SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, JUNE 4, 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, June 4, 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.

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 minutes of the May 21, 2024 Charter Review Commission Meeting.

2.2 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article V, "Financial Procedures". City Manager, Gayle Cook, and Director of Finance, Michael Gibbs, may participate in the discussion on Article V to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

2.3 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article VI, "Planning and Zoning." Deputy City Manager, Sean Landis, may participate in the discussion on Article VI to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

3. OLD BUSINESS

3.1 Consider and take all appropriate action on any additional review of previously examined Articles as necessary.

4. ROUTINE BUSINESS

4.1 Summarize all sections from Articles V and VI to be considered for revision or further review.

4.2 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 31, 2024, no later than 6:00 p.m. and that this notice will remain posted until the meeting has ended.

Amanda Morales, Deputy City Secretary

SEABROOK

Agenda Briefing

Date of Meeting: June 4, 2024

Responsible Department: City Secretary's Office

Presenter:

Briefing Prepared By:

Strategic Focus Area:

General Information:
Approve minutes of the May 21, 2024 Charter Review Commission Meeting.

Executive Summary / Background:

Funding / Fiscal Information:

Supporting Materials Attached:
1. May 21, 2024 Minutes

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

2. NEW BUSINESS

2.1 Approve the minutes of the May 7, 2024 Charter Review Commission meeting

Motion:	To Approve
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Tomlinson
Vote:	**Passed** unanimously by all present

2.2 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article III, "The City Manager." City Manager, Gayle Cook, may participate in the discussion on Article III to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

No revisions were recommended.

2.3 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article IV, "Administrative Departments." Deputy City Manager Sean Landis and City Secretary Rachel Lewis may participate in the discussion on Article IV to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

The commission discussed 4.04 and reviewed wording submitted by City Administrator Gayle Cook. *See Attachment A.*

3. OLD BUSINESS

3.1 Consider and take all appropriate action on any additional review of previously examined Seabrook City Charter Articles I and II, as necessary.

The commission discussed previously examined Seabrook City Charter Articles I and II, specifically regarding terms of office and clarification of terms and candidacy.

Rob Hefner presented his request for changes regarding:

- Increasing terms from 3 to 4 years
- Term limits of 3 terms
- Resigning from one position to run for another or
- Allowing a Councilmember to run for Mayor without resigning

City Manager Cook stated there was a good guide provided by the Texas Municipal League regarding charters that she would share with the commission called 'Texas Home Rule Charters: Second Edition'.

4. ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

Future agenda items:

- Articles V and VI next meeting
- Articles I, II, III and IV - Old Business

Next Meeting will be held on June 4, 2024 at 4:00 p.m.

Motion:	To Adjourn
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Tomlinson
Vote:	**Passed** unanimously by all present

Meeting adjourned at 5:15 p.m.

Approved on the 4th day of June, 2024.

______________________________ **ATTEST:**

Andrew Croce, Chair

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Amanda Morales
Deputy City Secretary

ARTICLE V. - FINANCIAL PROCEDURES

A.

BUDGET

Footnotes:

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State Law reference— *General fiscal powers of municipality, V.T.C.A., Local Government Code § 101.022.*

Section 5.01. - Department of Finance.

(a) There shall be established a Department of Finance, the head of which shall be appointed by the City Manager subject to confirmation by Council.

(b) The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and/or to create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter.

(Charter Election of 5-8-2010)

Section 5.02. - Public record.

Copies of the budget as adopted shall be public records and shall be made available to the public for inspection upon request.

Section 5.03. - Annual budget.

(a) *Content:* The budget shall provide a complete financial plan of all City funds and activities for the ensuing five (5) fiscal years, and except as required by law or this Charter, shall be in such form as the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing five (5) fiscal years, describe the important features of the budget, and indicate any major changes, from the current year in financial policies, expenditures, and revenues, with reason for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing five (5) fiscal years. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two (2) fiscal years. It shall include in separate sections:

(1) An itemized estimate of the expense of conducting each department, division and office.

(2) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.

(3) A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.

(4) A statement of the total probable income of the City from taxes for the period covered in the estimate.

(5) Tax levies, rates and collections for the preceding three (3) years and ensuing five (5) years.

(6) An itemization of all anticipated revenue from sources other than the tax levy.

(7) The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.

(8) The total amount of outstanding City debts, with a schedule of maturities on bond issues and/or certificates of obligation.

(9) Such other information as may be required by the Council.

(10) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

(11) A Five (5) Year Capital Program and Budget, which may be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:

a. A summary of proposed programs;

b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

c. Cost estimates, method of financing and recommended time schedules for each such improvement; and

d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

e. Adoption of the budget is for the ensuing fiscal year only and does not constitute adoption for the subsequent four (4) fiscal years.

(b) *Submission:* At least sixty (60) days prior to the end of the fiscal year the City Manager shall submit to the Council a proposed budget and an accompanying message. The Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.

(c) *Public Notice and Hearing:* The Council shall post in the City Hall and publish in the official newspaper a general summary of their proposed budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(d) *Amendment Before Adoption:* After the Public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

(e) *Adoption:* The budget shall be finally adopted by ordinance by one reading not later than the twenty-seventh (27th) day of the last month of the fiscal year. Adoption of this budget shall constitute the levy of the property tax therein proposed. Should the Council take no final action on or prior to such day the budget, as originally submitted by the City Manager together with the proposed tax levy shall be deemed to have been finally adopted by the Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

State Law reference— Budgets, V.T.C.A., Local Government Code § 102.011 et seq.

Section 5.04. - Administration of budget.

(a) *Payments and Obligations Prohibited:* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his or her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be the cause for removal of any official who knowingly authorized or made such payment or incurred such obligations, and he or she shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(b) *Financial Reports:* The City Manager shall submit to the Council at least quarterly a report covering the financial conditions of the city. The financial expenditure records of the City will be maintained on a modified accrual basis to support this type of financial management.

(Charter Election of 5-8-2010)

Section 5.05. - Emergency appropriations.

At any time in any fiscal year, the Council may, pursuant to this section make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of five (5) or more of the Councilmembers qualified and serving. To the extent that there is no available unappropriated revenue and/or unencumbered fund balances to meet such appropriations, the Council may by such ordinance authorize the issuance of emergency notes, which may be renewed as necessary.

(Election of 5-7-2005)

Section 5.06. - Amendments after adoption.

(a) *Supplemental Appropriations:* If, during the fiscal year, the City Manager certifies that there are available for appropriation revenues and/or unencumbered fund balances in excess of those [estimated] appropriated for specific expenditures in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

(b) *Reduction of Appropriations:* If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him or her and his or her recommendations as to other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may reduce one or more appropriations.

(c) *Transfer of Appropriations:* At any time during the fiscal year the City Manager may transfer part of all of any unencumbered appropriation balance among programs within a fund department, office or agency, and upon written request by the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one fund department, office or agency to another.

(d)

Limitations; Effective Date: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriations authorized by this section may be made effective immediately upon adoption.

(e) *Lapse of Appropriations:* Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in full force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

(Election of 5-7-2005)

Section 5.07. - Borrowing in anticipation of property taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten (10) percent of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for the year _______" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

State Law reference— Tax anticipation notes, V.T.C.A., Government Code § 1431.001 et seq.

Section 5.08. - Depository.

All monies received by any person, department or agency of the City for any connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or an official designated by the Council and countersigned by the City Manager. The Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures.

Section 5.09. - Purchase procedure.

All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged and no contract or order shall be binding upon the City unless and until the City Manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the City makes any purchase for supplies, materials, equipment, or contractual services, the opportunity shall be given for competition as hereinafter provided. The Council may by resolution specify an amount for which the City Manager may contract for expenditure without competitive bidding; any expenditure over said amount must be expressly approved by Council. All contracts or purchases exceeding the amount set for non-competitive bidding shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the Council or the City Manager in such cases as he or she is authorized to contract for the City, shall have the right to reject any and all bids. Contracts for personal and professional services need not be let on competitive bids. The City shall enter into all contracts in accordance with state law.

State Law reference— Purchasing procedures, V.T.C.A., Local Government Code § 252.001 et seq.

Section 5.10. - Independent audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the City or any of its officials. Upon completion of the audit, the summary shall be published as soon as possible in the official newspaper of the City and copies of this audit placed on file in the City Secretary's office as public record.

State Law reference— Audits, V.T.C.A., Local Government Code § 103.001 et seq.

B.

BONDS [3]

Footnotes:

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***State Law reference—** Home-rule municipality has authority to issue bond on credit of the municipality if approved by majority of qualified voters of municipality at election held for that specific purpose, V.T.C.A., Government Code § 1331.052.*

Section 5.11. - Borrowing for capital improvements.

(a) *Borrowing:* The Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

(b) *General Obligation Bonds and Certificates of Obligation:* The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outside bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

(c) *Revenue Bonds:* The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued.

(d) *Bonds Incontestable:* All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

(e) *Ordinance Procedure:* The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:

(1) A copy of any proposed ordinance relative to borrowing for Capital Improvements shall be furnished to each member of the Council, the City Attorney and any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be considered.

(2) Any ordinance relative to borrowing for capital improvements may be adopted and finally passed in accordance with provisions of this Charter.

C.

TAX ADMINISTRATION

Section 5.12. - Division of Taxation.

There shall be appointed by the City Manager a City Assessor-Collector subject to confirmation by the Council. The City Assessor-Collector shall be head of the Division of Taxation. The City Assessor-Collector shall give a surety bond for faithful performance of his or her duties, including compliance with all controlling provisions of the State law bearing upon the functions of his or her office, in a sum which shall be fixed by the Council.

State Law reference— Tax assessor-collector, V.T.C.A., Tax Code § 6.22 et seq.

Section 5.13. - Powers of taxation.

The City shall have the power to levy, assess, and collect taxes of every character and type not prohibited by the Constitution and Laws of the State of Texas, and for any municipal purpose.

State Law reference— Powers of property taxation, V.T.C.A., Tax Code § 302.001.

Section 5.14. - Assessment of property for taxes.

All property, real, personal or mixed, having a situs within the corporate limits of the City on January 1 of each year, not expressly exempted by law, shall be subject to taxation by the City for such year. The Council may prescribe the mode and manner of making renditions, tax lists, assessments, and tax rolls. Every person, partnership, association or corporation holding, owning, or controlling property within the limits of the City, shall, between January 1 and April 1 of each year, file with the City Assessor-Collector a full and complete sworn inventory of such property held, owned, or controlled within said limits on January 1 each year. The Council may prescribe by ordinance the mode and manner of making such inventories, and penalties for failing or refusing to submit the same. The City Assessor-Collector shall review all renditions made to him or her and determine the value of the property rendered and fix the value thereof for tax purposes. If the City Assessor-Collector fixes a value higher than that shown on the owner's rendition, he or she shall give written notice thereof to such owner at his or her last known address by depositing the same, postage paid, in the United States mail, notifying him or her that he or she may appear before the Board of Equalization to protest such change. In all cases where no rendition of real or personal property is made by the owner thereof, the City Assessor-Collector shall ascertain the amount and value of such property and assess the same, and such assessment shall be as valid and binding as if the property involved had been rendered by such owner, provided that if the City Assessor-Collector shall assess any such property which has not previously been assessed, or if he or she shall assess any such property at a higher valuation from that shown on the last preceding tax roll, he or she shall give notice of such assessment, or such change in assessment, as above provided. All assessments of real property, whether rendered by the owner or assessed by the City Assessor-Collector, shall list the value of the land and improvements separately and the total values and describe such property sufficiently to identify it, giving the name of the last known owner thereof. If the ownership of any property should be unknown to the City Assessor-Collector, he or she shall state that fact. The City Assessor-Collector shall assess any property which has been omitted from assessment in prior years upon a current supplemental assessment roll. The taxes upon such supplemental assessments shall be due at once and if not paid within sixty (60) days thereafter, shall be deemed delinquent and shall be subject to the penalty and interest as other delinquent taxes for such year. In addition to the powers granted by this Section he or she shall have the same power as any County Tax Assessor and Collector in the State of Texas.

State Law reference— Ad valorem tax assessment and collection, V.T.C.A., Tax Code § 1.01 et seq.

Section 5.15. - Exemptions.

The City Assessor-Collector shall implement exemptions as specified by the State of Texas and approved by the Council. All exemptions authorized by the Council shall be by ordinance and in accordance with the provisions of this Charter.

(a) *Homestead Exemptions:* A favorable majority vote of the people is required for any reductions in the value amount percent or dollars of any homestead exemptions as identified in any city ordinance. Homestead exemptions and ordinances are defined as those passed by the citizens or council of the City of Seabrook.

(Election of 5-7-2005)

Section 5.16. - Taxes: when due and payable.

All taxes due the City on real or personal property shall be payable at the office of the City Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent, and shall be subject to such penalty and interest as the Council may provide by ordinance. The Council may provide further by ordinance that all taxes, either current or delinquent, due the City may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

Section 5.17. - Tax liens and liabilities.

All property, having a situs in the City on the first (1st) day of January of each year shall stand charged with a special lien in favor of the City from said date for the taxes due thereon. The liens provided herein shall be superior to all other liens except other tax liens regardless of when such other liens were created. All persons purchasing any of said property on or after the first (1st) day of January in any year shall take same subject to the liens herein provided. In addition to the liens herein provided on the first (1st) day of January of any year the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of the property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

Section 5.18. - Joint interest in property.

The City Assessor-Collector shall not be required to make separate easements of joint or conflicting interests in any real estate. It is provided, however, that the owner of any such interest may furnish to the City Assessor-Collector at any time before April 1 of each year a written description of any parcel of land on which he or she has an interest less than the whole, showing the amount of his or her interest therein, and the City Assessor-Collector may thereupon assess such interest as a separate parcel. The City Assessor-Collector may receive the taxes on part of any lot or parcel of real estate or an undivided interest therein, but no such taxes shall be received until the person rendering the same shall have furnished the City Assessor-Collector a full description of the particular part of interest on which payment is tendered.

Section 5.19. - Arrears of taxes offset to debt against City.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation who is in arrears, and no assignment or transfer of such debt, claim, demand or account after said taxes are due shall affect the right of the City to so offset the said taxes against the same.

Section 5.20. - Board of Equalization.

(a) *Right to Contract with Other Entities:* The Council shall be empowered to contract by ordinance with any other municipality or any district which is located entirely or partly within the corporate limits of the City with regard to the mutual assessment, equalization, and collection of taxes. In the event the City does enter into such a contract, the appointment procedures and qualifications for individuals so serving as Tax Assessor, Board of Equalization, and Tax Collector shall be negotiable and determined in accordance with the best interest of the City at that time and shall be made a part of the contract.

D.

CERTAIN EXPENDITURES AND USE OF RESERVED FUNDS

Section 5.21. - Citizen approval required for certain expenditures and use of reserved funds.

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

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

(Charter Election of 5-9-2015)

ARTICLE VI. - PLANNING AND ZONING

Footnotes:

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State Law reference— *Planning and zoning, V.T.C.A., Local Government Code § 211.001 et seq.*

Section 6.01. - Planning and Zoning Commission.

The Council shall appoint a Planning and Zoning Commission which shall consist of seven (7) members. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position elective, appointive, or salaried in the City government, and shall serve without pay. The Mayor, the City Manager, the City Engineer and other ex officio members as the Council, by resolution, may provide, shall serve as nonvoting members of the Commission. All actions of this Commission shall be in accordance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 211.001 et seq., 212.001 et seq.], as now or hereafter amended.

(Election of 5-7-2005)

State Law reference— Planning and zoning commission, V.T.C.A., Local Government Code § 211.007.

Section 6.02. - Term of office.

Four (4) members appointed to the first commission under this Charter shall serve until January 1, 1982, and three (3) members shall serve until January 1, 1981. Thereafter, each member shall be appointed for a term of three (3) years, with four (4) terms commencing on January 1 of even-numbered years and three (3) terms commencing on January 1 of odd-numbered years. Vacancies occurring in the Commission, for whatever reason, shall be filled by appointment by the Council, for the remainder of the unexpired term.

Section 6.03. - Rules of procedure.

The Commission shall elect a Chairperson and Vice-Chairperson and shall establish its own rules of procedure. A quorum shall consist of four (4) members of the Commission qualified and serving. All meetings shall be open to the public and a record of all proceedings shall be kept. The record shall be filed with the City Secretary and shall be public record.

Section 6.04. - Powers and duties.

(a) Formulate comprehensive planning guidelines containing the Commission's recommendations for criteria for growth, development, and beautification of the City. The planning guidelines shall be forwarded to the City Manager who shall submit the planning guidelines to the Council with his or her recommendations within ninety (90) days after receipt. The Council may adopt these planning guidelines as a whole or in parts and may amend the planning guidelines after at least one (1) public hearing on the proposed action. The Council shall act on the planning guidelines, or part thereof within ninety (90) days following its submission by the City Manager. If the planning guidelines, or part thereof, should be rejected by the Council, the Planning and Zoning Commission may modify the planning guidelines, or part thereof, and again forward it to the City Manager for submission to the Council. All amendments to the comprehensive planning guidelines recommended by the Planning and Zoning Commission shall be submitted to the Council in the same manner as that outlined above, and all recommendations to the Council from any City department affecting the comprehensive planning guidelines must be accompanied by a recommendation from the Planning and Zoning Commission.

(b) Approve or disapprove subdivision plats as provided by State law and City ordinance.

(c) Draft and recommend to the Council for adoption an official map of the City. Said map to be updated or required to reflect previously approved changes authorized under provisions of this Charter.

(d) Make and recommend to the Council for adoption a zoning plan and recommend or disapprove proposed changes in such plan.

(e) Recommend to the Council for adoption a building code which shall include the minimum standards of construction of buildings, and the minimum standards for plumbing, wiring and gas piping.

(f) Reserved.

(g) Perform such other duties and be vested with such other powers as the Council shall from time to time prescribe.

(h) The guidelines to be formulated shall be supplemental to the Comprehensive Master Plan which Master Plan and guidelines shall guide and assist the Commission and the Council in interpreting and enforcing the Zoning Ordinance.

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

Section 6.05. - Platting of property.

Hereafter, every owner of any tract of land situated within the corporate limits of the City and its extraterritorial jurisdiction who may divide the same in two (2) or more parts for the purpose of laying out any commercial, industrial, or residential subdivision or any addition to the City, shall comply with the provisions of the regulation of subdivisions subchapter of Chapter 212 of the Texas Local Government Code [V.T.C.A., Local Government Code § 212.001 et seq.] as now or hereafter amended.

State Law reference— Subdivision of land, V.T.C.A., Local Government Code § 212.001 et seq.

Section 6.06 - Reserved.

Editor's note— Charter Elections of 10-15-2019 and 11-3-2020, repealed Section 6.06, which pertained to Development of Property and derived from the 2007 Code.

Section 6.07. - Zoning ordinances, rules, and regulations.

The Council shall pass all ordinances, rules and regulations necessary to implement and govern the zoning of the City. Such zoning shall incorporate the zoning plan prepared by the Planning and Zoning Commission and approved by Council and all changes to the zoning plan prepared by the same Commission and approved by Council.

Section 6.08. - Board of Adjustment.

The Council shall appoint a Zoning Board of Adjustment of five (5) members and additional alternates as determined by Council. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position in the City government other than the Building and Standards Commission or as allowed by law and shall serve without pay. Term of office shall be two (2) years and shall be filled in the manner described for Planning and Zoning Commission in Section 6.02 above. Rules of procedure shall be the same as those described in Section 6.03 above. The Board shall have all applicable powers granted in V.T.C.A., Local Government Code § 211.001 et seq., as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exceptions or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions, and procedures specified in the zoning ordinance.

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

State Law reference— Board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.011.

CHARTER REVIEW

SECTIONS FOR CONSIDERATION

Article	Section	Section Title	Brief Description of Change Proposed
II	2.01	The Council	Term change /Distiguish Mayor Seperately
II	2.05	Vacancies, Forfeiture, Filling of Vacancies	Code of Conduct Ordinance
IV	4.04	Boards, Commission and Committees	Clarifying

SEABROOK

Agenda Briefing

Date of Meeting: June 4, 2024

Responsible Department: City Secretary's Office

Presenter:

Briefing Prepared By:

Strategic Focus Area:

General Information:
Summarize all sections from Articles V and VI to be considered for revision or further review.

Executive Summary / Background:

Funding / Fiscal Information:

Supporting Materials Attached: None

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation: