved this 26th day of January 2015.  
304  
305

306  
307  
308   
309 \_\_\_\_\_  
310 Laura Davis, Chair

309   
310 \_\_\_\_\_  
311 Michele L Glaser, TRMC, City Secretary

