



**SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, JUNE 18, 2024 - 4:00 PM**

For city information visit www.seabrooktx.gov
For Agenda Center visit www.seabrooktx.gov/agendacenter

NOTICE IS HEREBY GIVEN THAT THE SEABROOK Charter Review Commission WILL HOLD A MEETING ON **Tuesday, June 18, 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. OLD BUSINESS

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

3. NEW BUSINESS

3.1 Approve the minutes of the June 4, 2024 Charter Review Commission meeting.

3.2 Review, discuss, and if appropriate, take action on Seabrook City Charter Article VII, "Nominations and Elections". City Secretary, Rachel Lewis, may participate in the discussion on Article VII to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

3.3 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article VIII, "Initiative, Referendum and Recall". City Secretary, Rachel Lewis and City Manager, Gayle Cook may participate in the discussion on Article VIII to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

3.4 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article IX, "Courts". Municipal Court Judge, Dick Gregg, III, and Municipal Court Administrator, Jessica Ancira, may participate in the discussion on Article IX to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

4. ROUTINE BUSINESS

4.1 Summarize all sections of Articles VII, VIII, and IX 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, June 14, 2024, no later than 6:00 p.m. and that this notice will remain posted until the meeting has ended.

Rachel Lewis, TRMC



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
V	5.03 (a)	Financial Procedures	Update tasks to responsibilities
V	5.05	Financial Procedures	Update "votes of five (5) or more Council "Super majority"
VI	6.01	Planning and Zoning	Allow P&Z members to serve on Comprehensive Master Plan Comm.
VI	6.03 (c)	Planning and Zoning	to say "zoning" map



MEETING MINUTES
JUNE 4, 2024

SEABROOK CHARTER REVIEW COMMISSION
MEETING

Member Ann Wacker called the Seabrook Charter Review Commission Meeting to order at 4:00 p.m. in the Council Chambers in Seabrook City Hall. Present were Charter Members Ann Wacker, Richard Tomlinson, Michael DeHart, Betty Heverly and Elaine Renola. Also in attendance were: City Manager Gayle Cook, Deputy City Secretary Amanda Morales, and Deputy City Manager Sean Landis. Member Ann Wacker declared a quorum.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no citizen comments

2. NEW BUSINESS

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

Commission Member Wacker discussed a correction to Old Business, Section 3.1 to state discussion regarding the previous Charter Commission changes from three to four year terms.

Motion:	To Approve with Changes
Made By:	EDC Secretary Wacker
Seconded By:	Charter Review Commission Member Renola
Vote:	Passed unanimously by all present

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.

The commission discussed wording revisions to be added to a General Housekeeping Provision. No additional revisions were made.

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.

Assistant City Manager Sean Landis presented information regarding modifying 6.01 and Section 11 which will be discussed at a later date. Both sections involve language changes to allow the Planning & Zoning Commission appointments to other positions within the City.

3. OLD BUSINESS

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

Commission discussed a document from the City Attorney regarding language revisions. See *attachment A*.

4. ROUTINE BUSINESS

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

City Attorney Paige Bailey summarized the sections from Articles V and VI to be considered for revision or further review:

- Update language in section 5.03 (a) (3) - update tasks to responsibilities
- Update language in section 5.05 - update "votes of five (5) or more of the Councilmembers qualified and serving" to "super majority"
- Update section 6.01 to allow for Planning & Zoning members to serve on the Comprehensive Master Plan Committee. This update will change 11.23, as well.
- Update language in section 6.03 (c) to say official "zoning" map.
- Grammatical updates in section 4.04.

4.2 Establish future meeting dates and agenda items.

No new items were discussed.

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

The meeting was adjourned at 5:30 p.m.

Approved on the 18th day of June, 2024.

Andrew Croce, Chair

ATTEST:

Rachel Lewis, City Secretary

ARTICLE VII. NOMINATIONS AND ELECTIONS¹

Section 7.01. Nominations and elections.

- (a) *Regular Elections:* The general city elections will be held annually as provided by state law. The Council shall fix the place for holding such an election.
- (b) *Special Elections:* The Council may, by resolution, order a special election for any purpose authorized by law or this Charter; the Council will fix the place and date for holding this type of election as provided by State Law.
- (c) *Publicizing City Elections:* It is the responsibility of the Council to inform the voters as to the time, place, purpose and filing period for the potential candidates, for the upcoming City election at least sixty (60) days prior to such election unless otherwise provided by law. The provisions for early balloting shall also be publicized at this time unless otherwise provided by law. Sample ballots shall be posted outside the City Offices and shall be published in the official city newspaper not less than ten (10) days prior to the election. Council shall devote its best efforts to compliance with this subsection, but Council's failure to comply shall not invalidate any election result.
- (d) *Conduct and Regulation of City Elections:* All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by election officials appointed and approved by Council. Sample ballots identical to the voting format for the specific election shall be posted in the voting place for the benefit of the voters.
- (e) *Voter Qualifications:* All duly qualified electors under the laws of the State of Texas who have resided in the City for a minimum of thirty (30) days immediately prior to the election, and who are registered to vote with the appropriate state or county authority, shall be qualified to vote in any City election.

(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)

State law reference(s)—Uniform election dates, V.T.C.A., Election Code § 41.001.

Section 7.02. Filing for office.

- (a) *Eligibility to File for Office:* Each candidate for an elective position in the City shall meet the qualifications for office as specified in article II. No candidate may file for more than one (1) office or position per election.
- (b) *Procedure for Filing for Office:* Any qualified person who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Election Code of the State of Texas. Such an application shall clearly designate the office and position to which the candidate seeks election, and shall contain a sworn statement by the candidate that he or she is fully qualified under the provisions of this Charter to hold the office sought.

¹State law reference(s)—Elections, V.T.C.A., Election Code § 1.001 et seq.

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- (c) *Public Disclosure Statement:* As part of the application for place on the ballot, candidates shall file with the City Secretary a financial disclosure statement containing the following information. This information shall pertain to the candidate, his or her spouse and dependent children.
- (1) List of all property owned or held in trust within the city limits and extraterritorial jurisdiction of the City. This list shall include location (address) size (general dimensions) and current use.
 - (2) List the dollar amount and identify by name and address the source of all fees, salaries or gifts of value exceeding twenty-five dollars (\$25.00) received from companies or individuals under contract with the City during the twelve (12) months prior to filing for public office.
 - (3) Ownership of any stock in companies under contract to the City when such stock comprises greater than two (2) percent of the company's total outstanding stock.

(Election of 5-7-2005)

State law reference(s)—Candidates application for office in home-rule municipality, V.T.C.A., Election Code § 143.005.

Section 7.03. Official ballots.

- (a) *Candidates' Names on Ballots:* The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary.
- (b) *Early Voting:* Voting shall be governed by the Election Code of the State of Texas.
- (c) *Write-in Votes:* Write in votes will be governed by the Election Code of the State of Texas. There can be no write-in votes in any run-off elections.

(Election of 5-7-2005)

State law reference(s)—Early voting, V.T.C.A., Election Code § 81.001 et seq.

Section 7.04. Determination of election results.

- (a) *Canvassing:* Election returns shall be canvassed in accordance with state law.
- (b) *Majority Rules:* The candidate for each position on the ballot who shall have received the majority of votes cast for such position shall be declared elected. In the event that no candidate for a designated position receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who receive the greatest number of votes for such position. Notwithstanding the provisions of Section 7.01C [(c)], such a run-off election shall be held not less than twenty (20) days, nor more than thirty (30) days after the canvass of returns from the first election, unless otherwise permitted by State Law, but shall be held no later than the forty-fifth (45th) day following the canvass of the regular election.

State law reference(s)—Canvassing elections, V.T.C.A., Election Code § 67.001 et seq.

Section 7.05. Taking office.

The City Secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or run-off City election shall, after taking oath of office as prescribed in Article XI, take office, and enter upon his or her duties as provided under Section 2.08 of the Charter.

(Charter Election of 5-8-2010)

(Supp. No. 23)

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ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL¹

Section 8.01. Power of initiative.

The electors shall have the power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change of substance, to adopt or reject it at a City election, provided that such power shall not extend to matters prohibited by Charter or law. Such initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least thirty (30) percent of the electors voting in the last regular municipal election.

(Charter Election of 5-8-2010)

Section 8.02. Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council or submitted by the Council to a vote of electors, as provided herein, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least thirty (30) percent of the electors voting in the last regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote by the electors.

(Charter Election of 5-8-2010)

Section 8.03. Power of Recall.

The Mayor or any other member of the Council may be removed from office by recall. A recall petition must be signed by qualified voters of the city equal in number to at least fifty (50) percent of the voters voting in the last general municipal election at which any members of the Council were elected; provided, however, that the petition shall contain the signatures of at least four hundred and fifty (450) qualified voters of the city and shall conform to other provisions of this article and to state law.

(Charter Election of 5-8-2010)

Section 8.04. When Initiative and Referendum Prohibited.

The power of the initiative and referendum does not apply to ordinances relating to:

¹Editor's note(s)—A Charter election held on May 8, 2010, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, §§ 8.01—8.20, pertained to similar subject matter and derived from a special election held Aug. 11, 1979 and an election held May 7, 2005.

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- A. Financial matters, including the budget, the levy of taxes, or the issuance of bonds or debt instruments; (8.01)
 - B. The salaries of officers or employees; (8.01)
 - C. Matters which are not legislative in character or which have been withdrawn or excluded by general law from the operative field of initiative or referendum; and (new)
 - D. Matters where a State or Federal law provides for an election and related election procedures. (New)

(Charter Election of 5-8-2010)

Section 8.05. Form of Affidavit; committee of petitioners.

Any elector of the city may commence proceedings contemplated by this article by filing with the city secretary a signed and notarized affidavit which shall contain the names and addresses of no more than five (5) electors, who as a committee of petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit shall specify the address to which all notices to the petitioner's committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance, or the ordinance to be reconsidered, or in the case of recall, shall state the name of the official whose removal is sought and a statement of the grounds for removal. A separate affidavit shall be submitted for each individual official whose recall is sought. (11/9/09)

(Charter Election of 5-8-2010)

Section 8.06. Petition Forms.

Within two (2) business days after receiving a completed affidavit, the city secretary shall make available to the person(s) making such affidavit, copies of petition blanks. Such blanks when issued by the City Secretary shall bear his or her signature and be addressed to the Council, and shall be numbered, dated, and indicate the name of the person(s) to whom issued. The affidavit submitted by the committee of petitioners which shows the full text of proposed ordinance, or the ordinance petitioned for referendum, or the name of the officer subject to removal and the grounds given for removal, shall be imprinted on the back of each petition blank or attached to each petition blank.

The petition blanks shall require each signer to acknowledge that he or she has read the affidavit submitted by the committee of petitioners. The petition blanks when issued by the city secretary shall also indicate the number of such blanks issued and in the case of a recall petition, the name of the official(s) whose removal is sought. The City Secretary shall enter in a record to be kept in his or her office the name of the elector(s) to whom the petition blanks were issued, the number series of the petition blanks and the number of petition blanks issued to each elector.

All required forms shall be approved by the city attorney before distribution.

(Charter Election of 5-8-2010)

Section 8.07. Circulation of the Petition.

All petition forms circulated must be on the official forms received from and signed by the city secretary. All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signer must be a registered voter of the city and shall sign his/her name in ink or indelible pencil on the petition form. Additional required information shall be entered on the petition forms in accordance with the Texas Election Code.

Attached to or shown on each copy of such petition, there shall be a notarized affidavit of the circulator thereof stating that he or she, and he or she only personally circulated the foregoing copy of such petition, that it bears a stated number of signatures, that all signatures appended thereto were made in his or her presence and that he or she believes them to be genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, or the identity of the official whose recall is being sought and the reasons for recall. In addition to the requirements contained in the Charter, all petitions shall be filed in accordance with the Texas Election Code.

A signature on a petition may be withdrawn as provided by Chapter 277 of the Texas Election Code or as may hereafter be amended.

All petition forms shall be submitted and filed as one instrument to the city secretary no later than 30 days after the petition blanks have been issued by the city secretary to the committee of petitioners. If the 30th day falls on a day that city hall is closed, the completed petition shall be due on the first day that city hall is open following the 30th day.

(Charter Election of 5-8-2010)

Section 8.08. Filing and examination of petitions.

Within twenty (20) days after an initiative, referendum or recall petition is filed, the City Secretary shall determine whether each copy of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters, and contains all other information required by state law and this charter. The City Secretary shall declare any copy of the petition entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a copy of the petition is found to be signed by more persons than the number of signatures certified by the circulator, each signature beyond the number certified shall be disregarded. If a copy of a petition is found to be signed by fewer than the number certified, the signatures shall be accepted unless void on other grounds.

(Charter Election of 5-8-2010)

Section 8.09. Certification of petitions.

After completing his or her examination of the petition, the City Secretary shall certify the results thereof to the Council at its next regular meeting.

If the City Secretary finds the petition to be sufficient and in compliance with the provisions of this article of the Charter, he or she shall submit the petition to the Council with his/her certificate to that effect. If the petition is a recall petition, the official submission to council shall officially notify the official sought to be recalled. If the city secretary certifies that the petition is sufficient, the City Council shall take the action appropriate for the type of petition as specified in this article.

If the City Secretary certifies that the petition is insufficient he or she shall send the petitioner's committee a certificate of insufficiency by certified mail which shall include the particulars in which the petition is defective.

The City Council will take no action on a petition which has been certified as insufficient by the City Secretary.

(Charter Election of 5-8-2010)

Section 8.10. Amendments.

Any supplemental petition submitted to the City Secretary to address any insufficiencies will be governed by Chapter 272 of the Texas Election Code or as may hereafter be amended. The City Secretary shall examine the supplemental petition and follow the same procedures applicable to the initial petition subject to the provisions of this Charter and Chapter 272 of the Election Code.

(Charter Election of 5-8-2010)

Section 8.11. Action on Petitions & Submission to Electors.

A. Initiative and Referendum Petitions.

When a referendum petition, or amended petition has been certified as sufficient by the City Secretary, as defined in Section 8.09 of this Charter, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors as hereinafter provided.

Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision made for a public hearing upon the proposed ordinance. A referred ordinance shall be considered by the Council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?" The Council shall take final action on an ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Secretary.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days from the date the Council takes its final vote thereon. The Council shall submit the subject ordinance to the electors on the first calendar date provided by state law for a regular or special municipal election which satisfies the time requirement stated herein.

B. Recall Petitions.

Upon certification by the city secretary of a sufficient recall petition at a council meeting, the council member(s) whose removal is sought shall have five (5) calendar days to voluntarily resign his/her position(s). If the official whose removal is sought does not resign within five (5) days after such notice, the City Secretary shall place on the agenda of the next Council meeting the ordering of and setting of the recall election date at which time the Council shall thereupon order and fix a date for holding a recall election within the time period provided by the Texas election Code; however, the recall election may be held at the same time as any municipal election held within such period.

(Charter Election of 5-8-2010)

Section 8.12. Form of ballot.

A. Initiative and Referendum Elections.

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title which shall be approved in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance.

The ballot shall have, below the ballot title, the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." The elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance. Any number of ordinances shall be voted on at the same election and may be submitted on the same ballot.

B. Recall Elections.

Ballots used at recall elections shall conform to the following requirements: There shall be printed with respect to each person whose removal is sought the question "SHALL (name of person) BE REMOVED FROM THE OFFICE (name of office) BY RECALL?" Immediately below each such question there shall be printed the following propositions, in the order indicated: "FOR THE RECALL OF (name of person)" and "AGAINST THE RECALL OF (name of person)." The elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the recall of an official(s).

(Charter Election of 5-8-2010)

Section 8.13. Results of election.

A. Initiative and Referendum.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an initiative ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Initiative and referendum ordinances adopted or approved by the electors shall be made available as provided in Article II, Section 2.13 C, and may be amended or repealed by the Council as in the case of other ordinances; provided however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the Council within six (6) months of adoption of said ordinance.

B. Recall.

If a majority of the votes cast at a recall election shall be against the recall of any official named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term. If a majority of the votes cast at such an election shall be for the recall of any official named on the ballot he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the city council shall immediately order a special election to be held in accordance with the Texas Election Code to fill the vacancy or vacancies, unless the remainder of the unexpired term of the recalled Councilmember(s) is 12 months or less. Unexpired terms of 12 months or less may be filled by Council appointment as provided in Section 2.05 (c).

No recall petition shall be filed against an elected official within six (6) months after he or she takes office. Following an unsuccessful recall effort, the same official shall not be subjected to another recall petition for a period of twelve (12) months.

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

Section 8.14. Nonbinding Elections.

Council shall have the right to call nonbinding elections if so approved by the majority vote of council members present and voting.

If a nonbinding election is called by council, the ballot shall so state that it is a nonbinding election.

Elections under Section 8.14 shall be treated as special elections as identified in this Charter.

Nonbinding elections shall never take the place of elections required by this Charter or by state law.
(Charter Election of 5-8-2010)

ARTICLE IX. COURTS¹

Section 9.01. Municipal Court of Record.

There shall be a court known as the Municipal Court of Record of the City which court shall be deemed always open for the trial of causes, and with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

(Charter Election of 10-15-2019)

Section 9.02. Judge of the Municipal Court of Record.

The Municipal Court of Record shall be presided over by a magistrate, appointed by an affirmative vote of four or more Councilmembers, known as the Presiding Judge of the Municipal Court of Record. He or she shall be an attorney at law licensed to practice in the State of Texas. The Council, by an affirmative vote of four or more members, shall appoint alternate judges as needed who shall meet the qualifications required for appointment as a Presiding Judge. The City Council may waive the residency requirement when appointing a Municipal Court Presiding Judge or Alternate Judge with an affirmative vote of five (5) council members. The Council shall fix the compensation of the Presiding Judge and the alternate Judge of the Municipal Court of Record. The Presiding Judge and the Alternate Judge shall be appointed for a term of four (4) years unless otherwise required by state law. Removal of a judge during his/her term requires an affirmative vote of four or more Councilmembers, unless otherwise provided by state law. At the time of passage of this Charter change: (1.) the terms of the incumbent Presiding Judge and Alternate Judge shall expire on June 7, 1996, when qualified candidates shall be appointed to the respective offices for three year terms to expire on June 7, 1999, and a like term in each office shall be filled by appointment on said date every four (4) years thereafter.

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

Section 9.03. Clerk of the Municipal Court of Record.

There shall be a Clerk of the Municipal Court of Record who shall be appointed by the Presiding Judge of the Municipal Court of Record subject to confirmation of the Council. Such Clerk shall have the power to administer oaths and affidavits, make certificates, fix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof. There shall be such Deputy Clerks of the Municipal Court of Record as may be authorized by the Council and appointed by the Presiding Judge of the Municipal Court of Record subject to the approval of Council, which Deputy Clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court of Record. The Clerk and Deputy clerks of the Municipal Court of Record shall be responsible to the Presiding Judge thereof and shall be subject to his or her direction and control.

¹Note(s)—The Seabrook Municipal Court, by adoption on May 5, 2004 of Ordinance 2004-09, is a "Municipal Court of Record" pursuant to Chapter 30 of the Texas Government Code.

State law reference(s)—Municipal court, V.T.C.A., Government Code § 29.001 et seq.

The Presiding Judge of the Municipal Court of Record shall recommend the level of compensation of the Clerk of court subject to confirmation by the Council.

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

Section 9.04. Costs, process, and procedure in the Municipal Court of Record.

Sessions of the Municipal Court of Record shall be held at such times as the Judge(s) of the Municipal Court of Record may determine subject to confirmation by the Council. The dates of such court sessions and each change thereto should be filed with the City Secretary. The style of all writs issued out of the Municipal Court of Record shall be in the name of the City, all jurors shall be residents of said City and otherwise possess the same qualifications as jurors in State courts, and they shall be summoned in the same manner as provided for in Justice Courts.

(Charter Election of 10-15-2019)

State law reference(s)—Court fees and costs, Vernon's Ann. C.C.P. art. 45.051.

Section 9.05. Court separate from all departments.

The Municipal Court of Record of the City shall always be separate and apart from all departments of the City.

(Charter Election of 10-15-2019)



Agenda Briefing

Date of Meeting: June 18, 2024

Responsible Department: City Secretary's Office

Presenter:

Briefing Prepared By:

Strategic Focus Area:

General Information:

Summarize all sections of Articles VII, VIII, and IX for revision or further review.

Executive Summary / Background:

Funding / Fiscal Information:

Supporting Materials Attached: None

Prior Action / Review by Council, Boards, Commissions:

Staff Recommendation:



Agenda Briefing

Date of Meeting: June 18, 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: