The Charter Review Commission held a regular meeting on Monday, November 10, 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
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 Review/Consider the Minutes of October 27, 2014.

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

To approve the minutes of October 27, 2014 as presented.

2.2 Review/Consider 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 and how many council votes are needed for each category. Review may include revisiting any and all Charter Articles for possible changes to voting.

Members reviewed both charts and discussed whether to standardize and simplify the voting methods or possibly provide for a higher number of votes required for items involving appointment and removal of council members, city manager, city secretary, city attorney and municipal court judge.

Mr. Holbrook recommended that only two methods of voting be included in the charter, such as a majority of those present and either 2/3's of those present or a supermajority of those present. Mr. Chisler stated that he could not support a simple majority of members present for key positions (such as city manager, city secretary and city attorney) because it would be possible for as few as three council members to vote affirmatively if only four councilmembers were present.

Mr. Johnson stated that he would like to approve as few exceptions as possible for clarity. He also recommended that requiring four or more votes was easier to understand than a 2/3's vote or supermajority of those present.

Chair Davis recommended dividing the chart into three categories: 1) personnel issues dealing with council, city manager, city secretary, city attorney and municipal court judge; 2) matters dealing with emergencies such as emergency ordinances or appropriations; and 3) all remaining items. When asked by Mr. Ferguson, Mr. Weathered stated that he was not aware of any state law that prescribed voting for any of these categories.

Members discussed the need to correct Section 2.12 after changes were made, as Section 2.12 only provides for an exception to a simple majority of those present and voting aye or nay for items covered in Section 2.05 (c).

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

To require a majority vote of council members present and voting for the following:

Section 2.05 (c) - appointment to a council vacancy with a term of one year or less;
Section 2.09 - appointment of the city secretary;
Section 3.01 - appointment of the city manager;
Section 4.02(a) - appointment of the city attorney; and
Section 9.02 - appointment of the municipal court judge.

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

To amend the above motion to change a "majority of council members present and voting" to "a super majority of members present and voting."

Mr. Johnson stated that ideally, seeing the voting record for appointments for the last several years would be helpful in making these decisions. Mrs. Glaser stated that traditionally appointment votes are unanimous to show support of the person appointed. Chair Davis agreed and adding that removal often is more contentious.

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

In discussing another alternative, Chair Davis stated that appointment should be difficult but not impossible, which is why she could support an affirmative vote of four or more. Mr. Johnson asked if there is any time where an affirmative vote of only three council members is sufficient. Chair Davis and Mr. Holbrook stated that everyday business could be delayed if four votes were required for every matter in an instance where only four councilmembers attended a meeting.

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

To amend the above motion to change a "majority of council members present and voting" to "an affirmative vote of four or more councilmembers"

AMENDMENT CARRIED BY UNANIMOUS CONSENT.

Chair Davis restated the main motion as amended to require an affirmative vote of four or more councilmembers for the following:

Section 2.05 (c) - appointment to a council vacancy with a term of one year or less;
Section 2.09 - appointment of the city secretary;
Section 3.01 - appointment of the city manager;
Section 4.02(a) - appointment of the city attorney; and
Section 9.02 - appointment of the municipal court judge.

ORIGINAL MOTION AS AMENDED CARRIED BY UNANIMOUS CONSENT.

Members discussed voting for removal of a councilmember, city manager, city secretary, city attorney and municipal court judge. Chair Davis pointed out the as removal of the city secretary and municipal court judge is not outlined in the charter, removal of these positions would revert to Section 2.12 which provides for a majority of those council member present and voting. Mrs. Glaser commented that removal of a council member could be considered differently as removal contradicts the decision of the voters, even if there is good cause for removal.

Members next discussed Section 2.05 (d) "Removal from Office (of a council member) and the following paragraph regarding the number of votes needed to remove a council member. After discussion, no change to the current voting requirement was made.

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

To amend the charter to include the same voting requirements for removal of the city manager, city secretary, city attorney and municipal court judge as is required by appointment, which shall be an affirmative vote of four or more members, unless otherwise required by state law.

MOTION CARRIED BY UNANIMOUS CONSENT.

As removal of the city secretary and municipal court judge is not currently addressed in the Charter, Mr. Weathered stated that staff would provide a new paragraph for the removal of city secretary and the municipal court judge unless removal requirements for the municipal court judge were provided by state law.

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

Because of the changes to voting requirements made tonight, amend Section 2.12 "Rules of Procedure" to read as follows:

"The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that 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 is under consideration on the agenda. Any member of Council may place any ordinance or topic in writing on the agenda of any Council meeting. The Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except of procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Four (4) Councilmembers shall constitute a quorum for the purpose of transaction of business and no action of the Council, except as provided [~~in Section 2.05~~,] **elsewhere in this charter or in state law,** shall be valid or binding unless adopted by the affirmative vote of a majority of the Councilmembers present and voting aye or nay. Abstentions shall not be counted as an aye or nay vote and shall be allowed."

Ayes: Davis, Ferguson, Hanssen, Holbrook, Johnson, Renola.
Absent from the room and not voting: Chisler.

MOTION CARRIED BY MAJORITY VOTE.

5.0 EXECUTIVE SESSION

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

To recess into Executive Session at 8:27 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 Agenda Items 2.3, 2.4, 2.5 and 3.1.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 OPEN MEETING

Chair Davis reconvened the meeting in open session at 9:25 p.m. and announced that Agenda Items 2.3, 2.4, 2.5 and 3.1 had been discussed in closed session, but no action had been taken.

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

To extend the meeting until 9:30 p.m.
Ayes: Davis, Chisler, Ferguson, Hanssen, Holbrook, Renola.
Abstain: Johnson.

MOTION CARRIED BY MAJORITY VOTE.

2.0 NEW BUSINESS (continued)
2.3 Review/Consider language for Charter Amendments.
2.4 Review/Consider ballot propositions, including wording of the propositions. Review may include assigning a budget impact to each amendment.
2.5 Review/prepare final report to City Council.

Items 2.3, 2.4 and 2.5 were not discussed in open session tonight, but will be placed on the next agenda.

3.0 OLD BUSINESS

3.1 Revisit previously reviewed all Articles (Articles I through XII) as necessary for possible changes and/or new amendments.

This item was not discussed in open session tonight, but will be placed on the next agenda.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

The next meeting will be held on November 17 and all items not discussed tonight will be placed on this agenda. Chair Davis asked that members review the ballot language already prepared before the next meeting. Mr. Ferguson asked that the voting matrix be updated with the changes made tonight for review at the next meeting.

Upon a motion duly made and seconded, Chair Davis adjourned the meeting at 9:31 p.m.

Approved this 17th day of November 2014.

Laura Davis, Chair

Michele L Glaser, TRMC, City Secretary