



**SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, JULY 16, 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, July 16, 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 18, 2024 Charter Review Commission meeting.

3.2 Review, discuss, and if appropriate, take action on Seabrook City Charter, Article X, "Franchise and Public Utilities". City Manager, Gayle Cook, Director of Finance, Michael Gibbs, and Director of Public Works, Kevin Padgett, may participate in the discussion on Article X 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 XI, "General Provisions".

3.4 Review, discuss, and if appropriate take action on Seabrook City Charter, Areticle XII, "Historical Reference".

4. ROUTINE BUSINESS

4.1 Summarize all sections of Articles X, XI, and XII 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, July 12, 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 Separately
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
VIII	8.05	Initiative, Referendum and Recall	Grounds for Removal
VIII	8.11	Initiative, Referendum and Recall	Action on Petitions
IX	9.02	Courts	Residency of Municipal Court Judge
IX	9.04	Courts	Chg wording from "file" to "coordinate"



SEABROOK CHARTER REVIEW COMMISSION
MEETING

Chairperson Croce called the meeting to order at 6:00 pm. Present were Commission Members Ann Wacker, Andrew Croce, Elaine Renola, Michael DeHart, Betty Heverly, and Richard Tomlinson. Also Present were City Manager Gayle Cook, City Attorney David Olson, and City Secretary Rachel Lewis.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no citizen comments.

2. OLD BUSINESS

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

The Commission reviewed the current list of proposed items to consider for amendments and no changes were noted. Commission Member DeHart provided a list of alternatives regarding terms for Section 2.01 for future consideration. See attachment A.

3. NEW BUSINESS

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

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

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.

The Commission reviewed Article VII and no recommendations were made.

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.

The Commission reviewed Article VIII. City Manager Gayle Cook provided information regarding recall and grounds for removal in Section 8.05. See Attachment B. City Manager Cook also presented suggested wording for Section 8.11 Action on Petitions. See Attachment C.

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.

The Commission reviewed Article IX and Municipal Court Judge Dick Gregg presented suggested changes to Section 9.02, Judge of the Municipal Court of Record and Sec. 9.04. See Attachment D.

4. ROUTINE BUSINESS

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

The Commission summarized the following sections for further review:

Section 8.05 - Grounds for removal

Section 8.11 - Action on Petitions

Section 9.02 - Residency of the Municipal Court Judge

Section 9.04 - Wording to "coordinate" rather than "file" with City Secretary

4.2 Establish future meeting dates and agenda items.

Chairperson Croce announced there would be no meeting on July 2, 2024 and the next meeting would take place on July 16, 2024.

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

The meeting was adjourned at 5:07 pm.

APPROVED:

Andrew Croce, Chair

Date

ATTEST:

Rachel Lewis, City Secretary

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES¹

Section 10.01. Powers of the City.

The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City, is hereby declared to be inalienable to said City, except by ordinances not in conflict with the provisions of this Charter. No franchise or easement involving the rights to use same, either along, across, over, or under the same shall ever be valid unless expressly granted, and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officials, or agents shall be construed to confer or extend by estoppel or implication, any right, franchise, or easement not expressly granted by ordinance. In addition to the City's power granted elsewhere in this Charter, the City shall have power to buy, own, sell, construct, lease, maintain and operate public service within or without the City limits and to manufacture, distribute and sell the output of such service operation within or without the city limits. The City shall have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas. Public service shall include utilities or service to the public of every character.

Section 10.02. Power to grant franchises.

The Council shall have the power by ordinance to grant, renew and extend all franchises of a public service operation within the City and, with consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension.

Section 10.03. Grant not to be exclusive.

No grant or franchise to construct, maintain or operate a public service and no renewal or extension of such grant shall be exclusive.

Section 10.04. Transfer of franchises.

No public service franchise shall be transferable except with the approval of the Council as expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchisee from pledging said franchise as security for a valid debt or mortgage.

Section 10.05. Ordinances granting franchises.

Every ordinance granting, renewing, extending, or amending a public service franchise shall comply with Section 2.13 of the City Charter unless otherwise required by State law.

(Charter Election of 5-9-2015)

¹State law reference(s)—Home-rule municipality power to regulate franchises, Vernon's Ann. Texas Civ. St., art. 1175.

Section 10.06. Franchise value not to be allowed.

In fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the City under this Charter.

Section 10.07. Regulation of franchises.

Every grant, renewal, extension, or amendment of a franchise, whether so provided in the ordinance or not, shall be subject to the right of the Council, to wit:

- (a) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder had failed to comply with the terms of the franchise and setting a reasonable time for the correction for such failure, and shall be exercised only after hearing and after such reasonable time has expired.
- (b) To impose reasonable regulations to ensure safe, efficient, and continuous service to the public.
- (c) To require such expansion, extension, enlargement and improvements of plants and facilities as are necessary to provide adequate service to the public.
- (d) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length, and terminals of all facilities of such franchise holder in, over and under the streets, alleys, and other public property of the City; and to regulate and control the location, relocation, and removal of such facilities.
- (e) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represents the increased cost of such operations resulting from the occupancy of such public places by such public utility, and such proportion of the costs of such operations as results from the damage to or disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.
- (f) Reserved.
- (g) To prescribe the form of accounts kept by each such utility. If the franchise or ordinance does not prescribe the form of accounts kept by each utility, then it shall keep its accounts in accordance with the utility system of accounts for said utility prescribed the appropriate State and/or Federal utility regulator agencies.
- (h) To examine and audit the accounts and other records of any such utility during normal business hours as deemed necessary and to require annual and other reports, including reports on local operations by each such public utility. The Council shall, by ordinance, establish appropriate penalties for failure of a utility to provide reports.

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

Section 10.08. Regulation on rates.

The Council shall have all powers granted by the State Constitution and Statutes to regulate the rates of public service activities within the City limits. Such regulations shall be in conformance with the procedures prescribed by the Constitution and Statutes of the State of Texas.

Section 10.09. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance, or operation of any public utility; but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

Section 10.10. Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, and shall be operated as such, and shall be subject to all the obligations and reserve rights contained in this Charter and in any original grant hereafter made. The right to use any extension shall terminate with the original grant and shall be terminable as provided in this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 10.11. Other conditions.

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and all conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas.

Section 10.12. Franchise records.

The City shall compile and maintain a public record of all franchises operating within the City.

Section 10.13. Financial provisions.

The City may finance the acquisition by the City of privately owned utility properties, the purchase of land, and the cost of all construction and property installation for utility purposes by borrowing, in accordance with the provisions of this Charter.

ARTICLE XI. GENERAL PROVISIONS

Section 11.01. Publicity of records.

All records and accounts of every office, department or agency of the City except those closed to the public by law shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations pursuant to the Texas Public Information Act.

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

State law reference(s)—Public records, V.T.C.A., Government Code § 552.001 et seq.

Section 11.02. Power to settle claims.

The Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

State law reference(s)—Tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.101 et seq.

Section 11.03. Service of process against the City.

All legal process against the City shall be served upon the City Secretary or upon the Mayor at the City Hall, Seabrook, Texas, during normal working hours.

Section 11.04. Security and bond.

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

Section 11.05. Church and school property not exempt from special assessments.

No property of any kind, church, school, or otherwise, in the City shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by state law.

Section 11.06. Sale or lease of property other than public utilities or acquired by tax sale.

Any real property owned by the City may be sold or leased by the Council when in its judgment such sale or lease will be for the best interests of the City; provided, however, a sale, or a lease for more than five (5) years, shall never become effective until thirty (30) days after passage of the ordinance or resolution affecting same. If, during such thirty-day (30) period, a referendum petition is presented to the City Secretary which in all respects conforms to the referendum provisions of Article VIII of this Charter, and same is found sufficient, then the City Secretary shall certify the sufficiency of same to the Council, and an election shall be called submitting the

question of whether or not the sale or lease shall be consummated. Provided, further, however, the provisions of this section shall not apply to public utilities, nor to property purchased by the City at tax sales.

Section 11.07. Bonds for City employees.

The Council shall require bonds of all municipal officials and employees who receive or pay out monies of the City. The amount of such bonds shall be determined by the Council and the cost thereof shall be borne by the City.

Section 11.08. Fire Department and Fire Marshal.

So long as it is determined advisable by the Council, the City may continue to contract with the Volunteer Fire Department existing at the time of the adoption of the Charter. At such time as the Council deems it advisable to do so, the Council may, by ordinance, create a regular Fire Department for the City in which event it may provide regulations, make provision for the employment of firefighters, set up civil service rules, and make all such provisions as may be found necessary for the maintenance and government of such department, including provision for compensating personnel of such department.

A Fire Marshal shall be appointed by and be responsible to the City Manager. The Fire Marshal shall be responsible for the enforcement of ordinances pertaining to general protection from fire.

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

Section 11.09. Personal interest.

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding personal, financial or conflicting interests in transactions with the City, including but not limited to Chapter 171 of the Texas Local Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

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

Section 11.10. Nepotism.

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

(Charter Election of 5-8-2010)

State law reference(s)—Nepotism, V.T.C.A., Government Code § 573.001 et seq.

Section 11.11. Oath of office.

Every official of the City shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Seabrook, County of Harris, State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this State and the Charter and Ordinances of the City; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly

paid, offered, or promised to pay, contribute, nor promise to contribute any money, or valuable thing, or promised any public office or employment, as a reward:

- (for the giving or withholding a vote at the election at which I was elected.)
- (to secure my appointment or the confirmation thereof.)

Section 11.12. Official newspaper and other media.

The Council shall by resolution designate a public newspaper of general circulation in the city as the official organ thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter by the ordinances of the City, or by the Constitution and/or laws of the State of Texas. The City's Internet homepage and the City's TV channel shall also be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of any ordinance unless and until state law requires such electronic publication.

State law reference(s)—Official newspaper, V.T.C.A., Local Government Code § 52.004.

Section 11.13. Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or in the United States or any agency thereof.

Section 11.14. Construction.

The powers of the City under this Charter shall be construed in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in the Article.

Section 11.15. Severability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 11.16. The Charter Review Commission and Amending the Charter.

The Council shall appoint a Charter Review Commission of seven (7) citizens of the City no sooner than two (2) years and no later than five (5) years after the most recent Charter Amendment Election.

(a) *Duties of the Commission:*

- (1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any official or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
- (2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City Government.

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- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
 - (4) Report its findings and present its proposed amendments, if any, to the Council.
 - (b) *Action by the Council:* The Council shall receive any report presented by the Charter Review Commission; and shall consider any recommendations made, and if any amendments be presented as part of such report, shall order such amendment or amendments to be submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code § 9.001 et seq. All proposed amendments shall be published in the designated official public newspaper of the city and when practical, in other designated media, prior to the election. All Charter amendments approved by the electors shall become automatically effective and incorporated into law upon canvass of the election.
 - (c) *Term of Office:* The term of office of such Charter Review Commission shall be six (6) months, and at the completion of such term a report shall be presented to the Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now and hereafter amended [V.T.C.A., Local Government Code § 9.001 et seq.]. Except as noted in the following paragraph, amendments to this Charter shall be proposed to the people only by the Charter Review Commission, or by petition of the people in conformance with state law.

The City Council may, without approval of the voters, adopt an ordinance that corrects errors in spelling, cross-references, punctuation or numbering of Articles or Sections in the Charter. A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

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

Editor's note(s)—A Charter election held on May 9, 2015, amended § 11.16 in its entirety to read as herein set out. Former § 11.16, pertained to amending the Charter.

Section 11.17. Judicial notice.

This Charter shall be deemed a public act, may be read as evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Section 11.18. Notice of claims.

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his or her authorized representative shall notify the City Secretary. The notification shall be in writing and shall state specifically how, when and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within forty-five (45) days of the date of injury, damage, or death. No action at law shall be brought against the City until at least sixty (60) days have elapsed since the date of notification; after this period, the complainant may then have two (2) years in which to bring an action of law.

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

Editor's note(s)—An ordinance adopted at the Charter Election of May 9, 2015, repealed the former § 11.18, and renumbered §§ 11.19—11.30 as §§ 11.18—11.29. The former § 11.18 pertained to Charter Review Commission and derived from an ordinance adopted at the Charter Election of May 8, 2010.

State law reference(s)—Notice of claims, V.T.C.A., Civil Practice and Remedies Code § 101.101.

Section 11.19. Sanitary sewer system.

The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sanitary sewer connections, and shall further have the right to fix fees to be charged by the City for sewerage service, providing rules and regulations for the collection thereof, and to provide for rendering a lien against any property owner's premises who fails or refuses to pay the pro rata assessment value of his or her share of the sewer system, and make it a personal liability.

The City as a corporate body shall likewise be subject to the provisions of this section pertaining to requirements for the connection of premises with such sewer systems. Failure of officials to take timely action in this regard shall be deemed a violation of this section.

(Charter Election of 5-9-2015)

Note(s)—See note at § 11.18.

Section 11.20. Garbage disposal.

The Council may by ordinance adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the City and may fix fees to be charged for the removal of garbage, trash, and rubbish, providing rules and regulations for the collection thereof.

(Charter Election of 5-9-2015)

Note(s)—See note at § 11.18.

Section 11.21. Nuisances.

The City shall have the power to define by ordinance all nuisances and prohibit the same within the City and outside the City limits for a distance of 5,000 feet, to have power to police all parks or grounds, speedways, or boulevards owned by said City and lying outside of said City, to prohibit the pollution of any stream, drain or tributaries, thereof, which may constitute the source of water supply of any City and to provide for policing the same as well as to provide for the protection of any watersheds and the policing of same.

(Charter Election of 5-9-2015)

Note(s)—See note at § 11.18.

Section 11.22. Ethics ordinance.

The City of Seabrook shall maintain an ordinance adopting an Ethics Review Commission and a Code of Ethics governing conduct of officers and employees; provide standards of conduct for the City's officials and employees; provide procedures regarding complaints for violations of such standards; [and] provide disciplinary measures for violations of such standards.

(Charter Election of 5-9-2015)

Note(s)—See note at § 11.18.

Section 11.23. Comprehensive Master Plan Review Commission.

If, as or when the Comprehensive Master Plan is proposed to be amended, Council shall appoint at its next regular meeting a Comprehensive Master Plan Review Commission comprised of seven (7) citizens of the City. Such a Commission shall be appointed no sooner than two (2) years and no later than five (5) years after the most recent plan adoption. The function of the Comprehensive Master Plan Review Commission is to develop a Comprehensive Master Plan that is a planning tool in keeping with the intent of Chapter 213 of the Texas Local Government Code. "Comprehensive Master Plan" as referenced in this section, is intended as an ongoing planning tool and does not constitute zoning regulations or establish zoning district boundaries.

(a) *Duties of the Commission:*

- (1) To inquire into the timeliness of the Comprehensive Master Plan, the usefulness of the plan in the interpretation, implementation and enforcement of the zoning ordinance and the reflection in the document of any and all new conditions in the City subsequent to the adoption of the Comprehensive Master Plan. To this end, public hearings shall be held at which hearings the public shall have the right to be heard and the Commission shall have the power to compel the attendance of any official or employee of the City and/or to compel the production of any City records deemed necessary, unless such records are exempt from public disclosure as a matter of law.
- (2) To propose any change(s) it deems desirable to ensure that the plan is effective and/or timely and/or to ensure that it reflects any new conditions arising subsequent to its adoption.
- (3) Report all recommended changes to Council who shall accept or reject such recommended changes to the plan in their entirety.

- (b) *Term of Office:* The term of office of the Comprehensive Master Plan Review Commission shall be six (6) months, which may be extended with the approval of City Council. At the completion of the term, a report shall be presented to Council and all records of the proceedings of such Commission shall be filed with the City Secretary and shall become a public record.

(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 § 11.18.

Section 11.24. Sale of liquor, wine, and beer prohibited in residential zoned areas of the city.

The sale of liquor, wine, and beer shall be prohibited in residential zoned areas of the City.

(Charter Election of 5-9-2015)

Note(s)—See note at § 11.18.

Section 11.25. Favorable majority vote of the electorate required in certain cases.

A favorable majority vote of the electorate of Seabrook shall be required for any of the following:

- (a) The expansion of any existing municipal utility district as defined by the Texas Water Code;
- (b) Any additional municipal utility district as defined by the Texas Water Code;
- (c) The absorption by the city of the debt of any municipal utility district as defined by the Texas Water Code;

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- (d) The rebate of any city taxes at any time to any municipal utility district as defined by the Texas Water Code.

The City Council shall provide, by ordinance, regulations and procedures for the implementation of this section as deemed necessary. The cost of the election shall not be the burden of the city.

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

Editor's note(s)—A Charter election held May 8, 2010, changed the name of section 11.25 from "Favorable majority vote of the people required in certain cases" to "Favorable majority vote of the electorate required in certain cases."

Note(s)—See note at § 11.18.

Section 11.26. Training requirements for city officials.

New members of Council not having served within the past three (3) years shall complete a recognized training session or seminar for newly elected officials offered by a recognized municipal official training organization such as the Texas Municipal League within six (6) months of taking office. An additional three (3) months extension may be granted by a favorable majority vote of Council excluding those affected by the requirement.

Other city officials such as Planning and Zoning members newly appointed and not serving within the past three (3) years, and Board of Adjustment members newly appointed and not having served within the past two (2) years shall attend appropriate training for the position. All expenses for training are to be at city expense.

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

Note(s)—See note at § 11.18.

Section 11.27. Other charter requirements.

All City appointees to boards, committees, corporations, organizations, and other related entities shall conform to the Charter requirements of the City of Seabrook regulating personal interest, conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance.

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

Note(s)—See note at § 11.18.

Section 11.28. Employment at will.

All employees of the city shall be at-will employees except as may otherwise be provided by state law or contract.

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

Editor's note(s)—A Charter election held May 8, 2010, changed the name of the above section from "Standards of conduct for City officials, board members, employees and others" to "Employment at will."

Section 11.29. Special requirements concerning the city manager and entities formed by, or having oversight by the City of Seabrook.

At the direction of the City Council, the City Manager shall be provided, at his or her request, any and all documents including those which may otherwise be excluded from public disclosure of those entities in accordance with state law formed by, or having oversight by the City of Seabrook. Additionally, the City Manager shall be granted access to any and all meetings including executive sessions of those entities formed by, or having oversight by the City of Seabrook, provided the city and the entity are not adverse parties. Matters addressed at meetings including those concerning the health, safety and welfare of the people of Seabrook identified by the City Manager shall be reported to the City Council and appropriate action shall be taken by the City Council or when applicable by the City Manager.

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

Note(s)—See note at § 11.18.

ARTICLE XII. HISTORICAL REFERENCE¹

Section 12.01. Schedule.

- (a) This Charter shall take effect on the first day following adoption by the voters of the city and shall be fully operative within one (1) year after such adoption.
- (b) At the first regular meeting of the Council following adoption of this Charter the members of Council elected or reelected to office at the last regular election for that position shall retain the designation Mayor's Position and Positions 1, 2, 3, 4, and 5.
- (c) It is provided that on the ballot of the regular election scheduled for the first Saturday in April 1980; that the ballot will provide for the election, at large, of four (4) candidates to positions on the Council, of whom three (3) candidates (Mayor, Positions 2 and 4) will be elected to succeed those members of Council whose terms expire at the time, and the fourth (4th) of whom (Position 6) will be elected to the Council position created by adoption of this Charter.
- (d) The members of Council at the time of adoption of this Charter shall have all the powers and duties granted in this Charter.
- (e) The limitations prescribed in Article II of this Charter, shall apply to all persons elected to office in 1980 and thereafter but will not include terms of office which began prior to the adoption of this Charter.
- (f) All Boards, Commissions, and Committees in existence on the effective date of this Charter, and not in conflict with the provisions thereof, may continue in existence. Any Board, Commission, or Committee in existence on the effective date of this Charter which is in conflict with the provisions thereof is abolished, with such abolition to take effect on the 120th day after the effective date of the Charter.

Section 12.02. Appointive officials and employees.

- (a) Nothing in this Charter, except as may be specifically provided otherwise, shall affect or impair the rights or privileges of persons who are appointive officials or employees of the City at the time of its adoption.
- (b) An employee holding a City position at the time this Charter becomes fully operative, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in that same position but in all other respects shall be subject to the personnel system provided for in this Charter.

Section 12.03. Effect of the Charter on existing law.

- (a) All codes, ordinances, resolutions, rules, and regulations in force in the city on the effective date of this Charter, and not in conflict with the provisions thereof, shall remain in force until altered, amended or repealed by the Council. Emergency ordinances enacted before the adoption of this Charter shall not be affected by the provisions of this Charter. Any code, ordinance, resolution, rule or regulation which conflicts

¹Editor's note(s)—The Charter Elections of Charter Election of 10-15-2019 and November 3, 2020 renamed Article XII, previously titled Transitional Provisions.

with the provisions of this Charter is repealed to the extent that it is inconsistent or will interfere with the effective operation of this Charter or ordinances enacted pursuant thereto.

- (b) All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before the effective date of this Charter, or for the fixing or establishing of which proceedings had begun prior to such date, shall be valid when properly fixed or established under the law in force at the time of the beginning of such proceedings or under the law after adoption of this Charter.

Section 12.04. Pending matters.

All rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings in existence or pending on the effective date of this Charter shall continue until consummation. All new or renewal rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings initiated after the effective date of this Charter shall conform to the requirements and provisions thereof.

Section 12.05. Submission of the Charter to the voters.

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at the regular City election to be held on August 11, 1979. Not less than thirty (30) days prior to that election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in that election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter so adopted, authenticated and certified by his or her signature and the Seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at that election.



Agenda Briefing

Date of Meeting: July 16, 2024

Responsible Department: City Secretary's Office

Presenter:

Briefing Prepared By:

Strategic Focus Area:

General Information:

Summarize all sections of Articles X, XI, and XII 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: July 16, 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: