The Charter Review Commission held a regular meeting on Monday, October 13, 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 -Ex. Abs.	CHAIR
JOHN CHISLER	MEMBER
KEVIN FERGUSON	VICE-CHAIR
DELAINA HANSSEN	MEMBER
DON HOLBROOK	MEMBER
DAVID JOHNSON	MEMBER
ELAINE RENOLA	MEMBER
GAYLE COOK	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Vice-Chair Ferguson called the meeting to order at 7:00 p.m.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.0 NEW BUSINESS

2.1 Consider approval of the Minutes of September 29, 2014.

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

To approve the minutes with one correction on line 159 as follows:

"Motion was made by Mr. Ferguson and seconded by [~~Mr.~~] **Mrs.** Hanssen"

MOTION CARRIED BY UNANIMOUS CONSENT.

2.2 Complete review the Seabrook City Charter, Article III, "The City Manager" pending any comments from the city manager.

City Manager, Gayle Cook stated that she did not have any recommended changes for Article III.

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

To approve Article III with no changes other than those made at the September 29, 2014 meeting.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.3 Review the Seabrook City Charter, Article IV, "Administrative Departments"

Section 4.01. Administrative departments, offices and agencies. – No changes.

Section 4.02.City Attorney.

Mr. Chisler stated that he thought that it was important that more than a simple majority of council members appoint persons in vital positions, such as city manager, city secretary and city attorney.

Mrs. Renola stated that after studying the chart prepared by the city secretary, outlining types of voting throughout the charter (i.e. majority, supermajority, two –thirds vote of councilmembers present) she is less concerned with amending the charter so that there is consistency in the voting methods unless the current language has caused problems. Mr. Ferguson asked if attendance of council members was a problem when important votes are taken. Mrs. Glaser stated that there has not been an attendance problem of council members for any meeting. Mr. Weathered pointed out that 2/3 of members present could result in an affirmative vote of three members if only four members attended the meeting. Mr. Holbrook suggested either making no changes to voting methods or amending so that all voting methods are the same throughout the charter. Mrs. Renola suggested considering consistencies in voting as a separate agenda item instead of discussing voting methods as each article is reviewed.

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

To delay review of the chart outlining various voting methods throughout the charter until all articles had been reviewed for other possible changes with the review listed as a separate agenda item at that time.

Mr. Weathered asked if the changes already approved for appointment of the city manager and city secretary should remain. Mrs. Glaser recommended retaining changes already made with the understanding that the Commission may change the recommendations during the separate review unless Commission members wished to vote to repeal the changes at this time.

Ayes: Ferguson, Hanssen, Holbrook, Renola.
Nay: Chisler.
Abstain: Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Mr. Chisler asked if the motion just approved precluded him from making a recommendation to change the method of voting for appointment of the city attorney. Mr. Ferguson said it did not. Mr. Johnson stated that it would be helpful to him if there was an understanding of how many members were needed to vote by each method, i.e. supermajority, two-thirds of members present, etc.

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

To amend Section 4.02 as follows:

"The City Council shall appoint by **two thirds** [~~a~~] majority of all councilmembers [~~present~~], a competent, duly qualified and licensed attorney practicing in the State of Texas who shall serve as the City Attorney."

Aye: Chisler.
Nays: Ferguson, Hanssen, Holbrook, Johnson, Renola.

MOTION FAILED.

Mr. Ferguson asked if Sections 4.01 and 4.02 should be combined with Sections 2.08 and 2.09 as they addressed similar issues. Mr. Weathered stated that Article XI addresses reordering of the charter for clarification purposes. As Article XI was not on tonight's agenda for discussion, Mr. Ferguson stated that he would delay further discussion of combining Sections 4.01 and 4.02 with Sections 2.08 and 2.09 until Article XI was addressed.

There were no changes to Section 4.02.

Section 4.03. Boards, commissions and committees.

Members discussed a recommended change by staff to allow non-residents to serve on boards in certain circumstances, such as a board consisting of two different cities or a short-term ad hoc board to deal with specific problems. Mr. Holbrook stated that in the past the city had a Public Safety Committee that had some non-residents, such as an El Lago representative and representatives from different agencies such as CLEMC. After a complaint from a citizen of a charter violation, the committee was disbanded and became a Task Force appointed by and responsible to the city manager. Mr. Holbrook recommended that Seabrook residency continue to be a requirement for board membership as unusual circumstances could be addressed by a city manager appointed Task Force which would not be in conflict with the Charter. After further discussion, no changes were made to this section.

Section 4.04. Oath of Office. – No changes.

Section 4.05 Personnel System.

Mr. Weathered told members that Seabrook police officers are civil service employees, which is a change since the last charter review. He offered to draft an amendment for consideration at the next meeting to reflect this change.

In answer to a question by Mrs. Renola, Mrs. Glaser stated that the city secretary is an employee and therefore is covered under Section 4.05, unless a contract between the city secretary and the city council dictated different employment conditions. To date, no city secretary in Seabrook has operated with a contract. Mrs. Cook stated that the city attorney, judges and prosecutor are not covered by personnel policies. Mr. Chisler, who serves as the Chair of the Civil Service Commission, stated that police officers are generally covered by the city's personnel policies, unless otherwise dictated by state law, such as hiring and firing practices.

There were no changes to this section.

At this point, Mr. Ferguson took several agenda items out of order.

5.0 EXECUTIVE SESSION

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

To recess into Executive Session at 8:05 p.m., as requested by the city attorney, pursuant to the provisions of the Open Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained Section 551.071, "Consultation with Attorney" to discuss Article II, Section 2.01 and ballot language.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 OPEN MEETING

Upon a motion, duly made and seconded, Vice-Chair Ferguson reconvened the meeting in open session at 8:22 p.m. and announced that Article II, Section 2.05 (c) and the draft ballot language had been discussed in closed session, but no action had been taken.

2.0 NEW BUSINESS (continued)

2.6 Discuss/consider preparation of ballot language, including propositions prepared to date.

When reviewing the ballot language already drafted, many members expressed a preference to create separate propositions for each change, instead of combining two or more changes into one proposition.

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

To consider the draft ballot amendments as a separate agenda item after the entire charter has been reviewed.

MOTION CARRIED BY UNANIMOUS CONSENT.

Mr. Johnson recommended that members individually review ballot amendments, as they are prepared, even though review by the group will not take place until the end. Mrs. Glaser also told members that state law requires the commission to ascertain whether each amendment will have a positive, negative or neutral effect on the budget and this information must be included in the ballot language.

2.7 Discuss/consider final report.

Members briefly discussed possible contents of the final report to be presented to Council. Mrs. Glaser stated that the final report consists of recommended amendments with accompanying ballot language and a cover letter to be delivered to Council after review has been completed. She offered to distribute examples of previous final reports to members by the next meeting date. She stated that often the Chair prepares the report for review, amendment and final approval by commission members. The cover letter of the final report is signed by all members. Mrs. Glaser also stated that the 2009/10 commission also listed reasons for each amendment. She recommended that motions to amend a portion of the charter include the reason for proposing the change to be recorded in the minutes.

3.0 OLD BUSINESS

3.1 Revisit previously reviewed Articles I, II and III as necessary.

Section 2.08. Administrative offices and departments.

Members considered possible changes/updates to the list of administrative departments contained in the last sentence of this section as the list may be outdated.

Mrs. Cook pointed out that the list does not have to be all-inclusive as Section 2.08 allows the establishment of departments by ordinance and by charter. She explained that the annual budget ordinance includes the list of current city departments, so that approval of the budget includes approval of the departments in existence. Mr. Weathered suggested deleting the list of departments in Section 2.08, so periodic updates would not be required.

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

To delete the last sentence in Section 2.08 as follows: [~~"There are hereby created the following administrative departments: Finance, Police, Law, Public Works, Health and Recreation."~~]

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 2.13. Passage of ordinances in general.

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

To approve the following amendment to Section 2.13, (c), (d) and the addition of a new subsection (e) as recommended by the city attorney.

"(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 **or as otherwise required by law** [~~and for a period of two (2) weeks~~]**.** **Additionally, the City Secretary will post the adopted ordinance within 10 days after adoption** on the City's homepage (on the Internet) and the City's communication TV channel**; however the failure to comply with this provision shall not affect the validity of the ordinance adopted**.

(d) **The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance as provided in this section. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city secretary pursuant to section 2.15.**

[~~(d)~~] <u>(e)</u> *Reading:* The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of Council and a reasonable number of additional copies are available to citizens present at the meeting. If two (2) Councilmembers request that the ordinance be read in its entirety, it must be so read."

MOTION CARRIED BY UNANIMOUS CONSENT.

Mrs. Glaser stated that she found subsection (d) difficult to understand and asked if Mr. Weathered could rewrite for consideration at the next meeting. Mr. Weathered stated that he planned to add a title to the new subsection (d) which may assist in clarification.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

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

To establish the following meeting dates for the remainder of 2014: October 20 and 27, November 10 and 17 and December 8 and 15, 2014. All meetings will be held on Mondays at 7:00 p.m.

Ayes: Chisler, Ferguson, Hanssen, Holbrook, Renola.
Abstain: Johnson.

MOTION CARRIED BY MAJORITY VOTE.

Mrs. Renola asked if a member knows that s/he will miss a meeting and has an item to address, should the member send the information to the secretary or the chair. Mrs. Glaser and Mr. Weathered asked that all communication outside of the meeting be sent to the city secretary to avoid potential problems with adhering to the Open Meetings Act.

Mrs. Glaser stated that she would place review of Articles V, VI, VII and VIII on the next agenda under "New Business."

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

To extend the meeting until 9:30 p.m.

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

MOTION CARRIED BY MAJORITY VOTE.

2.0 NEW BUSINESS (continued)

2.4 Review the Seabrook City Charter, Article V, "Finance."

There were no changes to Sections 5.01 through 5.20.

Section 5.21. Citizen approval required for certain expenditures and use of reserved funds.
(a) Capital expenditures of One (1) Million or More Dollars.

Members discussed raising the ceiling on the amount of money that may be spent by Council on capital expenditures without approval by the electorate. In answer to questions from members, City Manager, Gayle Cook recommended establishing a new ceiling of between 20 and 30 percent of the General and Enterprise Fund Budgets. The total amount of the FY 2014-15 General and Enterprise budgets is approximately $12,000,000.

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

To increase the amount that may be spent on capital expenditures, without approval by Seabrook voters, from One (1) million dollars to [~~30~~] **20** percent of the most recently approved General and Enterprise Fund Budgets, with exact wording to be developed by staff for review at the next meeting.

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

MOTION CARRIED BY MAJORITY VOTE.

2.5 Review the Seabrook City Charter, Article VI, "Planning and Zoning."

This article was not discussed and will be placed on the next agenda.

Upon motion, Vice-Chair Ferguson adjourned the meeting at 9:35 p.m.

Approved this 20th day of October 2014.

Laura Davis, Chair

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS