The Charter Review Commission held a regular meeting on Monday, September 29, 2014 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook Texas in the second floor conference room to discuss, and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

LAURA DAVIS	CHAIR
JOHN CHISLER	MEMBER
KEVIN FERGUSON	VICE-CHAIR
DELAINA HANSSEN	MEMBER
DON HOLBROOK	MEMBER
DAVID JOHNSON	MEMBER
ELAINE RENOLA	MEMBER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.0 NEW BUSINESS

2.1 Consider approval of the Minutes of September 15, 2014.

Motion was made by Mr. Chisler and seconded by Mr. Holbrook

To approve the minutes as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.2 Consider approval of Revised Rules of Procedure.

Motion was made by Mr. Holbrook and seconded by Mr. Chisler

To approve the amended rules that show a meeting starting time of 7:00 p.m., and ending time of 9:00 p.m. with the possibility of a one-half hour extension to 9:30 p.m. with the consent of a majority of members.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.3 Continue review of the Seabrook City Charter, Article II, "The Council."

Chair Davis told members that there are 111 additional sections to be reviewed. She asked that members follow Council's procedure of allowing each person to speak up to two times on the same subject and then take a vote. Mr. Chisler asked that members raise their hands to be recognized by the chair.

Mrs. Glaser stated that the city attorney reworded the changes in Section 2.01 for clarity as requested by Council.

Motion was made by Mr. Chisler and seconded by Mr. Holbrook

To accept the wording in Section 2.01 as shown below.

Section 2.01. The Council.

"There shall be a Council composed of a Mayor and six (6) Councilmembers, **(collectively 'Council" or "City Council')** 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 [~~three (3)~~] 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." [~~At the time of passage of this charter change: 1.) the term of the incumbent Mayor shall expire on the date of the general municipal election in 1996, when a qualified candidate shall be elected to the office of Mayor for a three year term to expire in 1999, and a like term shall be filled by election every three years thereafter on said annual general election date. 2.) the term of the incumbent Councilmembers, Positions 1, 3 and 5 shall expire on the date of the general municipal election in the year 1997, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in 2000, and like terms shall be filled by election every three years thereafter on said annual general election date. 3.) the term of the incumbent Councilmembers, Positions 2, 4 and 6 shall expire on the date of the general municipal election in the year 1996, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in the year 1999, when three year terms shall be filled by election every three years thereafter on said annual general election date.~~]

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 2.05. Vacancies, forfeiture, filling of vacancies.

Mr. Ferguson suggested amending subsection (b) (4) as follows: "Is convicted of a felony **and/or misdemeanor to exclude minor traffic violations within a specific number of years.**

Mr. Weathered stated that this sentence applies only to council members currently in office, not to candidates. He stated that state law usually refers to crimes of moral turpitude. Mrs. Glaser stated that the city does not perform background checks on candidates. Mrs. Davis agreed, stating that this subsection deals with felony convictions while in office and would not include offenses committed before an officer was elected.

Motion was made by Mr. Ferguson

To amend Section 2.05 (b) (4) as shown above.

MOTION FAILED FOR LACK OF A SECOND.

Members next discussed Subsection (c) Filling of Vacancies.

Mr. Weathered stated that prior to 2013, all vacancies for three and four year terms were required to be filled by election no later than 120 days following such vacancy or vacancies. Mrs. Davis explained that these circumstances could require that the city hold two elections within a very short period. Mr. Weathered stated that the Legislature in 2013 allowed cities with three and four year terms to change their charters to allow a council vacancy to be filled by appointment, provided that no more than one year remained on the term. Vacancies, with terms greater than one year, would still require an election.

Motion was made by Mr. Chisler and seconded by Mr. Holbrook

To amend Section 2.05 (c) to allow Council, by a supermajority vote of all councilmembers, to fill a vacant council position with a remaining term of no more than one year.

Ayes: Davis, Chisler, Hanssen, Holbrook.
Nays: Ferguson, Johnson, Renola.

MOTION CARRIED BY MAJORITY VOTE.

Mrs. Glaser stated that exact language reflecting this change would be presented at the next meeting for approval. It was noted that subsection (c) contained a reference to three (3) year terms which may be amended if the charter amendment in Section 2.01 is approved to change from three to four- year terms.

Section 2.06. Powers. No changes.

Section 2.07. Prohibitions.

At the last meeting, Mrs. Renola suggested adding the word "city" before the word "manager" in subsections (b) and (c) for clarity.

Motion was made by Mr. Johnson and seconded by Mrs. Renola

To amend Section 2.07, Subsections (b) and (c) as follows:

"b) *Appointments and Removals:* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officials or employees whom the **City** Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the **City** Manager anything pertaining to appointment and removal of such officials and employees.

c) *Interface with Administration:* Except for the purpose of inquiries and investigations under Section 2.16, the Council or its members shall deal with the City officials and employees who are subject to the direction and supervision of the **City** Manager, solely

through the **City** Manager, and neither the Council nor its members shall give orders to any such official or employee, either publicly or privately. "

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 2.08. Administrative offices and departments.

Members discussed whether the list of required departments is correct and inclusive.

Motion was made by Mr. Chisler and seconded by Mr. Ferguson

To defer discussion of this item until the City Manager is able to attend a meeting.

MOTION TO DEFER CARRIED BY UNANIMOUS CONSENT.

Section 2.09 City Secretary. No changes.

Section 2.10. Induction of Council into office; meeting of Council. No changes.

Section 2.11. Council to be judge of qualifications of its members. No changes.

Section 2.12. Rules of Procedure

Motion was made by Mr. Ferguson and seconded by Mrs. Hanssen

To amend Section 2.12 as follows:

"The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that the citizens of the City shall have a reasonable opportunity to be heard at any meeting at a regular scheduled time on the agenda in regard to any matter whether or not the topic they wish to [~~discuss~~] **present** is under consideration on the agenda."

Ayes: Davis, Ferguson, Hanssen.
Nays: Chisler, Holbrook, Johnson, Renola.

MOTION FAILED.

Section 2.13 Passage of ordinances in general.

Mrs. Glaser requested that members consider reducing the time that an ordinance must be posted on the web site after adoption from two weeks to five days. Mrs. Davis and Mr. Holbrook explained that two weeks after adoption is a long period of time to enact ordinances dealing with health and safety such as school zones or safety measures required after a natural disaster. Mrs. Glaser added that state law requires that the captions of all ordinances with penalties by published in the city's official newspaper, which generally takes 5 to 10 days. Mr. Johnson

asked why the change was recommended. Mrs. Davis stated that there is a presumption that information can be disseminated more quickly than in the past.

Motion was made by Mr. Chisler and seconded by Mr. Holbrook

To amend Section 2.13 (c) as follows:

"(c) *Effective Date:* Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety or in summary form once in the official City newspaper and for a period of [~~two (2) weeks~~] **five (5) days** on the City's homepage (on the Internet) and the City's communication TV channel. The City's Internet homepage and the City's TV channel shall be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of said ordinance unless and until state law requires such electronic publication. The Council shall enact an ordinance to enforce this provision. "

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 2.14. Emergency Ordinances.

Mrs. Renola asked why passage of emergency ordinances requires a vote of two-thirds of all councilmembers present instead of a supermajority as in some of the earlier sections. Mrs. Davis stated that in emergencies, such as hurricanes, it may be difficult to achieve a vote of a supermajority of all members, as some members could be absent due to the emergency.

No changes to this section were made.

Section 2.15. Authentication, recording, codification, printing, distribution of ordinances.

Members discussed possible changes to subsections (b) and (c) that now require that the Municipal Code and copies of each ordinance and resolution shall be placed in city hall and in a library open to the public for free reference.

Mrs. Glaser explained that copies of the code, ordinances and resolutions were kept at the Evelyn Meador Library until Hurricane Ike in 2008 which closed the library for approximately two years until a new library was built. The code and all ordinances and resolutions are still available for review without charge at city hall and on the web site. However, the documents previously at the library have not been replaced.

Motion was made by Mr. Johnson and seconded by Mrs. Renola

To amend Section 2.15 (b) last sentence as follows:

"Copies of the code shall be furnished to city officials, placed in city offices and **on the city web site** [~~a library open to the public designated by Council for free reference~~] and made available for purchase by the public at a reasonable price fixed by Council."

AND

To amend Section 2.15 (c) second paragraph, as follows:

"A copy of each ordinance and resolution shall be placed in city offices and [~~a library open to the public designated by the Council for free reference~~] **on the city's website."**

Ayes: Davis, Hanssen, Johnson Renola.
Nays: Chisler, Ferguson, Holbrook.

MOTION CARRIED BY MAJORITY VOTE.

Section 2.16. Investigation by City Council. No changes.

Section 2.17. Officials protected from financial loss. No changes.

2.4 Review the Seabrook City Charter, Article III, "The City Manager."

Section 3.01. Appointment and qualifications.

Motion was made by Mr. Holbrook and seconded by Mr. Chisler

To amend Section 3.01, first sentence, as follows:

"The Council shall, by an affirmative vote of [~~four or more members~~] **a supermajority of all members** appoint a City Manager who shall be the chief administrative official of the City and who shall be responsible to the Council for administration of all affairs of the City."

Motion was made by Mr. Johnson and seconded by Mrs. Renola

To amend the above motion to match the language for appointment of the city secretary.

"The Council shall, by an affirmative vote of [~~four or more members~~] **two-thirds of all members present,** appoint a City Manager who shall be the chief administrative official of the City and who shall be responsible to the Council for administration of all affairs of the City."

Ayes: Davis, Ferguson, Hanssen, Holbrook, Johnson, Renola.
Nays: Chisler.

AMENDMENT CARRIED BY MAJORITY VOTE.

Chair Davis next asked for a vote on the main motion as amended.

Ayes: Davis, Ferguson, Hanssen, Holbrook, Johnson, Renola.
Nays: Chisler.

MAIN MOTION AS AMENDED CARRIED BY MAJORITY VOTE.

Section 3.02. Compensation. No changes.

Motion was made by Mr. Chisler and seconded by Mrs. Renola

To adjourn the meeting at 9:00 p.m.

Ayes: Chisler, Hanssen, Renola.
Nays: Davis, Ferguson, Holbrook, Johnson.

MOTION TO ADJOURN FAILED.

Motion was made by Mr. Holbrook and seconded by Mr. Johnson

To extend the meeting until 9:30 p.m. or until review of Article III has been completed, whichever occurs first.

Ayes: Davis, Ferguson, Hanssen, Holbrook, Johnson, Renola.
Nays: Chisler.

MOTION CARRIED BY MAJORITY VOTE.

Section 3.03. Removal of the City Manager.

Motion was made by Mr. Chisler and seconded by Mrs. Renola

To amend Section 3.03, first sentence, to be consistent with the procedures used to remove the city secretary, as follows:

"The Council may remove the City Manager by an affirmative vote of [~~four or more members~~] **two-thirds of all members present,"**

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 3.04. Powers and Duties of City Manager.

Motion was made by Mr. Chisler and seconded by Mr. Johnson

To defer discussion of this item until the city manager can attend a meeting.

Ayes: Chisler, Johnson.
Nays: Davis, Ferguson, Hanssen, Holbrook, Renola.

MOTION FAILED.

Motion was made by Mrs. Renola and seconded by Mr. Ferguson

To approve Section 3.04 with the understanding that members will revisit this section at the next meeting to receive comments from the city manager.

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 3.05. Acting City Manager. No changes.

Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 9:08 p.m.

No other items on the agenda were discussed.

Approved this 13th day of October 2014.

Laura Davis, Chair

Michele L Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS