



**SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, SEPTEMBER 17, 2024 - 4:00 PM**

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NOTICE IS HEREBY GIVEN THAT THE SEABROOK Charter Review Commission WILL HOLD A MEETING ON **Tuesday, September 17, 2024 AT 4:00 PM** IN THE CITY HALL DOWNSTAIRS CONFERENCE ROOM, 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. CONSENT AGENDA

2.1 Approve the minutes of the September 3, 2024 Charter Review Commission meeting.

3. OLD BUSINESS

3.1 Consider and take all appropriate action on any additional review of previously examined Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XI and XII as necessary.

4. ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

THE CHARTER REVIEW COMMISSION RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE)

THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

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

I certify that this notice was posted on the bulletin board on or before Friday, September 13, 2024 no later than 4:00 p.m. and that this notice will remain posted until the meeting has ended.

Rachel Lewis, TRMC





SEABROOK CHARTER REVIEW COMMISSION
MEETING

Chairperson Croce called the meeting to order at 4:00 pm. Present were Commission Members Andrew Croce, Elaine Renola, Lori Solt, Ann Wacker, Richard Tomlinson, and Betty Heverly. Also present were City Manager Gayle Cook, City Secretary Rachel Lewis, and City Attorney Paige Bailey.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no citizen comments.

2. CONSENT AGENDA

2.1 Approve the minutes of the August 20, 2024 Charter Review Commission meeting.

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

3. OLD BUSINESS

3.1 Consider and take all appropriate action on any additional review of previously examined Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XI and XII as necessary.

2.01 - The Commission proposed a change to include the verbiage "after an individual vacates an office or is appointed, if fifty percent (50%) or less remains of the individual's term, the term shall be considered a full term for reasons of calculating term limits." The Commission requested further review of this section and proposed language regarding how long an official must sit out in advance of running for another office.

2.05 - The Commission proposed adding verbiage to section b(3) stating "and the city's Code of Conduct ordinance."

4.04 - The Commission proposed striking and adding language on the addendum presented. **See attachment A.**

6.01 - The Commission proposed changing the wording to state members of the Planning & Zoning Commission may be appointed to serve on the Comprehensive Master Plan Review Commission per the addendum provided. **See attachment B.**

8.05 - The Commission proposed changing the wording to match the addendum provided. **See attachment C.**

8.08 - The Commission proposed changing the review time allotted for the City

Secretary from twenty (20) days to twenty (20) business days.

8.11 - It was determined that the Commission would review and discuss this section further at the next meeting.

9.02 - The Commission proposed striking the sentence regarding residency when appointing a Municipal Court Presiding Judge or Alternate Judge.

11.23 - The Commission proposed changing the wording to match the addendum provided. **See attachment D.**

Motion:	To Approve changes to 2.01
Made By:	Charter Review Commission Member Wacker
Seconded By:	Charter Review Commission Member Tomlinson
Vote:	Passed with Members Croce, Wacker, Tomlinson, Solt, and Renola voting in favor, and Member Heverly voting opposed.

Motion:	To Approve changes to 2.05
Made By:	Charter Review Commission Member Wacker
Seconded By:	Charter Review Commission Member Heverly
Vote:	Passed unanimously by all present

Motion:	To Approve changes to 4.04
Made By:	Charter Review Commission Member Croce
Seconded By:	Charter Review Commission Member Wacker
Vote:	Passed unanimously by all present

Motion:	To Approve changes to 6.01
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Wacker
Vote:	Passed unanimously by all present

Motion:	To Approve changes to 8.05
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Wacker
Vote:	Passed unanimously by all present

Motion:	To Approve changes to 8.08
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Wacker

Vote: **Passed** unanimously by all present

Motion: To Approve changes to 9.02
Made By: Charter Review Commission Member Wacker
Seconded By: Charter Review Commission Member Heverly
Vote: **Passed** unanimously by all present

Motion: To Approve changes to 11.23
Made By: Charter Review Commission Member Renola
Seconded By: Charter Review Commission Member Wacker
Vote: **Passed** unanimously by all present

4. ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

City Secretary Rachel Lewis informed the Commission the next meeting would take place on September 17, 2024 at 4:00 pm.

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

The meeting was adjourned at 5:47 pm.

APPROVED:

Andrew Croce, Chair

Date

ATTEST:

Rachel Lewis, City Secretary

Section 4.04. Boards, commissions, and committees.

~~The Council shall create, establish, or appoint, as may be required by law, circumstance, or this Charter, those Boards, Commissions, and Committees which are deemed necessary to carry out the functions and obligations of the City. The Council shall prescribe the purpose, composition, function, duties, and accountability, of each Board, Commission, and Committee, where such are not prescribed by law or this Charter. All such appointees shall be residents of the City of Seabrook, Texas. Each such appointment shall be for a three (3) year term unless restricted by law, the Charter or restricted to a shorter term by the Council.~~

(Charter Election of 5-9-2015)

Note(s)—See note at § 4.02.

Creation. The council shall have power by ordinance to create, establish and abolish such other boards and commissions as the council shall determine are necessary and desirable. Such ordinance shall as a minimum include:

- a. Title of the board or commission.
- b. Purpose and duties.
- c. Number of persons comprising membership.
- d. Terms.
- e. Appointment of chairperson and vice-chairperson.

Eligibility. All Seabrook residents who have been residents of the city for one (1) year immediately prior to the date of appointment, eligible to vote in the City and who are not in arrears in the payment of any taxes or other liability due to the City, are eligible for appointment or reappointment to a board or commission.

Removal and vacancies. Except as otherwise provided by state law or ordinance, the council may, upon the affirmative vote of the majority of the full membership of the council, remove members of any board or commission without notice. If an individual appointed to a board or commission shall cease to possess any of the qualifications for appointment, shall file or announce as a candidate for any public office, or shall be convicted of a crime of moral turpitude, such individual shall immediately be considered removed and such appointment vacant. Vacancies in the appointive board or commission, whether by resignation, death, removal or other cause, shall be filled by council appointment for the unexpired term.

Meetings. All meetings shall be open to the public except as otherwise permitted by law. Minutes of the meetings open to the public shall be kept and attendance, subject matter and voting shall be recorded.

Voting. No member of a board or commission shall be excused from voting unless otherwise required by law.

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 may be appointed to serve on the Comprehensive Master Plan Review Commission as prescribed within Section 11.23 of this Charter and Order of Incorporation; and he or she shall hold no ~~other~~ additional positions elective, appointive, or salaried in the City government; and he or she 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(s)—Planning and zoning commission, V.T.C.A., Local Government Code § 211.007.

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)

Propose adding a more defined definition of "grounds for removal"

and the grounds for recall include incompetence, noncompliance with this Charter, misconduct or malfeasance in office.

"Incompetence" shall mean gross ignorance of official duties, gross carelessness in the discharge of official duties; or inability or unfitness to promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of the officeholder's election.

"Noncompliance with the Charter" shall mean that the Mayor or Council Member did an act, failed to have particular required qualifications, was involved in specific conduct prohibited by the Charter, or clearly failed to comply with a provision containing substantive, rather than mere procedural, Charter provisions. It does not mean that a Mayor or Council Member merely did something inconsistent with some part of the Charter, failed to accomplish something the Charter allowed, made a procedural mistake, or was involved in an error or policy decision of a majority of the Council that proves to be unpopular or unwise.

"Misconduct" is defined as an offense that is an intentional or knowing violation of a law committed by the Member of City Council while acting in an official capacity, exceeding the Members authority by defying or overruling lawful actions done by the City Council, or ignoring the legislative will of the City Council because it does not suit his or her convenience or ideas.

"Malfeasance in office" means violation of the Penal Code or a penal statute in connection with the holding of a public office, theft or misappropriation of public funds, or breach of an official duty enjoined by law, or conviction of a crime involving moral turpitude.

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. **The Commission shall comprise of three (3) Council appointed Planning and Zoning Commissioners, along with four (4) Council appointed members.** ~~[Council may not amend the Comprehensive Master Plan unless such an amendment is recommended by the Commission.]~~ Such a Commission shall be appointed no sooner than two (2) years and no later than five (5) years after the most recent ~~[appointment of the Commission.]~~ **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](#))

Note— See note at § 11.18.

Article	Section	Section Title	Brief Description of Change Proposed	Approved
II	2.01	The Council	Full Terms at 50%	9/3/2024
II	2.01	The Council	Distiguish time frame for official to sit out before another office	
II	2.05	Vacancies, Forfeiture, Filling of Vacancies	"Code of Conduct Ordinance"	9/3/2024
IV	4.04	Boards, Commission and Committees	Clarifying	9/3/2024
V	5.03 (a)	Financial Procedures	(3) Update "tasks" to "responsibilities", (9) move to end of section	8/20/2024
V	5.05	Financial Procedures	Update "votes of five (5) or more Council "Super majority"	8/20/2024
VI	6.01	Planning and Zoning	Allow P&Z members to serve on Comprehensive Master Plan Comm.	9/3/2024
VI	6.04 (c)	Planning and Zoning	to say "zoning map"	8/20/2024
VIII	8.05	Initiative, Referendum and Recall	Grounds for Removal	9/3/2024
VIII	8.11	Initiative, Referendum and Recall	Action on Petitions - cooling down period	
IX	9.02	Courts	Residency of Municipal Court Judge	9/3/2024
IX	9.04	Courts	Chg wording from "file" to "coordinate"	8/20/2024
XI	11.23	General Provisions	Allow P&Z members to serve on Comprehensive Master Plan Comm.	9/3/2024

Possible Wording Changes for Review of Section 2.01

#1

Section 2.01: "There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of four (4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and 6 and in 2018 for Councilmembers in Positions 1, 3 and 5. No member of Council shall be elected for more than two (2) consecutive terms; **provided, however, all members of Council shall be eligible to run for the position of Mayor regardless of serving two (2) consecutive terms. Nonetheless, no member of Council shall serve more than four (4) consecutive terms in the combination of both a Councilmember and Mayor. For purposes of this Section, regardless of the number of consecutive terms, a member of Council not actively serving as the Mayor or a Councilmember for a period of twelve (12) or more months shall be eligible to run and serve as the Mayor or a Councilmember.**"

#2

Section 2.01: "There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of four (4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and 6 and in 2018 for Councilmembers in Positions 1, 3 and 5. No member of Council shall be elected for more than two (2) consecutive terms; **provided, however, all members of Council shall be eligible to run for the position of Mayor regardless of how many consecutive terms have been served.**"



Agenda Briefing

Date of Meeting: September 17, 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: