



**SEABROOK CHARTER REVIEW COMMISSION
NOTICE OF MEETING
TUESDAY, SEPTEMBER 24, 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, September 24, 2024 AT 4:00 PM** IN THE DOWNSTAIR 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 17, 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. NEW BUSINESS

4.1 Consider and take all appropriate action on a first draft of a report to City Council recommending propositions.

5. ROUTINE BUSINESS

5.1 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 20, 2024 no later than 4:00 p.m. and that this notice will remain posted until the meeting has ended.

Rachel Lewis, TRMC





MEETING MINUTES
SEPTEMBER 17, 2024

SEABROOK CHARTER REVIEW COMMISSION
MEETING

Member Ann Wacker called the meeting to order at 4:01 pm. Present were Commission Members Elaine Renola, Lori Solt, Richard Tomlinson, and Betty Heverly. Also present were City Manager Gayle Cook, Deputy City Secretary Amanda Morales, and City Attorney David Olson.

1. **PUBLIC COMMENTS AND ANNOUNCEMENTS**

There were no citizen comments.

2. **CONSENT AGENDA**

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

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

Member Tomlinson was not present during the vote. He arrived at 4:06 p.m.

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.**

The following sections were reviewed:

2.01 - There was a discussion regarding the language of the proposed changes. City Attorney David Olson to make adjustments to the language to revisit at the next meeting in a draft copy of a report to be presented to City Council.

2.05(b)(3) - Change the verbiage to "or" the city's Code of Conduct ordinance instead of "and".

4.04 - Address the capitalization issues.

11.23 - Change the verbiage to reflect the word "may" instead of "shall".

Motion:	To Approve all changes as discussed
Made By:	Charter Review Commission Member Renola
Seconded By:	Charter Review Commission Member Heverly
Vote:	Passed unanimously by all present

4. ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

The next regular meeting will be held on October 1, 2024 at 4:00 p.m but members stated they would be available for a meeting on 9/24/2024 if needed.

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

The meeting was adjourned at 5:20 p.m.

APPROVED: _____ DATE: _____
Andrew Croce, Chair

ATTEST: _____
Amanda Morales, Deputy City Secretary

**Seabrook Charter Review Commission
Final Report to City Council
October 15, 2024**

Commission Members:

Andrew Croce, Chair

Ann Wacker, Vice Chair

Elaine Renola

Richard Tomlinson

Lori Solt

Betty Heverly

Mike DeHart

The Seabrook Charter Review Commission, commissioned by City Council to review the City's Charter and to recommend any changes as seen necessary by the Commission, respectfully submits the following report of the Commission's findings and proposed Charter amendments to City Council to be voted upon by the electorate of the City of Seabrook at the General Election in May 2025.

The commission's goal was to recommend changes that were deemed necessary in order to improve City operations, address statutory changes, and to create better consistency within the Charter, to allow for easier interpretation in the future. The Commission received input from City Council, the City Manager and staff, the City Secretary, the City Attorney, and the Municipal Court Judge. All input was weighted equally, regardless of the source. Following the highlighted recommendations of the Commission on each Article of the Charter is a brief explanation of the Commission's reasoning for these recommendations, and the Commission's assessment of its positive, negative or neutral impact to the City's budget.

We request that this official report showing the proposed amendments be placed on the City website after City Council review, to allow citizens ample time to review all proposed changes before the May 2025 election.

No proposed changes:

Article I: Incorporation

Article III: The City Manager

Article VII: Nominations and Elections

Article X: Franchises and Public Utilities

Article XII: Historical Reference

THIS SPACE LEFT INTENTIONALLY BLANK

ARTICLE II: THE COUNCIL

Proposition 1: Section 2.01-The Council

Update and include clarification of a full term when a member vacates or is appointed to office.

Commission Explanation: Clarification was needed to determine when a term would be considered a full term for calculating term limits.

Budget Impact: There is no expected budgetary impact.

Section 2.01 - The Council.

There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of four (4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2,4,6 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.

After an individual vacates an office or is appointed, if fifty (50)% or less remains of the individual's term, the term shall be considered a full term for calculating term limits.

Proposition 2: Section 2.05 – Vacancies, forfeiture, filling of vacancies

Update and include clarification under section (b) “Forfeiture of Office” to clarify the City’s code of conduct ordinance must be adhered to.

Commission Explanation: The code of conduct ordinances was not previously referenced and should be included.

Budget Impact: There is no expected budgetary impact.

Section 2.05 – Vacancies, forfeiture, filling of vacancies.

(b) Forfeiture of Office: A councilmember or the Mayor shall forfeit his or her office if he or she:

- (1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law.
- (2) Violates any expressed prohibition of this Charter,
- (3) Fails to discharge official duties as provided in this Charter or the City’s code of conduct ordinance,
- (4) Is convicted of a felony, or
- (5) Fails to attend three (3) consecutive regular Council meetings without being excused by the Council by first notifying the City Secretary of the absence; emergency absence notwithstanding. Regular Council meeting is defined as the Council meeting required in Section 2.08 in the Charter, which is held at least once each month and is identified on the agenda as “regular” scheduled meeting.

ARTICLE IV: ADIMINSTRATIVE DEPARMENTS

Proposition 3: Section 4.04 – Boards, commissions, and committees

Update and replace the section for clarification of creation, eligibility, removal and vacancies, meetings and voting.

Commission Explanation: The section does not outline specific information pertaining to appointments, removals, and expectations for boards and commissions.

Budget Impact: There is no expected budgetary impact.

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.

Creation. The Council shall have power by ordinance to create, establish and abolish such other boards and commissions that the Council shall determine are necessary and desirable. Such ordinance shall at 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.

ARTICLE V: FINANCIAL PROCEDURES

Proposition 4: Section 5.03 - Annual Budget

Update wording for “tasks” to state “responsibilities” and renumber section (a)

Commission Explanation: Replace wording and renumber for better ease of understanding.

Budget Impact: There is no expected budgetary impact.

Section 5.03 – Annual Budget

- (a) *Content:* The budget shall provide a complete financial plan of all City funds and activities for the ensuing five (5) fiscal years, and except as required by law or this Charter, shall be in such form as the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing five (5) fiscal years, describe the important features of the budget, and indicate any major changes, from the current year in financial policies, expenditures, and revenues, with reason for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing five (5) fiscal years. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two (2) fiscal years. It shall include in separate sections:
- (1) An itemized estimate of the expense of conducting each department, division and office.
 - (2) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.
 - (3) A separate schedule for each department, indicating responsibilities to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.
 - (4) A statement of the total probable income of the City from taxes for the period covered in the estimate.
 - (5) Tax levies, rates and collections for the preceding three (3) years and ensuing five (5) years.
 - (6) An itemization of all anticipated revenue from sources other than the tax levy.
 - (7) The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.
 - (8) The total amount of outstanding City debts, with a schedule of maturities on bond issues and/or certificates of obligation.
 - (9) Such other information as may be required by the Council.
 - (10) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

Proposition 5: Section 5.05 – Emergency appropriations

Update wording to replace the word “favorable” to “supermajority”

Commission Explanation: Replace wording for better ease of understanding.

Budget Impact: There is no expected budgetary impact.

Section 5.05 – Emergency appropriations.

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

THIS SPACE LEFT INTENTIONALLY BLANK

ARTICLE VI: PLANNING AND ZONING

Proposition 6: Section 6.01 – Planning and Zoning Commission

Update to allow members of the Planning and Zoning Commission to serve on the Comprehensive Master Plan Review Commission.

Commission Explanation: The members of the Planning and Zoning Commission have knowledge which is integral to the success of the Comprehensive Master Plan Review Commission.

Budget Impact: There is no expected budgetary impact.

Section 6.01 – Planning and Zoning Commission.

The Council shall appoint a Planning and Zoning Commission which shall consist of seven (7) members. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall 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 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.

Proposition 7: Section 6.04 – Powers and duties

Update wording in section (b) from “map” to state “zoning map”

Commission Explanation: The wording change specifies the map for better clarity of understanding.

Budget Impact: There is no expected budgetary impact.

Section 6.04 – Powers and duties

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

- (c) Draft and recommend to the Council for adoption an official map of the City. Said zoning map to be updated or required to reflect previously approved changes authorized under provisions of this Charter.
- (d) Make and recommend to the Council for adoption a zoning plan and recommend or disapprove proposed changes in such plan.
- (e) Recommend to the Council for adoption a building code which shall include the minimum standards of construction of buildings, and the minimum standards for plumbing, wiring and gas piping.
- (f) Reserved.
- (g) Perform such other duties and be vested with such other powers as the Council shall from time to time prescribe.
- (h) The guidelines to be formulated shall be supplemental to the Comprehensive Master Plan which Master Plan and guidelines shall guide and assist the Commission and the Council in interpreting and enforcing the Zoning Ordinance.

THIS SPACE LEFT INTENTIONALLY BLANK

ARTICLE VIII: INITIATIVE, REFERENDUM AND RECALL

Proposition 8: Section 8.05 – Form of Affidavit, committee of petitioners

Update to include a defined definition of “grounds for removal”

Commission Explanation: There is not defined grounds for removal and inclusion of this section would outline more specific grounds for removal in the case of a recall.

Budget Impact: There is no expected budgetary impact.

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.

Grounds for recall shall 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 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 member’s 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” shall mean a 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.

Proposition 9: Section 8.08 – Filing and examination of petitions

Update the wording from “days” to “business days” regarding examination of petitions.

Commission Explanation: The change will allow the City Secretary 20 business days to examine submitted petitions in the event that multiple petitions are submitted at once, and or submissions which may occur just prior to holidays.

Budget Impact: There is no expected budgetary impact.

Section 8.08 – Filing and examinations of petitions.

Within twenty (20) business 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.

THIS SPACE LEFT INTENTIONALLY BLANK

ARTICLE IX: COURTS

Proposition 10: Section 9.02 – Judge of the Municipal Court of Record

Remove the requirement that the City Council may waive the residency requirement when appointing the Municipal Court Judge or Alternate Judge.

Commission Explanation: The residency requirement for the Municipal Court Judge was removed by a past Charter revision, so there is no need to have a requirement that the City Council may waive this residency requirement.

Budget Impact: There is no expected budgetary impact.

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 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.

Proposition 11: Section 9.04 – Costs, process, and procedure in the Municipal Court of Record

Change the word “filed” to “coordinated” pertaining to scheduling court sessions through the City Secretary.

Commission Explanation: There is not need for filing such requests with the City Secretary, and instead there is only need for coordination with the office of the City Secretary for use of space for court proceedings.

Budget Impact: There is no expected budgetary impact.

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 coordinated 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.

ARTICLE XI: GENERAL PROVISIONS

Proposition 12: Section 11.23 – Comprehensive Master Plan Review Commission

Update to allow members of the Planning and Zoning Commission to serve on the Comprehensive Master Plan Review Commission.

Commission Explanation: The members of the Planning and Zoning Commission have knowledge which is integral to the success of the Comprehensive Master Plan Review Commission.

Budget Impact: There is no expected budgetary impact.

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 be comprised of three (3) Council appointed Planning and Zoning Commissioners, along with four (4) Council appointed members. 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.

THIS SPACE LEFT INTENTIONALLY BLANK