

The Charter Review Commission held a regular meeting on Monday, October 20, 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 – Ex. Abs.	MEMBER
ELAINE RENOLA	MEMBER
GAYLE COOK	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Chair Laura Davis 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 October 13, 2014.

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

To approve the minutes with an amendment to correct the first name of Vice-Chair Ferguson on Line 17.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.2 Complete review the Seabrook City Charter, Article V, “Finance.”

Section 5.21 “Citizen approval required for certain expenditures and use of reserved funds.”

Members reviewed the proposed amendment to Article V, Section 5 as prepared by Pam Lab Finance Director as requested by the commission.

“(a) *Capital Expenditures [of One (1) Million or More Dollars] in Excess of 20 Percent of the General and Enterprise Fund Budgets.* A favorable majority vote of the people is required for each capital expenditure *[of one (1) million dollars or more]* **exceeding 20 percent of the combined budgets of the General Fund and Enterprise Fund most recently approved by City Council** provided that the expenditure is not required for an emergency or disaster that includes the City of Seabrook as declared by the Governor of the State of Texas or the President of the United States or an emergency or disaster is declared by the majority vote of City Council only because of an imminent threat to public health and safety.”

It was noted by Chair Davis that there was a discrepancy in the amount. The proposed amendment stated, "not to exceed 20 percent" while the October 13 minutes stated, "not to exceed 30 percent." Mr. Holbrook, who made the original motion on October 13, stated his motion was for 20 percent. Mrs. Glaser agreed, stating that she saw the error when listening to the recording of the October 13 meeting, and intended to correct the minutes. However, she stated that she would re-listen to the recording and correct the October 13 minutes for approval again on October 27.

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

To approve the wording shown above as prepared by the Finance Officer and also to accept the amount of not to exceed 20 percent.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Section 6.01 Planning and Zoning Commission.

Members discussed the staff recommendation that P&Z members be permitted to serve on the Master Plan Review Commission or another short-term ad hoc committee involving planning.

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

To allow a member of the Planning and Zoning Commission to serve on the Master Plan Review Commission as an advisory, non-voting member with exact wording of the amendment to be presented for review at the October 27, 2014 meeting.

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 6.02. Term of Office.

Members discussed that the information concerning staggering of terms, with references to initial appointment sin 1981 and 1982 were confusing, but no change was made.

Section 6.03. Rules of Procedure. No change.

Section 6.04. Powers and Duties.

Members discussed the similarities between the duties outlined in Section 6.04 (a) and those of the Comprehensive Master Plan Review Commission, but no change was made.

Section 6.05 Platting of property. No change.

Section 6.06. Development of Property.

Members discussed whether this section would allow EDC funds to be used for development.

Motion was made by Mrs. Renola and seconded by Mrs. Hanssen

To amend Section 6.06 as follows:

“No expenditure of public funds shall be authorized by the Council for the development of privately owned property within or beyond the corporate limits of the City, except for the extension of utilities or service to such areas within the city limits and as provided by statute, specifically including Chapter 380 of the Local Government Code.”

Ayes: Davis, Hanssen, Renola.

Nays: Chisler, Ferguson, Holbrook.

MOTION FAILED.

Section 6.07. Board of Adjustment. No changes.

2.4 Review the Seabrook City Charter, Article VII, “Nominations and Elections.”

Section 7.01. Nominations and Elections.

Members discussed a proposed amendment as follows:

“(a) Regular Elections. The general city elections will be held annually on the second Saturday in May, unless otherwise [~~required~~] provided by state law. The Council shall fix the place for holding of such an election.”

Mrs. Glaser and Mr. Weathered explained that after the last charter review in 2010, the State Legislature allowed cities to move their general elections from May to November provided there was no conflict in a city’s charter. Mrs. Glaser stated that as Seabrook’s charter can only be amended every five years, the city was unable make a decision about the permitted change in date. It was noted that other sections in this Article, used the word “provided” instead of “required.”

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

To amend Section 7.01 (a) as shown above.

Ayes: Davis, Chisler, Ferguson, Hanssen, Holbrook.

Nay: Renola.

MOTION CARRIED BY MAJORITY VOTE.

No changes were made to Sections 7.02 through 7.05.

2.5 Review the Seabrook City Charter, Article VIII, "Initiative, Referendum and Recall."

Section 8.01 Power of Initiative.

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Power of Referendum.

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Section 8.03 Power of Recall.

Members discussed a whether to change the minimum number of signatures needed on an initiative or referendum petition from at least 30 percent of the electors voting in the last regular municipal election to the number required on a petition for Recall which is at least fifty (50) percent of the voters in the last municipal election or 450 voter signatures, whichever is greater. However, no changes were made.

Sections 8.04 through 8.12. No changes were made.

Section 8.13. Results of election.

A. Initiative and Referendum. No changes.

B. Recall.

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

To amend this Section 2.13 (b) to allow vacancies to be filled by appointment provided that the remaining term is 12 months or less as provided for in the new amendment in Section 2.05 (c)"Filling of Vacancies."

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 8.14. Nonbinding Elections. No change.

3.0 OLD BUSINESS

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

Article II. Section 2.13. Passage of ordinances in general.

Mrs. Glaser stated that on October 13, members had voted to amend Section 2.13, new subsection (d) to allow standard codes of technical regulations to be adopted by reference as follows:

- (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.**

Mrs. Glaser stated that at the October 13 meeting, she had commented that the wording was confusing and asked that she and Mr. Weathered relook at the amendment. Based on review, she and Mr. Weathered were proposing the following amendment to Section 2.13, subsection (a) instead of subsection (d) as follows:

- (a) *Form:* The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety **or when a standard code of technical regulations is adopted by reference,** the amendatory or repealing ordinance shall set out in full the ordinance sections, or sub-sections to be amended or repealed, and shall indicate matter to be omitted by brackets and shall indicate new matter by underscoring. **A copy of each adopted code of technical regulations and the adopting ordinance shall be authenticated by the city secretary and shall be available for review by the public.**

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

To approve the amendment to Section 2.13 (a) as shown above to replace the change made on October 13, 2014 that created a new subsection (d).

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 2.13 (c) Effective Date.

Mrs. Glaser explained that the change made to this section on October 13 did not fully show the entire subsection, so that the amendment made was incomplete. In addition Mr. Chisler asked if the phrase "or as otherwise required by law" should be changed to "as otherwise provided by law". Mr. Weathered agreed.

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

To approve Section 2.13 (c) as follows:

"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 provided by law.** [and for a period of two (2) weeks.] **Additionally, the City Secretary will post the adopted ordinances 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.** ~~[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.

At the request of Mr. Weathered, members next revisited Section 2.13, (b) Procedure. Mr. Weathered stated that the subsection provides that any ordinance undergoing a substantive change during a reading must revert back to first reading. Examples of non-substantive changes are listed in this section, such as typographical errors, grammatical and spelling changes. However, the definition of substantive is not explained. As an example, Mr. Weathered stated that an ordinance allowing a specific number of animals in a household could be increased from 5 to 6. Is that a substantive change? Several members voiced a preference to go back to first reading if there is any question that a substantive change had been made. Chair Davis asked if Council should make the decision whether a change is substantive when reviewing the ordinance.

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

To amend Section 2.13. Passage of Ordinances in General; subsection (b) as follows.

“(b) *Procedure:* Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of Council before first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens, upon request to the City Secretary, before first reading and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before Council.

A proposed ordinance, except an election ordinance and/or an emergency and/or a budget/tax ordinance, shall be read at two (2) Council meetings, with at least two (2) weeks elapsing between each reading. A proposed ordinance may be amended at any reading, but any ordinance amended in substance **as determined by Council** shall automatically be placed again on first reading at a subsequent meeting. Amendments involving such items as typographical, grammatical or spelling changes or renumbering of sections shall not be considered substantive. At any reading of a proposed ordinance, persons interested shall have a reasonable opportunity to be heard. Emergency ordinances shall be passed in accordance with Section 2.14 and budget/tax ordinances in accordance with Article V and election ordinances in accordance with Article VII.”

MOTION CARRIED BY UNANIMOUS CONSENT.

Article IV. Administrative Departments
Section 4.05. Personnel System.

On October 13, Mr. Weathered had recommended an amendment to this section to include civil service requirements. However, upon further review, it was agreed by Mr. Weathered and members that the section as currently written is not in conflict with civil service requirements and therefore no additional change is required.

There were no other changes to previously reviewed articles at this time.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

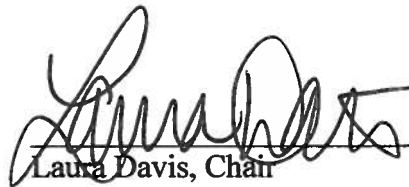
Members reconfirmed the upcoming meeting dates of October 27, November 10 and 17 and December 8 and 16 if needed. After review of the Charter, members have agreed to review the Table of Voting Methods, ballot language, including impact of each proposition on the budget and preparation of a final report to Council.

Mrs. Glaser was asked to place review of Articles IX through XII and review of the "Voting Methods Chart" on the next agenda.

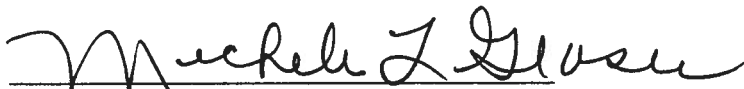
As general comments, Mrs. Renola asked that the charter be reviewed for consistency in capitalization, punctuation, etc. Mr. Holbrook reminded members that all amendments would be revisited before submission of the final report to Council.

Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 8:53 p.m.

Approved this 27th day of October 2014.



Laura Davis, Chair



Michele L. Glaser, TRMC, City Secretary

