The Charter Review Commission held a regular meeting on Monday, October 27, 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–Ex. Abs.	MEMBER
KEVIN FERGUSON	VICE-CHAIR
DELAINA HANSSEN	MEMBER
DON HOLBROOK	MEMBER
DAVID JOHNSON	MEMBER
ELAINE RENOLA	MEMBER
GAYLE COOK	CITY MANAGER
XOCHYTL GREER	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 Review of the Minutes of October 20, 2014.

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

To approve the minutes of the October 20, 2014 meeting as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

As a general comment, all amendments are subject to review and possible rewording by the city attorney.

2.2 Review the Seabrook City Charter, Article IX, "Courts."

There were no changes to Article IX, "Courts." Mrs. Glaser reported that neither the Municipal Court Judge nor the Court Administrator had recommended any changes when asked earlier this year, but that she would ask them again.

2.3 Review the Seabrook City Charter, Article X, "Franchises and Public Utilities."

There were no changes to Article X, except to Section 10.05 as shown below.

Section 10.05 Ordinances granting franchises.

Members discussed why franchise ordinances require three readings, while other city ordinances only require two readings. Mrs. Glaser stated that the discrepancy may have been missed when

Section 2.13,"Passage of Ordinances in General" was reviewed and amended to allow two readings instead of three readings or state law may have more stringent requirements for franchise ordinances. Ms. Greer stated that she was unaware of any specific state law requirement for number of readings or that the full text of a franchise ordinance must be published in the official city newspaper, but offered to research and report back to Commission members.

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

To amend Section 10.05. "Ordinances Granting Franchises" as follows:

"Every ordinance granting, renewing, extending, or amending a public service franchise shall **comply with Section 2.13 of the City Charter, unless otherwise required by state law."** [~~be read at least three (3) regular meetings of the Council, and shall not be acted upon until at least forty-two (42) days after the first reading thereof. Within seven (7) days following the first reading of the ordinance, the full text of the ordinance shall be published one time in the official newspaper, and the expense of such publication shall be borne by the prospective franchise holder.~~]

The reason given for not listing specific state law requirements in the charter was to allow the section to remain in conformance if state law changed in the future.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.4 Review the Seabrook City Charter, Article XI, "General Provisions."

No changes were made to Sections 11.01 through 11.07.

Section 11.08. "Fire Department and Fire Marshal."

Mrs. Cook and Mrs. Glaser explained that this section allows two options for fire service. The city may contract with the Seabrook Volunteer Fire Department (SVFD) or the city may create a city fire department. Mrs. Cook stated that Seabrook is in the early stages of investigating another alternative by the possible creation of an Emergency Services District (ESD). An ESD is a separate taxing entity and may include more than one entity. An ESD may only be created if a majority of voters in the district vote to form the district. Mrs. Cook stated that the city may contract with the ESD for lease of equipment; however, administration of the ESD will be provided by a separate Board of Commissioners who will be elected by voters in the ESD. Mrs. Cook stated that if an ESD is approved by the voters, the cost of contracting with the SVFD would be deducted from the city budget to help offset taxes created by the ESD. Chair Davis stated that the SVFD is aware that the city is investigating the possibility of an ESD and is not opposed.

During discussion concerning amending this section to allow an ESD, members stated that it was important to convey that fire service is essential and must be provided to Seabrook citizens by some method. Mrs. Cook asked if the amendment could include the offer of fire services as provided by state law, instead of limiting the options as the current charter does.

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

To amend Section 11.08.'Fire Department and Fire Marshal' as follows:

[~~So long as it is determined advisable by the Council, the City may continue to contract with the Volunteer Fire Department existing at the time of the adoption of the Charter. At such time as the Council deems it advisable to do so, the Council may, by ordinance, create a regular Fire Department for the City in which event it may provide regulations, make provision for the employment of firemen, set up civil service rules, and make all such provisions as may be found necessary for the maintenance and government of such department, including provision for compensating personnel of such department.~~]

"The city recognizes that providing fire protection to Seabrook citizens is an essential and required service. The city may continue to provide this service by contract with the Seabrook Volunteer Fire Department or may utilize any other alternative permitted by state law." (Note: Exact wording in minutes provided by city secretary for future review by the Commission and City Attorney.)

"A Fire Marshal shall be appointed by and be responsible to the City Manager. The Fire Marshal shall be responsible for the enforcement of ordinances pertaining to general protection from fire."

MOTION CARRIED BY UNANIMOUS CONSENT.

Section 11.09. "Personal Interest."

Mrs. Renola commented that one of the proposed changes was to require an annual submission of disclosure statements by Council and certain appointed officials. Mrs. Glaser stated that since the recommendation list had been prepared, Council had approved an ordinance requiring annual review and submission of the disclosure statements. As a result, no action was taken to change this section.

Section 11.16. "Amending the Charter."

Mrs. Renola noted a recommendation to allow Council to place amendments on the ballot in addition to amendments proposed by the Charter Review Commission. As this recommendation was made by Mr. Weathered, members decided to defer discussion until the next meeting.

Section 11.18. "Charter Review Commission."

Mrs. Glaser asked that members consider allowing Council to appoint a Charter Review Commission no sooner than two years and no later than five years after the previous appointment. She stated that state law allows a charter to be amended no more often than every two years. She explained that granting this flexibility would allow the city to respond to important state law changes, such as a few years ago, when the State Legislature gave cities a limited amount of time to change their charters to move elections from May to November. Because Seabrook City Council members were restricted to appointment of a Charter Review Commission in five-year intervals, the city was unable to place this change before the voters. In addition, sometimes the charter review falls in a year in which no regular city election is to take place. If the commission were allowed to meet at another time, the cost of a special election could be avoided.

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

To amend the first sentence of Section 11.18. Charter Review Commission as follows:

"The Council shall appoint [~~at its first regular meeting in July of every fifth (5th) year after approval of this Charter~~] a Charter Review Commission of seven (7) citizens of the City **no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Commission."** (Note: Exact wording in minutes provided by city secretary for future review by the Commission and City Attorney.)

Mrs. Renola stated that she made the motion to give Council more flexibility to benefit the citizens and five years may be too long to respond to changes in state law. When asked, Mrs. Renola also stated that her motion did not include keeping the month of July in the sentence. Mrs. Glaser stated that if a future legislature changes municipal elections from May to November, the July date would not work. Mrs. Hanssen stated that this would be an administrative decision and inclusion of a specific month of appointment should not be required.

MOTION CARRIED BY UNANIMOUS CONSENT.

Members agreed to keep the six-month term of office contained in subsection (c). No other portions of Section 11.18 were amended.

No changes were made to Sections 11.19, 11.20, 11.21, 11.22 and 11.23.

Section 11.24. "Comprehensive Master Plan Review Commission."

Members discussed allowing the Master Plan Review Commission to also meet no sooner than two years and no later than five years after the most recent appointment. Chair Davis stated that sometimes-unplanned events occur in the city, such as a hurricane, that make it important to consider changes to the plan before the five-year waiting period has ended.

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

To amend the first paragraph of Section 11.24. "Comprehensive Master Plan Review Commission" as follows:

"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. Council may not amend the Comprehensive Master Plan unless such an amendment is recommended by the Commission. Such a Commission shall be appointed [~~not less than, nor more than once at every~~] **no sooner than two (2) years and no later than** five (5) years **after the most recent appointment of the Commission.** 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 Section 11.24, is intended as an ongoing planning tool and does not constitute zoning regulations or establish zoning district boundaries." (Note: Exact wording in minutes provided by city secretary for future review by the Commission and City Attorney.)

MOTION CARRIED BY UNANIMOUS CONSENT.

Concerning term of office, Mrs. Glaser and Mrs. Cook stated that it was sometimes difficult to provide staff support to both the Charter Review Commission and the Comprehensive Master Plan Review Commission at the same time and to find 14 qualified volunteers, especially during the summer. Mrs. Glaser and Mrs. Cook also stated that a major revision of a comprehensive plan may require longer than six months. As the Comprehensive Master Plan Review recommendations go to Council only and not to the electorate, it is not essential to limit the time spent in reviewing the plan to six months.

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

To amend Section 11.24. "Comprehensive Master Plan Review Commission", subsection (b) as follows:

"(b) ***Term of Office.*** The term of office of the Comprehensive Master Plan Review Commission shall be [~~the same as the term for the Charter Review Commission and~~] six **(6) months which may be extended with the approval of Council** and at the completion of [~~same, the~~] such **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 public record."

MOTION CARRIED BY UNANIMOUS CONSENT.

There were no changes to Sections 11.25, 11.26, 11.27, 11.28, 11.29 and 11.30.

2.5 Review the Seabrook City Charter, Article XII, "Transitional Provisions."

Mr. Ferguson recommended deleting Article XII as it contained historical information needed when the Charter was first approved by Seabrook voters in 1980, but was not pertinent today.

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

To delete all of Article XII from the Charter subject to approval by the city attorney.

Ayes: Ferguson, Hanssen, Holbrook, Johnson.
Nays: Davis, Renola.
MOTION CARRIED BY MAJORITY VOTE.

The following agenda items were taken out of order.

3.0 OLD BUSINESS

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

Mr. Ferguson stated that he would like members to consider moving Section 2.08"Administrative Departments"and possibly Section 2.09. "City Secretary" from Article II. "The Council"to Article IV. "Administrative Departments"as these sections logically belong in Article IV. When asked her opinion, Mrs. Cook stated that perhaps members could consider making a recommendation for the next Charter Review Commission to consider moving Sections 2.08 and 2.09 to Article IV, as there are some other important proposed amendments this year that may become lost if too many amendments are on the ballot. Mr. Holbrook recommended waiting until all other recommendations had been made, so members could see how many propositions would be placed on the ballot, before adding additional recommendations. In answer to a question from Chair Davis, Mrs. Glaser stated that the Commission's final report could include recommended changes to be considered at the next charter review. Chair Davis asked if a request to move the location of various sections could be placed in one ballot proposition. Mrs. Glaser recommended that members ask Mr. Weathered if this could be done.

3.2 Review the previously approved minutes of October 13, 2014 for an additional correction.

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

To approve the minutes of October 13, 2014 with a correction on line 297 changing *30 percent* to *20 percent* as follows:

"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 Budget, with exact wording to be developed by staff for review at the next meeting."

MOTION CARRIED BY UNANIMOUS CONSENT.

2.0 NEW BUSINESS (continued)

2.6 Review the " Council Voting Regulations Matrix", outlining various voting methods used by Council throughout the Charter, such as simple majority, super majority, 2/3 vote of all members, 2/3 vote of members present, etc. Review may include revisiting any and all Charter Articles.

Mrs. Glaser pointed out that Section 2.12 states, that with the exception of Section 2.05, all votes of Council shall be by simple majority of those present and voting aye or nay. She stated that Section 2.12 will require amendment if Commission members decide to require more than a majority vote for any other sections. Members decided to delay review of the matrix until the next meeting. Members asked Mrs. Glaser to prepare another chart indicating how many votes constituted a simple majority, super majority and a 2/3 's vote based on four to seven council members voting. Definitions of "majority", "supermajority" and "2/3's vote" should be included. Mr. Holbrook recommended that members limit types of voting to majority and supermajority of those present.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

Future meetings were scheduled to be held on November 10 and 17 and December 11 and 18 (if necessary.)

Mrs. Glaser was asked to place the following items on the next agenda:

1. Revisit Articles I through XII as necessary.
2. Review the voting methods matrix and a chart showing the number of council members needed to cast a majority vote, a super majority vote and a 2/3's vote.
3. Review ballot language.
4. Prepare the final report.

Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 9:05 p.m.

Approved this 10th day of November 2014.

Laura Davis, Chair

Michele L Glaser, TRMC
City Secretary