



**SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, MAY 7, 2024 - 4:00 PM**

For city information visit www.seabrooktx.gov
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NOTICE IS HEREBY GIVEN THAT THE SEABROOK Charter Review Commission WILL HOLD A MEETING ON **Tuesday, May 7, 2024 AT 4:00 PM** IN THE CITY HALL CITY COUNCIL CHAMBERS, 1700 1ST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW. **ALTHOUGH THIS IS NOT A SEABROOK CITY COUNCIL MEETING, MEMBERS OF CITY COUNCIL MAY ATTEND AND A QUORUM OF THIS BODY MAY BE PRESENT.**

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time the Commission will listen to any member of the audience on any subject matter whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, Commission Members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please state your name and address clearly before making your comments. Thank you.

2. NEW BUSINESS

2.1 Approve the minutes of the April 30, 2024 Charter Review Commission meeting.

2.2 Discuss and take all appropriate action on Article I, Sections 1.01 through 1.09 of the City of Seabrook Charter.

2.3 Discuss and take all appropriate action on Article II, Sections 2.01 through 2.15 of the City of Seabrook Charter.

3. ROUTINE BUSINESS

3.1 Establish future meeting dates and agenda items.

THE CHARTER REVIEW COMMISSION RESERVES THE RIGHT TO HEAR ANY OF THE

ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5663 OR CITYSEC@SEABROOKTX.GOV FOR FURTHER INFORMATION.

I certify that this notice was posted on the bulletin board on or before Friday, May 3, 2024 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Rachel Lewis, TRMC





**MEETING MINUTES
APRIL 30, 2024**

**SEABROOK CHARTER REVIEW COMMISSION
MEETING**

The meeting was called to order at 5:00 pm by Commission Member Andre Croce. Members present were Andrew Croce, Richard Tomlinson, Ann Wacker, Elaine Renola, and Garry Mack.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no citizen comments.

2. PRESENTATIONS

2.1 Administer the Oath of Office to all newly appointed Charter Review Commission members and review state-mandated training requirements.

City Secretary Rachel Lewis administered the Oath of Office to all Charter Review Commission members who were present. She went over training requirements and issued forms to be completed and filed with the City Secretary's office. She also provided Conflict of Interest information to all members.

3. NEW BUSINESS

3.1 Elect a Chairperson and Vice Chairperson for the Charter Review Commission.

Motion:	To Approve Andrew Croce as Chairperson
Made By:	Charter Review Commission Member Wacker
Seconded By:	Charter Review Commission Member Mack
Vote:	Passed unanimously by all present

Motion:	To Approve Ann Wacker as Vice Chairperson
Made By:	Charter Review Commission Member Croce
Seconded By:	Charter Review Commission Member Renola
Vote:	Passed unanimously by all present

3.2 Discuss and take appropriate action regarding set dates and times for regular Charter Review Commission meetings.

Motion:	To set regular meetings for the first and third Tuesday of each month from 4:00 to 6:00 pm.
Made By:	Charter Review Commission Member Croce
Seconded By:	Charter Review Commission Member Mack
Vote:	Passed with Members Croce, Tomlinson, Wacker, and Mack voting in favor, and Member Renola voting opposed.

4. DISCUSSION

4.1 Discussion regarding the Texas Open Meetings Act and the role of the City Attorney in the Charter Review process.

City Attorney David Olson discussed the Open Meetings Act and instructed all members to complete the Open Meetings Act training.

4.2 Discuss the charter review process and responsibilities of the Charter Review Commission as outlined by the Seabrook Charter.

City Attorney David Olson explained the duties of the Charter Review Commission. He explained procedures and rules as set out by the current charter.

4.3 Discuss the Rules of Procedure for the Charter Review Commission.

City Manager Gayle Cook went over the Rules of Procedure adopted by the last Charter Review Commission. Amendments were discussed. See attachment A.

Member Michael DeHart arrived at the meeting while the discussion of this item took place.

Motion:	To approve the Rules of Procedure as amended
Made By:	Charter Review Commission Member Croce
Seconded By:	Charter Review Commission Member Renola
Vote:	Passed unanimously by all present

5. ROUTINE BUSINESS

5.1 Establish future meeting dates and agenda items.

The next meeting was set for Tuesday, May 7, 2024 at 4:00 pm.

City Attorney Olson requested that a discussion of Articles 1 and 2 be included on the next agenda.

There being no further business, Chairperson Croce adjourned the meeting at 6:02 pm.

Approved:

Andrew Croce, Commission Chair

Date

ATTEST:

Rachel Lewis, City Secretary

ARTICLE I. INCORPORATION

Section 1.01. Incorporation.

The inhabitants of the City of Seabrook, Harris County, Texas, residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Seabrook," hereinafter referred to as the "City," with such powers, privileges, rights, duties, and immunities as are herein provided.

Section 1.02. Boundaries.

The boundaries of the City are hereby established as described in the original order of incorporation and in the current City Ordinances including any future City Ordinances as found and displayed on the official City map maintained and kept on file by the City Secretary.

Section 1.03. Form of government.

The municipal government provided by this Charter shall be known as the Council-City Manager Form of Government. Pursuant to the provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective Council.

State law reference(s)—Form of government in home rule municipality, V.T.C.A., Local Government Code § 26.001.

Section 1.04. General powers.

The City shall have all the powers of local self-government granted to cities by the Constitution and laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or any political subdivision thereof or with the Federal government or any agency thereof to accomplish any lawful purpose for the advancement of the interest, welfare, health, environment, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it, or which it may hereafter acquire, and shall have the right to lease or let its property, whether inside or outside of the City limits; may borrow money on the faith and credit of the City by issuance and sale of bonds, warrants or notes of the City; may borrow money on the revenue of municipally-owned utilities or other municipal enterprises by the issuance of bonds and notes secured by such revenues; may assess, levy and collect taxes for general and special purposes and all lawful subjects of taxation; may construct, own, lease, operate and regulate public utilities; may appropriate the funds of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, and for the order and security of its residents; and may provide suitable penalties for the violation of any ordinance enacted by the City and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the City may exercise all municipality powers, functions, rights, privileges and immunities of every name and nature whatsoever; and may pass ordinances and

enact such regulations as may be expedient for the maintenance of good government, order, and peace of the City and the welfare, health, environment, safety, and convenience of its inhabitants. The powers hereby conferred upon the City shall include but are not restricted to the powers conferred expressly and permissively by Chapter 147, Page 307, Acts of the 33rd Legislature of the State of Texas, Regular Session, 1913, enacted pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including Articles 1175, 1176, 1177, 1178, 1179 and 1180 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 26.021, 26.041, 43.021, 43.142, 51.072—51.078, 54.004, 101.022, 101.023, 141.004, 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072—215.075, 216.901, 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 372.041, 401.002, 402.002, 402.017, V.T.C.A., Tax Code §§ 302.001, 302.002, V.T.C.A., Health and Safety Code § 122.006], as heretofore or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which by virtue of Article II, Section V, of the Constitution of the State of Texas, the people of the City are empowered, by election, to grant or to confer upon the City by expressly and specifically granting and enumerating the same. All such power whether expressed or implied shall be exercised and enforced in the manner prescribed in this Charter or, when not prescribed herein, in such manner as shall be provided by ordinance of the Council.

Section 1.05. Eminent domain.

The City shall have full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the constitution or laws of the State of Texas. In all cases where the City seeks to exercise the powers of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this state, the City taking the position of the railroad corporation in any such case. The City may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

State law reference(s)—Eminent domain, V.T.C.A., Local Government Code § 251.001 et seq., V.T.C.A., Property Code § 21.001 et seq.

Section 1.06. Streets and public property.

The City shall have exclusive domain, control and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public part or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon. The conveyance or lease or authorization of the conveyance or lease of any lands of the City shall be by ordinance.

State law reference(s)—Home-rule municipality has exclusive control over and under the public roadways of the municipality, V.T.C.A., Transportation Code § 311.001 et seq.

Section 1.07. Street development and improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove or any combination or part thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the laws of the State of Texas; provided that no assessment shall be made against land owners in excess of the enhancement in value of such property occasioned, by such improvements. If improvements be ordered constructed in any part of any such area used or occupied by the tracks of facilities of any railway or public utility, then the Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have power by ordinance to provide for the enforcement of such assessment. As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts of the Fortieth Legislature of the State of Texas, First Called Session, 1927, as heretofore or hereafter amended, the same being V.T.C.A., Transportation Code § 313.001 et seq.

State law reference(s)—Street improvements, V.T.C.A., Transportation Code § 313.001 et seq.; streets and other public property, V.T.C.A., Transportation Code § 311.091 et seq.

Section 1.08. Extension of boundaries.

- (a) The boundaries of the City may be enlarged and extended by the annexation of territory, irrespective of size and configuration, in any of the methods hereinafter designated:
- (1) *Annexation of Occupied Land on Petition of Inhabitants:* Where such additional territory adjoins the corporate limits of the City and contains three (3) or more inhabitants qualified to vote for members of the State Legislature, a written petition requesting annexation and signed by a majority of qualified voters within the territory may be presented to the Council. The affidavit of one or more of the signers to the effect that said petition is signed by a majority of qualified voters shall be attached to the petition. The Council, at a regular session held no sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.
 - (2) *Annexation of Unoccupied Lands on Petition of Owners:* The owner or owners of any land which is without residents, or on which less than three (3) voters qualified to vote for members of the State Legislature reside, and is adjacent to the City limits may request annexation of such territory by petition in writing to the Council. The petition shall describe the property so owned in metes and bounds. The affidavit of one or more of the owners to the effect that there are no qualified voters in the territory and that the persons signing said petition own the land shall be attached to the petition. The Council, at a regular session held not sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.
 - (3) *Extension by Action of the City Council:* The Council shall have the power of ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the owners and inhabitants of the territory annexed, in any manner not inconsistent with the procedural

rules prescribed by the Legislature of the State of Texas in the Municipal Annexation Act as heretofore and hereafter amended.

- (4) *Annexation by Any Other Method Provided by Law:* Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the Council. Same shall be in addition to the methods hereinabove provided.
- (b) Upon completion of the procedures for extending the limits of the City, the territory so annexed shall become a part of the City and property situated therein shall bear its pro rata share of taxes levied by the City unless otherwise prescribed by the laws governing annexation procedures, and the residents and future residents of the territory shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

State law reference(s)—Annexation, V.T.C.A., Local Government Code § 43.001 et seq.; map of municipal boundaries, V.T.C.A., Local Government Code § 41.001.

Section 1.09. Contraction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, and lying adjacent to the corporate limits, the Council may, upon a petition signed by a majority of the voters qualified to vote for members of the State Legislature and such voters reside in such territory, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of the City, and from and after the entry of such ordinance said territory shall cease to be part of the City, but said territory shall be liable for its pro rata share of any debts incurred while said area was part of the City, and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

State law reference(s)—Home-rule municipality may disannex area in municipality, V.T.C.A., Local Government Code § 43.142.

ARTICLE II. THE COUNCIL

Section 2.01. The Council.

There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of four (4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and 6 and in 2018 for Councilmembers in Positions 1, 3 and 5. No member of Council shall be elected for more than two (2) consecutive terms.

(Charter Election of 5-9-2015)

Section 2.02. Qualifications.

A member of the Council shall be at least 21 years of age, be a citizen of the United States of America and a qualified voter of the State of Texas. He or she shall be a resident within the corporate limits of the City, and shall have been for a period of twelve (12) months prior to the election. No Councilmember currently holding an unexpired term on Council may file for another office without resigning from his or her current unexpired term. A member of the Council ceasing to possess any of the qualifications specified in this Charter or who is convicted of a felony while in office shall immediately forfeit his or her office.

(Election of 5-7-2005; Charter Election of 10-15-2019; Charter Election of 11-3-2020)

Section 2.03. Compensation of members of City Council.

Members of the Council shall serve without pay or compensation; provided, however, that they shall be entitled to necessary expenses incurred in the performance of their official duties. The method of reimbursement shall be determined by the Council.

Section 2.04. Mayor and Mayor Pro-Tem.

The Mayor shall be a voting Councilmember of the City Council and shall be the official head of the City government. He or she shall preside at all meetings of the Council, shall have a vote on all Council actions, and shall when authorized by the Council, sign all official documents. He or she shall perform such other duties consistent with this Charter or as may be imposed upon him or her by Council. He or she shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember and be selected by the Council at the second regular Council meeting following a runoff election if any, but not more than the second regular Council meeting in June of each year in those years of no elections for Councilmembers. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor or if the office is vacated and in this capacity shall have the rights conferred upon the Mayor. Should the Mayor refuse or is unable to perform in his or her official capacity, the Mayor Pro-Tem shall act in his or her stead for that specific case. Should neither the Mayor nor Mayor Pro-Tem be able to perform, the Council may designate another member to act in his or her stead for that specific case. The Mayor is a member of City Council for purposes of establishing a required quorum of City Council.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of 10-15-2019; Charter Election of 11-3-2020)

Section 2.05. Vacancies, forfeiture, filling of vacancies.

- (a) *Vacancies:* The office of a Councilmember or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.
- (b) *Forfeiture of Office:* A Councilmember or the Mayor shall forfeit his or her office if he or she:
 - (1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law,
 - (2) Violates any expressed prohibition of this Charter,
 - (3) Fails to discharge official duties as provided in this Charter,
 - (4) Is convicted of a felony, or
 - (5) Fails to attend three (3) consecutive regular Council meetings without being excused by the Council by first notifying the City Secretary of the absence; emergency absence notwithstanding. Regular Council meeting is defined as the Council meeting required in Section 2.08 in this Charter, which is held at least once each month and is identified on the agenda as "regular" scheduled meeting.
- (c) *Filling of Vacancies:* Any Council vacancy shall be filled in accordance with state law. A vacancy for an unexpired term of 12 months or less may be filled by appointment by a vote of four or more councilmembers. Vacancies of Councilmembers with unexpired terms of more than 12 months shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur. However, if such vacancy or vacancies occur within one hundred twenty (120) days preceding a regular election, then no special election shall be called and the vacant positions shall be filled at the same time as the next regular election.

Notwithstanding the requirement in section 2.12 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4), elections shall be held in conformance with state law. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.
- (d) *Removal from Office:* Any charge of a violation or infraction must be formally submitted in writing to the City Secretary at a regular Council meeting with copies furnished to all Councilmembers. A charge filed in accordance with this Section may not be considered by the City without a favorable vote of a super majority of all Councilmembers present excepting the member or members charged. In the event a majority of Councilmembers are included in a charge, all Councilmembers shall be entitled to vote on proceeding with the charges. The Council may, by majority vote, appoint a special investigator to investigate and present facts surrounding the charge and may establish review processes not in conflict with this Charter or State Law including referring the charge to the Ethics Review Commission for recommendation. The charged Councilmember or members, including the Mayor, shall have a reasonable period of time to cure the stated infraction, as applicable, not to exceed forty-five (45) days. The member(s) charged shall have the right of representation. If found to be innocent of all charges the person upon request may be reimbursed for all reasonable expenses required in his or her defense. No person charged in accordance with this Section may be removed until:
 - 1) Formal charges as described above have been filed,
 - 2) The time period has expired to cure the alleged infraction,
 - 3) A public hearing has been held and the individual charged has been given an opportunity to answer any charges, and

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- 4) A supermajority vote of all Councilmembers present excepting those accused finds that the charged member has committed the infraction alleged in the petition.

Once the procedural requirements of the Charter have been satisfied, and the above finding has been made, the Council by Resolution shall immediately declare the forfeiture of the office and that individual's seat or position in question vacant as a result of Council's determination. All parties shall have the right to review by a court of competent jurisdiction.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of 5-9-2015)

Section 2.06. Powers.

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.07. Prohibitions.

- a) *Holding Other Office:* Except where authorized by law, neither the Mayor or any other Councilmember shall hold any other City Office or City Employment during his or her term as Mayor or Councilmember, and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until two (2) years after the expiration of his or her term as Mayor or Councilmember.
- b) *Appointments and Removals:* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officials or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officials and employees.
- c) *Interface with Administration:* Except for the purpose of inquiries and investigations under Section 2.16, the Council or its members shall deal with the City officials and employees who are subject to the direction and supervision of the Manager, solely through the Manager, and neither the Council nor its members shall give orders to any such official or employee, either publicly or privately.

Section 2.08. Induction of Council into office; meeting of council.

The City Council shall conduct the canvass of all regular and special officers' elections in accordance with the Texas Election Code at a regular or special council meeting at which the newly elected Councilmembers shall qualify and assume the duties of office. Thereafter, the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of the Council with the exception of those exempted by State Statute shall be open to the public and normally held at Seabrook City Hall, or if necessary, any other facility within the city limits of Seabrook except under special conditions; special meetings and emergency meetings shall be called by the City Secretary upon request of the Mayor, or a majority of the members of the Council and shall be publicly announced.

(Charter Election of 5-8-2010; Charter Election of 5-9-2015)

Editor's note(s)—A Charter election held on May 9, 2015, repealed the former §§ 2.08 and 2.09, and renumbered §§ 2.10—2.17 as §§ 2.08—2.15. The former §§ 2.08 and 2.09 pertained to administrative offices and departments, and City Secretary, respectively. Similar provisions are now reflected in Art. IV.

Section 2.09. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have powers to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the Courts.

(Charter Election of 5-9-2015)

Note(s)—See note at § 2.08.

Section 2.10. Rules of procedure.

The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting at a regular scheduled time on the agenda in regard to any matter whether or not the topic they wish to discuss is under consideration on the agenda. Any member of Council may place any ordinance or topic in writing on the agenda of any Council meeting. The Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except of procedural motions, shall be by ayes and nays and shall be recorded in the minutes. Four (4) Councilmembers shall constitute a quorum for the purpose of transaction of business and no action of the Council, except as provided elsewhere in this charter or in state law, shall be valid or binding unless adopted by the affirmative vote of a majority of the Councilmembers present and voting aye or nay. Abstentions shall not be counted as an aye or nay vote and shall be allowed.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of 5-9-2015; Charter Election of 10-15-2019; Charter Election of 11-3-2020)

Note(s)—See note at § 2.08.

Section 2.11. Passage of ordinances in general.

- (a) *Form:* The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections, or sub-sections to be amended or repealed, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring.
- (b) *Procedure:* Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of Council before first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens, upon request to the City Secretary, before first reading and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before Council.

A proposed ordinance, except an election ordinance and/or an emergency and/or a budget/tax ordinance, shall be read at two (2) Council meetings, with at least two (2) weeks elapsing between each reading. At any reading of a proposed ordinance, persons interested shall have a reasonable opportunity to be heard. Emergency ordinances shall be passed in accordance with Section 2.12 and budget/tax ordinances in accordance with Article V and election ordinances in accordance with Article VII.

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- (c) *Effective Date:* Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety or in summary form once in the official City newspaper or as otherwise required by law. Additionally, the City Secretary will post the adopted ordinance within 10 days after adoption on the City's homepage (on the Internet) and the City's communication TV channel. The City's Internet homepage and the City's TV channel shall be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of said ordinance unless and until state law requires such electronic publication. The Council shall enact an ordinance to enforce this provision.
- (d) *Reading:* The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of Council and a reasonable number of additional copies are available to citizens present at the meeting.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of 5-9-2015; Charter Election of 10-15-2019; Charter Election of 11-3-2020)

Note(s)—See note at § 2.08.

Section 2.12. Emergency ordinances.

The Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article V. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of four (4) or more Councilmembers shall be required for adoption except as otherwise specifically provided in this charter, e.g. Section 5.05, "Emergency Appropriations." After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent reenactment as a regular ordinance.

(Charter Election of 5-9-2015)

Note(s)—See note at § 2.08.

Section 2.13. Authentication, recording, codification, printing, distribution of ordinances.

- (a) *Authentication and Recording:* The City Secretary shall authenticate by signature and seal in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the Council. All ordinances shall be numbered consecutively in the order in which adopted. This record shall be open for public inspection.
- (b) *Codification:* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a codification of all general ordinances of the City. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. The codification shall be adopted by the Council by ordinance and shall be published promptly together with this Charter and any amendment

thereto and with appropriate references to State Statutes and the State Constitution, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Seabrook City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to City officials, placed in City offices and on the City website and made available for purchase by the public at a reasonable price fixed by the Council.

- (c) **Printing of Ordinances and Resolutions:** The Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinance and Charter amendments shall be distributed free or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Seabrook City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

A copy of each ordinance and resolution shall be placed in City offices and on the city website.

(Charter Election of 5-9-2015)

Note(s)—See note at § 2.08.

Section 2.14. Investigation by City Council.

The Council shall have power to inquire into the conduct of any office, department, agency, official, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine. The Council shall enact an ordinance to enforce this provision.

(Charter Election of 5-9-2015)

Note(s)—See note at § 2.08.

Section 2.15. Officials protected from financial loss.

Duly elected and appointed City officials, acting in their official capacity, shall be protected by the City from personal financial loss resulting from the official's good faith decisions made while in official sessions as a result of lawsuits filed pertaining to such decisions.

(Charter Election of 5-9-2015)

Note(s)—See note at § 2.08.



Agenda Briefing

Date of Meeting: May 7, 2024

Responsible Department: City Secretary's Office

Presenter:

Briefing Prepared By:

Strategic Focus Area:

General Information:

Establish future meeting dates and agenda items.

Executive Summary / Background:

Funding / Fiscal Information:

Supporting Materials Attached: None

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation: