The Charter Review Commission held a regular meeting on Monday, December 15, 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
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 December 8, 2014.

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

To approve the December 8, 2015 minutes with an amendment on lines 73 -75 as follows:

"Mrs. Cook presented a new option for rewording Section 5.21 and various scenarios as to how this amendment may impact the budget, including the highest amount that could be spent in the ***current*** *budget without an election. (See Exhibit B.)"*

MOTION CARRIED BY UNANIMOUS CONSENT.

2.2 Review/Approve all Charter Amendments, Articles I-XII.

Members reviewed several sections that had been changed or reworded by the City Attorney. Members generally agreed to take one vote at the end of the review for all changes, unless a section was further amended at this meeting which would then necessitate a vote on the specific section.

Section 2.14. Emergency ordinances.

The Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its

services. Neither shall they authorize the borrowing of money, except as provided in Article V. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of [~~at least two-thirds (2/3) of the~~] **four (4) or more Council**members [~~of Council present~~] shall be required for adoption **except as otherwise specifically provided in this charter, e.g. Section 5.05. [~~of~~] "Emergency** Appropriation**s"** [ordinances]. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent reenactment as a regular ordinance. (11/17/14)

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

The Council may approve non-emergency, capital expenditures in an amount not to exceed 20 percent of the combined General and Enterprise Operating and Reserve Fund Budgets, less any required reserve fund balance required by [~~resolution~~] **the city's financial policy in effect at the time of the expenditure** [~~less any required reserve fund balance established by resolution~~]**. Voter approval shall be required for non-emergency, capital expenditures in excess of the permitted amount.**

Capital expenditures for emergencies or disasters, as declared by federal, state or city government, which pose an imminent threat to public health and safety, may be made [~~in any amount~~] without voter approval.

Note: The above wording completely replaces Section 5.21 (a) and (b) as currently written.

Section 11.08. Fire Department and Fire Marshal.

[~~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 Council recognizes that providing fire protection to Seabrook citizens is an essential service. The city may continue to provide this service with the Volunteer Fire Department and/or other [~~related~~] **fire service providers as provided by law.**

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.

Section 11.19. Notice of claims.

Mr. Weathered had stated earlier that he would recommend rewording this section, but after speaking to staff, determined that no change was necessary at this time.

Section 11.24. Comprehensive Master Plan Review Commission, Subsection (b).

(b) Term of office. *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~~] **six (6) months, which may be extended with the approval of City Council.** [and ~~a~~] **A**t the completion of [~~it~~] the **term,** [~~the~~] **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 a public record.

Section 11.28. Other Charter requirements.

Boards, committees, corporations, organizations, and other entities by any other name formed by or having oversight by the City of Seabrook shall conform to the Charter requirements of the City of Seabrook **pertaining to the filing of public disclosure statements, regulating personal interest, conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance(s) as mandated by this Charter.**

Mr. Weathered stated that he would prefer deleting this section in its entirety. Members discussed this option, but it was a consensus that voters are more apt to vote on an amendment than they would be to delete the section in its entirety.

Mrs. Glaser asked members to consider deleting the phrase: "pertaining *to the filing of a public disclosure statement."* She stated that the Ethics Ordinance currently requires the EDC, Planning & Zoning Commission, City Council, City Manager and EDC Director to file such statements. All other boards, i.e. Open Space and Trails Commission, Charter Review Commission and others are not required to file these statements. Adding new boards to this requirement is anticipated to cost more money which may decrease the chance of voter approval. After further discussion, it was agreed that *"as mandated by this Charter"* was redundant.

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

To further amend Section 11.28 as follows:

Boards, committees, corporations, organizations, and other entities by any other name formed by or having oversight by the City of Seabrook shall conform to the Charter requirements of the City of Seabrook [~~pertaining to the filing of public disclosure statements~~] **regulating**

personal interest, conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance [~~(s) as mandated by this Charter~~].

MOTION CARRIED BY UNANIMOUS CONSENT.

2.3 Review/Approve all ballot propositions including budget impact assigned to each proposition.

Mrs. Glaser stated that she was concerned about the length of some of these amendments as they may be too long to fit properly on the ballot. She stated that she would send the proposed propositions to the city's election equipment vendor. One option to reduce the length would be to list the budget impacts on the election notice only as required by law. The notice will be posted on the bulletin board and web site and published in the official newspaper.

Mr. Weathered proposed amending language to Ballot Propositions 4, 5, 6, 8, 10, 14 and 16 as shown below. No additional changes to these propositions were made by the Commission.

4 Shall Article II, Section 2.09, "City Secretary" be amended to require an affirmative vote of four or more councilmembers to appoint and remove a city secretary? Currently, appointment of a city secretary requires an affirmative vote of two-thirds of all councilmembers present [~~and the procedure for removal is not contained in the Charter~~]. No budget impact.

5 Shall Section 2.08. "Administrative offices and departments" and Section 2.09. "City Secretary" be moved from Article II. "The Council" to Article IV "Administrative Departments" for easier reference? **There is no revision associated with this amendment.** No budget impact.

6 Shall Article II, Section 2.12 "Rules of procedure" be amended to clarify that all **required** council actions shall be adopted by an affirmative vote of a majority of Councilmembers present and voting aye or nay, except as provided elsewhere in the Charter or in state law? No budget impact.

8 Shall Article II, Section 2.13, "Passage of ordinances in general," (c) be amended to require that city ordinances with penal [~~ty clauses~~] **provisions** shall be posted on the city website within 10 days of approval and [~~that an ordinance's~~] **the** effective date after passage shall be governed by state law [~~instead of by posting date~~] **to avoid conflict**? Currently, the City Charter requires that such ordinances shall be effective after posting on the city website and TV channel for a period of two (2) weeks. There is no change to the requirement that ordinances with penal [~~ty clauses~~] provisions must be published once in the official city newspaper. No budget impact.

10 Shall Article II, Section 2.15 "Authentication, recording, codification, printing and distribution of ordinances" (b) and (c) be amended to require that the Municipal Code and all approved ordinances and resolutions shall be available for review **by the public** at city hall and on the city website? Currently, **the Charter provides only that** these documents must be available **for public review** at city hall and in a library selected by Council. **Expected to save labor and material copying costs.**

14 Shall Article IX, "Courts", Section 9.02. "Judge of the Municipal Court" be amended to require an affirmative vote of four or more councilmembers to appoint and remove the Municipal Court Judge and Alternate Judges? Currently, judges are appointed by a majority of councilmembers present. [~~The Charter does not address the removal of judges.~~]No budget impact.

16 Shall Article XI. "General Provisions", Section 11.08, "Fire Department and Fire Marshal", be amended to **allow expansion of potential service providers** [~~recognize~~] **by recognizing** that providing fire protection services to citizens is essential and that the city may continue to provide this service through the Volunteer Fire Department and/or other fire service providers as permitted by law? The only two methods of fire service listed in the current Charter are by a contract with the Seabrook Volunteer Fire Department or by the establishment of a paid city fire department. **Budget impact cannot be quantified due to variables.**

Mr. Weathered also proposed changes to ballot propositions 9 and 12 which were further amended by the Commission as shown below.

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

To make additional changes to Proposition 9 as follows:

9 "Shall Article II, Section 2.14 "Emergency ordinances" be amended **for uniformity** to require an affirmative vote of at least four councilmembers to approve an emergency ordinance, except as specifically provided by Charter [~~(e.g. Section 5.05, Emergency Appropriations) requires an affirmative vote of five (5) or more councilmembers~~]? **Currently the charter requires an affirmative vote of 2/3's of members present.** No budget impact."

MOTION CARRIED BY UNANIMOUS CONSENT.

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

To make additional changes to Ballot Proposition 12 as follows:

12 "Shall Article V, Section 5.21 "Citizen approval required for certain expenditures and use of reserved funds"[~~(a) and (b) be replaced with a new section with the same title,~~] **be updated, clarified and consolidated to address current and future city needs, allow for grant opportunities requiring matching funds and adjust for changing state mandates** by allowing the City Council to make non-emergency capital expenditures in an amount not to exceed 20 percent of the combined General and Enterprise Operating and Reserve Fund Budgets, in effect at the time of the expenditure, less any required fund balance established [~~by resolution~~] **the city finance policy?** [~~and requiring v~~] **V**oter approval shall **be required** for non-emergency capital expenditures greater than this amount [~~?~~]. Currently, non-emergency capital expenditures of $1,000,000 or more or 30 percent or more of the Reserves must be approved by a majority of Seabrook voters. [~~Budget impact???~~] **Budget impact cannot be quantified due to variables."**

MOTION CARRIED BY UNANIMOUS CONSENT.

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

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

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

MOTION CARRIED BY MAJORITY VOTE.

Members also reviewed a new Proposition 20 as follows:

20 **Shall Article XI, Section 11.28, "Other Charter requirements" be amended to clarify, confirm and add requirements that boards, corporations, organizations, committee and other related entities formed or having oversight by the City shall conform to the requirements of the Charter provisions regulating personal, interest, conflicts of interest, nepotism and ethics** [~~specifically adding the requirement for filing a public disclosure statement~~]**? Budget impact cannot be quantified due to variables.**

The phrase *"specifically adding the requirement for filing a public disclosure statement"* was deleted to match the action taken by the Commission concerning Article XI, Section 11.28 earlier in this meeting. (See lines 122-132.)

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

To approve all amendments to the Charter and all ballot propositions and request that the budget impact for each proposition be included on the ballot if possible. If not, the budget impacts will be included in the Election Notice which will be posted on the city bulletin board and published in the official city newspaper.

MOTION CARRIED BY UNANIMOUS CONSENT.

2.4 Review/Prepare final report to City Council.

Members discussed preparation of the final report for review at the next meeting. Chair Davis agreed to prepare a draft final report for review at the next meeting as requested by the other members.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items.

Mrs. Glaser stated that at least two additional meetings will be required. After all the amendments, ballot propositions and final report are approved, members must meet one more time to approve the minutes and sign the final report which must be presented to Council no later than February 3. It was agreed to hold the next regular meeting on either January 5 or January 12, depending on Mr. Johnson's work schedule. Mrs. Glaser stated that she would notify members of the next meeting date upon hearing from Mr. Johnson.

Upon motion, Chair Davis adjourned the meeting at 9:22 p.m.

Approved on this 5th day of January 2015.

Laura Davis, Chair

Michele L ~~Glaser~~, TRMC
City Secretary