SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2015 - 7:00 PM

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY FEBRUARY 3, 2015 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TX 77586, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

PLEDGE OF ALLEGIANCE

1.0 PRESENTATIONS

1.1 Introduce the newly hired police officers and administer the Oath of Office. (Wright)

ATTACHMENT 1

1.2 Presentation of final report by the Charter Review Commission. (CRC)

1.3 Presentation of Certificates of Appreciation to Charter Review Commission members. (Council)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

3.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items

unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

ATTACHMENT 2

3.1 Approve Interlocal Contractual Agreement Concerning Breath Alcohol Technical Supervisor from October 1, 2014 to September 30, 2019. (Wright)

3.2 Approve an excused absence for Councilor Botkin for the February 3, 2015 regular council meeting. (Glaser)

ATTACHMENT 3

3.3 Approve minutes of the January 20, 2015 City Council meeting. (Glaser)

ATTACHMENT 4

3.4 Consider request by Bill Friedrichs, Jr. to withdraw his request for the February 17, 2015 joint public hearing at 6:00 p.m. to present plans for a PUD to consist of approximately 269 senior apartments on Repsdorph Road. (Applicant)

ATTACHMENT 5

3.5 Approve proposed Resolution No. 2015-02, "Update in Sanitation Procedures and Rates." (Cook)

A RESOLUTION REESTABLISHING SANITATION PROCEDURES AND UPDATING RESIDENTIAL CHARGES AND COMMERCIAL CHARGES FOR SANITATION SERVICES AND REPEALING RESOLUTION NO. 2014-02.

ATTACHMENT 6

3.6 Accept the Five-Year Water & Sewer Rates Study as presented at the special meeting on February 3, 2015 at 6:00 p.m. and direct city staff to prepare a resolution authorizing the new rates. (Cook)

ATTACHMENT 7

3.7 Approve application for a parade permit for Soldier Ride benefitting the Wounded Warrior Project. This bicycling event will come through Seabrook on Friday, March 6, 2015 between the hours of 9:00 and 11:30 a.m. Pasadena Police will provide escort along the route. Applicant is requesting a waiver of fees. (Applicant)

END OF CONSENT AGENDA

4.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.

ATTACHMENT 8

4.1 Consider the final report and proposed charter amendments recommended by the

Charter Review Commission for submission to the voters of Seabrook. (CRC)

ATTACHMENT 9

4.2 Consider the recommendation from city staff to proceed with the proposal from Vortex in the amount of $449,870.42 for splash pads at the Pelican Bay Swimming Pool and the Monroe Field. Proceeds from the 2014 Bond Issue will be used. Authorization for City Manager to sign pending review by city attorney. (Chairez)

ATTACHMENT 10

4.3 Consider recommendations of the Public Safety Task Force for 2015 expenditures from the Public Safety Fund in the amount of $87,100.00. (Galyean)

ATTACHMENT 11

4.4 Consider first and final reading of proposed Ordinance No. 2015-02, Ordering a General & Special Election to be held on May 9, 2015 and a June 6, 2015 Runoff Election, if necessary. (Glaser)

AN ORDINANCE CALLING AND ESTABLISHING PROCEDURES FOR THE GENERAL CITY OFFICERS' ELECTION FOR COUNCIL POSITIONS 1, 3 AND 5 TO BE HELD ON MAY 9, 2015; FOR A SPECIAL ELECTION, ALSO TO BE HELD ON MAY 9, 2015, TO CONSIDER TWENTY (20) CHARTER AMENDMENTS PRESENTED BY THE SEABROOK CHARTER REVIEW COMMISSION; AND FOR A RUN OFF ELECTION ON JUNE 13, 2015, IF REQUIRED, AND MAKING OTHER PROVISIONS RELATED TO THESE ELECTIONS.

ATTACHMENT 12

4.5 Consider retirement of City Secretary on July 1, 2015 and plans for replacement. (Council)

5.0 OLD BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.

ATTACHMENT 13

5.1 Consider participation in and the allocation of funds for the Economic Alliance Advocacy trip to Washington, D.C. April 13-16, 2015 . This item was tabled at the January 20, 2015 City Council meeting.(Royal)

6.0 ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.

ATTACHMENT 14

6.1 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

ATTACHMENT 15

6.2 Establish future meeting dates and agenda items. (Council)

7.0 EXECUTIVE SESSION

The City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

Section 551.071

7.1 Consult with attorney to receive legal advice only regarding legal issues associated with the proposed charter amendments to be submitted to the electorate as provided by Section 551.071 of the Local Government Code. (Weathered)

8.0 OPEN MEETING

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session".

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, January 30, 2015 and that this notice will remain posted until the meeting has ended.

_____

Michele Glaser, TRMC

City Secretary

Rev. 01/12/15

Seabrook Charter Review Commission

Final Report to City Council

February 3, 2015

Chairperson: Laura Davis
Vice Chairperson: Kevin Ferguson
John Chisler
Delaina Hanssen
Don Holbrook
David Johnson
Elaine Renola

The Seabrook Charter Review Commission, commissioned by City Council to review the City's Charter and to recommend any changes as seen necessary by the Commission, respectfully submits the following report of the Commission's findings and proposed Charter amendments to City Council to be voted upon by the electorate of the City of Seabrook at the next scheduled election in May, 2015.

The Commission's goal was to recommend changes that were deemed necessary in order to improve City operations, address statutory changes, and to create better consistency within the Charter, especially with voting requirements for City Council, to allow for easier interpretation in the future. The Commission received recommendations from City Council, the City Manager and staff, the City Secretary, the City Attorney, the Municipal Court Judge, various City Boards, Committees, Commissions or other appointed positions, and from the citizens of Seabrook. All recommendations were weighted equally, regardless of the source of the recommendation. Following the highlighted recommendations of the Commission on each Article of the Charter is a brief explanation of the Commission's reasoning for these recommendations, and the Commission's assessment of its positive, negative or neutral impact to the City's budget. At the end of the report are suggestions for a future Charter Review Commission to consider (Attachment A).

We request that this official report, ballot propositions and the charter showing the proposed amendments be placed on the City web site as soon as possible, to allow citizens ample time to review all proposed changes before the May 2015 election.

No Proposed Changes:

- **Article I: Incorporation**
- **Article III: The City Manager**
- **Article VI: Planning and Zoning**
- **Article XII: Transitional Provisions**

ARTICLE II: THE COUNCIL

Proposition 1: Section 2.01—Term Limits

Change the term of a Councilmember from a 3-year to a 4-year term, beginning with the General Municipal Election in 2017 for the Mayor and Council Positions 2, 4 and 6 and in 2018 for Council Positions 1, 3 and 5.

Commission Explanation: The Commission identified the following disadvantages of the current term lengths: 1) difficulty for the City to place Council representatives in leadership positions in external organizations that have a direct impact on the City; 2) administrative costs involved with the orientation and training of Council members every three years; 3) costs associated with more frequent elections; and 4) availability of candidates. Extending the terms of office from three to four years mitigates these disadvantages, while still adhering to the limitation of two consecutive terms of office.

Budget Impact: This proposition is expected to save money, as elections would be held less often.

Proposition 2: Section 2.05—Vacancies, Forfeiture, Filling of Vacancies (and related Charter requirements for filling a vacancy, such as Section 8.13, "Results of Election")

Allow an affirmative vote of four (4) or more Councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less.

Commission Explanation: State Law now allows for this provision that permits a Council to fill an unexpired term without having to call a special election, which can be very costly. If the remaining term of the vacant position is greater than 12 months, a special election would be called by Council.

Budget Impact: It is expected that the City would save money as appointment is less costly than a special election.

Proposition 3: Section 2.08—Administrative Offices and Departments

Delete the list of City Departments.

Commission Explanation: The name and number of City Departments can change or be modified over time, as is dictated by the needs of the City. The Departments are named by ordinance, which should suffice.

Budget Impact: There is no expected budget impact.

Proposition 4: Section 2.09—City Secretary

Require an affirmative vote of four or more Councilmembers to appoint or remove the City Secretary.

Commission Explanation: The Commission compared the voting requirements of Council for appointment or termination of critical positions within the City, including the City Secretary, City Manager, City Attorney and Municipal Judge. It found inconsistencies and, in some instances, silence on the subject. As all of these positions are essential for the operation of the City, it is recommended that the voting requirements be the same for all of these positions. The Charter requires an affirmative vote of four or more Councilmembers to appoint or remove the City Manager, so this is the template the Commission used for the other positions, including the City Secretary. In this instance, the Charter has no requirement for removal of a City Secretary, so one is added for consistency.

Budget Impact: There is no expected budget impact.

Proposition 5: Section 2.08—Administrative Departments and Section 2.09—City Secretary

Move both sections from Article II (The Council) to Article IV (Administrative Departments).

Commission Explanation: It would be easier to reference both of these sections if they were in the Article that focuses on different departments, rather than the Article that focuses on the City Council. There is no other revision associated with this amendment.

Budget Impact: There is no expected budget impact.

Proposition 6: Section 2.12—Rules of Procedure

Clarify that all required Council actions shall be adopted by an affirmative vote of a majority of Councilmembers present and voting, except as provided elsewhere in the Charter or in state law.

Commission Explanation: The Charter currently limits any exception to this provision to Section 2.05. There may come a time when other sections of the Charter or state law will also apply, so the Commission recommends changing the exception to "as provided elsewhere in the Charter or state law" so that potential conflicts can be avoided.

Budget Impact: There is no expected budget impact.

Provision 7: Section 2.13—Passages of Ordinances in General

Delete the following: "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."

Commission Explanation: The phrase "in substance" has caused great confusion in the past as it is left to City Council to interpret which changes are "substantive" in nature. Removing this statement allows less confusion in interpreting the Charter.

Budget Impact: There is no expected budget impact.

Proposition 8: Section 2.13—Passages of Ordinances in General

Clarify that the effective date of ordinances with penal provisions be dictated by state law rather than after it has been posted for two weeks.

Commission Explanation: In ordinances with penal provisions, the state requires certain effective dates. This change is to avoid conflict with state law.

Budget Impact: There is no expected budget impact.

Proposition 9: Section 2.14—Emergency Ordinances

Require an affirmative vote of four or more Councilmembers to approve an emergency ordinance, except where otherwise provided in the Charter.

Commission Explanation: In an emergency, all Councilmembers may not be available, especially if an evacuation or natural disaster has occurred. For uniformity, the Commission recommends changing this voting requirement from two thirds of those present to four or more for approval. This does not impact emergency appropriations ordinances, which require a vote of five or more Councilmembers for approval.

Budget Impact: There is no expected budget impact.

Proposition 10: Section 2.15—Authentication, Recording, Codification, Printing and Distribution of Ordinances

Change the requirement for availability of approved ordinances and resolutions from posting at City Hall and the library to posting at City Hall and on the City website.

Commission Explanation: There is a cost associated with copying and distributing every ordinance and resolution that is passed by Council. This would eliminate that cost. There is also a computer at City Hall where the public can access this information.

Budget Impact: It is expected that this proposition would save copying and administrative costs.

ARTICLE IV: ADMINISTRATIVE DEPARTMENTS

Proposition 11: Section 4.02—City Attorney

Change the voting requirements for appointment or removal of a City Attorney from "majority of members present" to "four or more Councilmembers".

Commission Explanation: See explanation for Proposition 4. This proposition is intended to create consistency and uniformity in voting requirements. In this specific instance, a majority of members present could be as little as three votes.

Budget Impact: There is no expected budget impact.

ARTICLE V: FINANCIAL PROCEDURES

Proposition 12: Section 5.21—Citizen Approval Required for Certain Expenditures and Use of Reserved Funds

Consolidate this section and update it 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, less any required reserve fund balance established by the City's financial policy, in effect at the time of the expenditure.

Commission Explanation: This section has been discussed and debated for many years. Currently, the Council may not spend funds of one (1) million dollars or more without a vote of the people. This limitation prevented the City from applying for additional grant money following Hurricane Ike, which could have been a major help in the recovery of the City, because grant application deadlines do not generally allow for time to conduct elections. The Commission determined that having a fixed dollar amount in the Charter will cause future problems related to inflation, rising building costs and other economic factors. Therefore, the Commission recommends a percentage of the General and Enterprise Funds (only these two major funds of the City, not including special funds) to keep in line with the City's current budget needs and limitations. As the budget rises and falls, so will the Council's cap on spending. This proposition does not allow Council to spend any of the required fund balance that is established by the City finance policy, and it does not apply to emergency expenditures.

Budget Impact: Budget impact cannot be quantified due to variables.

ARTICLE VII: NOMINATIONS AND ELECTIONS

Proposition 13: Section 7.01—Nominations and Elections

Allow the general City election to be held on a date other than the second Saturday in May, if allowed by state law.

Commission Explanation: The State recently changed the allowable dates for municipal elections and required cities to choose which date they would use. Because of this charter requirement, the City could not change the date of its elections. It resulted in the City having to purchase its own election equipment. This proposition would give the City flexibility to work within state law.

Budget Impact: This could save money if the City is allowed to hold elections with Harris County.

ARTICLE IX: MUNICIPAL COURT

Proposition 14: Section 9.02—Judge of the Municipal Court

Change the voting requirements for appointment or removal of the Municipal Judge from "majority of members present" to "four or more Councilmembers".

Commission Explanation: See explanation for Propositions 4 and 11.

Budget Impact: There is no expected budget impact.

ARTICLE X: FRANCHISES AND PUBLIC UTILITIES

Proposition 15: Section 10.05—Ordinances Granting Franchises

Change the requirement for approval of franchise ordinances to correspond to other ordinances (after two readings unless otherwise required by state law).

Commission Explanation: The Charter currently requires three readings and a waiting period of 42 days after the first reading. It also requires the full text of the ordinance to be published in the newspaper, which can be very costly. The proposition would allow for publishing the title and caption in the newspaper after passage. The current requirements do not allow the City to be competitive with other cities.

Budget Impact: This proposition may save money due to the changes in requirements for publicizing in the newspaper.

ARTICLE XI: GENERAL PROVISIONS

Proposition 16: Section 11.08—Fire Department and Fire Marshal

Modify the allowable service providers to state that the City could utilize the Seabrook Volunteer Fire Department and/or other fire service providers as permitted by law.

Commission Explanation: The City is exploring all options with the Seabrook Volunteer Fire Department for providing services, including an Emergency Services District. This amendment would allow the City to select the best option for service.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 17: Section 11.18—Charter Review Commission

Allow the appointment of a Charter Review Commission no sooner than two (2) years nor later than five (5) years after the most recent appointment.

Commission Explanation: This would allow City Council the flexibility to appoint a Charter Review Commission to coincide with the election schedule, rather than holding a separate, costly, election. It would also allow Council to handle issues as they arise, rather than waiting for the current prescribed time period.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 18: Section 11.16—Amending the Charter and Section 11.18—Charter Review Commission

Combine these two sections into one titled "The Charter Review Commission and Amending the Charter".

Commission Explanation: These two sections really discuss different aspects of the same topic. The Commission felt that combining them would allow for easier reference in the future. There is no other revision associated with this amendment.

Budget Impact: There is no expected budget impact.

Proposition 19: Section 11.24—Comprehensive Master Plan Commission

Allow the appointment of a Comprehensive Master Plan Commission no sooner than two (2) years nor later than five (5) years after the most recent appointment and allow Council to extend the six-month term of the Commission.

Commission Explanation: The Charter Review Commission and Comprehensive Master Plan Review Commission meet concurrently, making it difficult for staff to

support conflicting meeting schedules. The Council also finds it difficult to attract qualified volunteers for concurrent Commissions. This proposition would allow City Council the flexibility to appoint a Comprehensive Master Plan Review Commission at a different time than the Charter Review Commission, which would assist with staff allocation and volunteer recruitment. It would also maintain consistency between the Comprehensive Master Plan Review Commission and the Charter Review Commission (see Proposition 17). Finally, it would allow the terms for the Comprehensive Master Plan Commission to be extended in the event a planning consultant is hired or other needs arise.

Budget Impact: Budget impact cannot be quantified due to variables.

Proposition 20: Section 11.28—Other Charter Requirements

Require that all City appointees to boards, corporations, organizations, committees and other related entities shall conform to the requirements of the Charter provisions regulating personal interest, conflicts of interest, nepotism and ethics.

Commission Explanation: The current Charter language is vague, which may lead to conflicting interpretations and appears to apply to entities in their entirety. The Commission is clarifying and limiting the specific Charter provisions that shall apply and shifts the emphasis to City appointees. The Charter cannot govern entities outside of the city's jurisdiction; therefore, the proposed amendment places responsibility on the city representatives to comply with these mandates.

Budget Impact: Budget impact cannot be quantified due to variables.

Conclusion: The Charter Review Commission does hereby notify the City Council of the City of Seabrook, City Manager and staff, and the citizenry of Seabrook of the completion of our work. We wish to cause the attached proposed ballot language to be properly submitted to the electorate of the City of Seabrook at the next appropriate and regular election date (May, 2015) for approval by majority vote. This completes our service to the City of Seabrook, which began in July, 2014. It has been an honor to be selected for this Commission and to serve the City in such an important endeavor.

(See next page for signatures.)

Respectfully submitted unanimously on this 3rd day of February, 2015 by

Laura Davis, Chairperson

Kevin Ferguson, Vice-Chairperson

John Chisler

Delaina Hanssen

Don Holbrook

David Johnson

Elaine Renola

Attachment "A"

The Charter Review Commission respectfully submits these suggestions for a future Charter Review Commission to consider. These suggestions were made, in large part, to allow for more consistency within the Charter.

1. Article II, "The Council", Section 2.01 and subsequent sections: Amend to identify the Mayor and Councilmembers collectively as "Council" or "City Council" to avoid ambiguity in reference to the Charter.
2. Article II, "The Council", Section 2.07, "Prohibitions". Amend to clarify that the "manager" referred to in these sections is the "City Manager".
3. Article II, "The Council", Section 2.13, "Passages of Ordinances in General". Amend to allow an ordinance to adopt a technical code by reference provided that the technical code is authenticated by the City secretary and is available for review by the public.
4. Article II, "The Council", Section 2.13, "Passages of Ordinances in General". Amend to more clearly explain that failure to post an adopted ordinance with a penalty clause on the City website and TV channel shall not affect the validity of the ordinance.

SEABROOK CHARTER (last amended May 2010)

ARTICLE I. - INCORPORATION
ARTICLE II. - THE COUNCIL
ARTICLE III. - THE CITY MANAGER
ARTICLE IV. - ADMINISTRATIVE DEPARTMENTS
ARTICLE V. - FINANCIAL PROCEDURES
ARTICLE VI. - PLANNING AND ZONING
ARTICLE VII. - NOMINATIONS AND ELECTIONS
ARTICLE VIII. - INITIATIVE, REFERENDUM AND RECALL
ARTICLE IX. - COURTS
ARTICLE X. - FRANCHISES AND PUBLIC UTILITIES
ARTICLE XI. - GENERAL PROVISIONS
ARTICLE XII. - TRANSITIONAL PROVISIONS

FOOTNOTE(S):

*--- (1) --- **Editor's note**— Printed herein is the Charter of the city, adopted by the voters of the city at a special election held August 11, 1979, and as amended through May 6, 2000. Amendments to the Charter after May 6, 2000, are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catch lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.* *(Back)*

***State Law reference**— Cities of 5,000+ populations, charters, Tex. Const. Art. XI, Sec. 5; charter adoption and amendment, V.T.C.A., Local Government Code § 9.001 et seq.* *(Back)*

ARTICLE I. INCORPORATION

Section 1.01. Incorporation.
Section 1.02. Boundaries.
Section 1.03. Form of government.
Section 1.04. General Powers.
Section 1.05. Eminent domain.
Section 1.06. Streets and public property.
Section 1.07. Street development and improvement.
Section 1.08. Extension of boundaries.
Section 1.09. Contraction of boundaries.

Section 1.01. Incorporation.

The inhabitants of the City of Seabrook, Harris County, Texas, residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Seabrook," hereinafter referred to as the "City," with such powers, privileges, rights, duties, and immunities as are herein provided.

Section 1.02. Boundaries.

The boundaries of the City are hereby established as described in the original order of incorporation and in the current City Ordinances including any future City Ordinances as found and displayed on the official City map maintained and kept on file by the City Secretary.

Section 1.03. Form of government.

The municipal government provided by this Charter shall be known as the Council-City Manager Form of Government. Pursuant to the provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective Council.

State law reference— *Form of government in home rule municipality, V.T.C.A., Local Government Code § 26.001.*

Section 1.04. General Powers.

The City shall have all the powers of local self-government granted to cities by the Constitution and laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State

of Texas or any agency or any political subdivision thereof or with the Federal government or any agency thereof to accomplish any lawful purpose for the advancement of the interest, welfare, health, environment, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it, or which it may hereafter acquire, and shall have the right to lease or let its property, whether inside or outside of the City limits; may borrow money on the faith and credit of the City by issuance and sale of bonds, warrants or notes of the City; may borrow money on the revenue of municipally-owned utilities or other municipal enterprises by the issuance of bonds and notes secured by such revenues; may assess, levy and collect taxes for general and special purposes and all lawful subjects of taxation; may construct, own, lease, operate and regulate public utilities; may appropriate the funds of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, and for the order and security of its residents; and may provide suitable penalties for the violation of any ordinance enacted by the City and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the City may exercise all municipality powers, functions, rights, privileges and immunities of every name and nature whatsoever; and may pass ordinances and enact such regulations as may be expedient for the maintenance of good government, order, and peace of the City and the welfare, health, environment, safety, and convenience of its inhabitants. The powers hereby conferred upon the City shall include but are not restricted to the powers conferred expressly and permissively by Chapter 147, Page 307, Acts of the 33rd Legislature of the State of Texas, Regular Session, 1913, enacted pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including Articles 1175, 1176, 1177, 1178, 1179 and 1180 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 26.021, 26.041, 43.021, 43.142, 51.072—51.078, 54.004, 101.022, 101.023, 141.004, 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072—215.075, 216.901, 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 372.041, 401.002, 402.002, 402.017, V.T.C.A., Tax Code §§ 302.001, 302.002, V.T.C.A., Health and Safety Code § 122.006], as heretofore or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which by virtue of Article II, Section V, of the Constitution of the State of Texas, the people of the City are empowered, by election, to grant or to confer upon the City by expressly and specifically granting and enumerating the same. All such power whether expressed or implied shall be exercised and

enforced in the manner prescribed in this Charter or, when not prescribed herein, in such manner as shall be provided by ordinance of the Council.

Section 1.05. Eminent domain.

The City shall have full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the constitution or laws of the State of Texas. In all cases where the City seeks to exercise the powers of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this state, the City taking the position of the railroad corporation in any such case. The City may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

State law reference— *Eminent domain, V.T.C.A., Local Government Code § 251.001 et seq., V.T.C.A., Property Code § 21.001 et seq.*

Section 1.06. Streets and public property.

The City shall have exclusive domain, control and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public part or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon. The conveyance or lease or authorization of the conveyance or lease of any lands of the City shall be by ordinance.

State law reference— *Home-rule municipality has exclusive control over and under the public roadways of the municipality, V.T.C.A., Transportation Code § 311.001 et seq.*

Section 1.07. Street development and improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways

within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove or any combination or part thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the laws of the State of Texas; provided that no assessment shall be made against land owners in excess of the enhancement in value of such property occasioned, by such improvements. If improvements be ordered constructed in any part of any such area used or occupied by the tracks of facilities of any railway or public utility, then the Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have power by ordinance to provide for the enforcement of such assessment. As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts of the Fortieth Legislature of the State of Texas, First Called Session, 1927, as heretofore or hereafter amended, the same being V.T.C.A., Transportation Code § 313.001 et seq.

State law reference— *Street improvements, V.T.C.A., Transportation Code § 313.001 et seq.; streets and other public property, V.T.C.A., Transportation Code § 311.091 et seq.*

Section 1.08. Extension of boundaries.

(a) The boundaries of the City may be enlarged and extended by the annexation of territory, irrespective of size and configuration, in any of the methods hereinafter designated:

(1) *Annexation of Occupied Land on Petition of Inhabitants:* Where such additional territory adjoins the corporate limits of the City and contains three (3) or more inhabitants qualified to vote for members of the State Legislature, a written petition requesting annexation and signed by a majority of qualified voters within the territory may be presented to the Council. The affidavit of one or more of the signers to the effect that said petition is signed by a majority of qualified voters shall be attached to the petition. The Council, at a regular session held no sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.

(2) *Annexation of Unoccupied Lands on Petition of Owners:* The owner or owners of any land which is without residents, or on which less than three (3) voters qualified to vote for members of the State Legislature reside, and is adjacent to the City limits may request annexation of such territory by petition in writing to the Council. The petition shall describe the property so owned in metes and bounds. The affidavit of one or more of the owners to the effect that there are no qualified voters in the territory and that the persons signing said petition own the land shall be attached to the petition. The Council, at a regular session held not sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.

(3) *Extension by Action of the City Council:* The Council shall have the power of ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the owners and inhabitants of the territory annexed, in any manner not inconsistent with the procedural rules prescribed by the Legislature of the State of Texas in the Municipal Annexation Act as heretofore and hereafter amended.

(4) *Annexation by Any Other Method Provided by Law:* Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the Council. Same shall be in addition to the methods hereinabove provided.

(b) Upon completion of the procedures for extending the limits of the City, the territory so annexed shall become a part of the City and property situated therein shall bear its pro rata share of taxes levied by the City unless otherwise prescribed by the laws governing annexation procedures, and the residents and future residents of the territory shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

State law reference— *Annexation, V.T.C.A., Local Government Code § 43.001 et seq.; map of municipal boundaries, V.T.C.A., Local Government Code § 41.001.*

Section 1.09. Contraction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, and lying adjacent to the corporate limits, the Council may, upon a petition signed by a majority of the voters qualified to vote for members of the State

Legislature and such voters reside in such territory, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of the City, and from and after the entry of such ordinance said territory shall cease to be part of the City, but said territory shall be liable for its pro rata share of any debts incurred while said area was part of the City, and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City. ***State law reference—*** *Home-rule municipality may disannex area in municipality, V.T.C.A., Local Government Code § 43.142.*

ARTICLE II. THE COUNCIL

Section 2.01. The Council.
Section 2.02. Qualifications.
Section 2.03. Compensation of members of City Council.
Section 2.04. Mayor and Mayor Pro-Tem.
Section 2.05. Vacancies, forfeiture, filling of vacancies.
Section 2.06. Powers.
Section 2.07. Prohibitions.
Section 2.08. Administrative offices and departments.
Section 2.09. City Secretary.
Section 2.10. Induction of Council into office; meeting of Council.
Section 2.11. Council to be judge of qualifications of its members.
Section 2.12. Rules of procedure.
Section 2.13. Passage of ordinances in general.
Section 2.14. Emergency ordinances.
Section 2.15. Authentication, recording, codification, printing, distribution of ordinances.
Section 2.16. Investigation by City Council.
Section 2.17. Officials protected from financial loss.

Section 2.01. The Council.

"There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of [~~three (3)~~] four **(4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and**

6 and in 2018 for Councilmembers in Positions 1, 3 and 5.[1] No member of Council shall be elected for more than two (2) consecutive terms." [~~At the time of passage of this charter change: 1.) the term of the incumbent Mayor shall expire on the date of the general municipal election in 1996, when a qualified candidate shall be elected to the office of Mayor for a three year term to expire in 1999, and a like term shall be filled by election every three years thereafter on said annual general election date. 2.) the term of the incumbent Councilmembers, Positions 1, 3 and 5 shall expire on the date of the general municipal election in the year 1997, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in 2000, and like terms shall be filled by election every three years thereafter on said annual general election date. 3.) the term of the incumbent Councilmembers, Positions 2, 4 and 6 shall expire on the date of the general municipal election in the year 1996, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in the year 1999, when three year terms shall be filled by election every three years thereafter on said annual general election date.~~] **(9/13 & 9/27/14)**

Section 2.02. Qualifications.

A member of the Council shall be a citizen of the United States of America and a qualified voter of the State of Texas. He or she shall be a resident within the corporate limits of the City, and shall have been for a period of twelve (12) months prior to the election. No Councilmember currently holding an unexpired term on Council may file for another office without resigning from his or her current unexpired term. A member of the Council ceasing to possess any of the qualifications specified in this Charter or who is convicted of a felony while in office shall immediately forfeit his or her office. *(Election of 5-7-2005)*

Section 2.03. Compensation of members of City Council.

Members of the Council shall serve without pay or compensation; provided, however, that they shall be entitled to necessary expenses incurred in the performance of their official duties. The method of reimbursement shall be determined by the Council.

Section 2.04. Mayor and Mayor Pro-Tem.

The Mayor shall be the official head of the City government. He or she shall preside at all meetings of the Council, shall have a vote on all Council actions, and shall when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. He or she shall perform such other duties consistent with this Charter or as may be imposed upon him or her by Council. He or she shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember and be selected by the Council at the second regular Council meeting following a runoff election if any, but not more than the second regular Council meeting in June of each year in those years of no elections for Councilmembers. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor or if the office is vacated and in this capacity shall have the rights conferred upon the Mayor. Should the Mayor refuse or is unable to perform in his or her official capacity, the Mayor Pro-Tem shall act in his or her stead for that specific case. Should neither the Mayor nor Mayor Pro-Tem be able to perform, the Council may designate another member to act in his or her stead for that specific case. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

Section 2.05. Vacancies, forfeiture, filling of vacancies.

(a) *Vacancies:* The office of a Councilmember or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

(b) *Forfeiture of Office:* A Councilmember or the Mayor shall forfeit his or her office if he or she:

(1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law,

(2) Violates any expressed prohibition of this Charter,

(3) Fails to discharge official duties as provided in this Charter,

(4) Is convicted of a felony, or

(5) Fails to attend three (3) consecutive regular Council meetings without being excused by the Council by first notifying the City Secretary of the absence; emergency absence notwithstanding. Regular Council meeting is defined as the Council meeting required in Section 2.10 in this Charter, which is held at least once each month and is identified on the agenda as "regular" scheduled meeting.

(c) *Filling of Vacancies:* Any Council vacancy shall be filled in accordance with state law. **A vacancy for an unexpired term of 12 months or less may be filled by appointment by a vote of four or more councilmembers.** [~~Which requires that all v~~] **V**acancies of Councilmembers [~~with three (3) year terms~~] **with unexpired terms of more than 12 months** [2]shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur. However, if such vacancy or vacancies occur within

one hundred twenty (120) days preceding a regular election, then no special election shall be called and the vacant positions shall be filled at the same time as the next regular election.

Notwithstanding the requirement in Section 2.12 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4); elections shall be held in conformance with state law. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

(d) *Removal from Office:* Any charge of a violation or infraction must be formally submitted in writing to the City Secretary at a regular Council meeting with copies furnished to all Councilmembers. A charge filed in accordance with this Section may not be considered by the City without a favorable vote of a super majority of all Councilmembers present excepting the member or members charged. In the event a majority of Councilmembers are included in a charge, all Councilmembers shall be entitled to vote on proceeding with the charges. The Council may, by majority vote, appoint a special investigator to investigate and present facts surrounding the charge and may establish review processes not in conflict with this Charter or State Law including referring the charge to the Ethics Review Commission for recommendation. The charged Councilmember or members, including the Mayor, shall have a reasonable period of time to cure the stated infraction, as applicable, not to exceed forty-five (45) days. The member(s) charged shall have the right of representation. If found to be innocent of all charges the person upon request may be reimbursed for all reasonable expenses required in his or her defense. No person charged in accordance with this Section may be removed until:

1) Formal charges as described above have been filed,

2) The time period has expired to cure the alleged infraction,

3) A public hearing has been held and the individual charged has been given an opportunity to answer any charges, and

4) A supermajority vote of all Councilmembers present excepting those accused finds that the charged member has committed the infraction alleged in the petition.

Once the procedural requirements of the Charter have been satisfied, and the above finding has been made, the Council by Resolution shall immediately declare the forfeiture of

the office and that individual's seat or position in question vacant as a result of Council's determination. All parties shall have the right to review by a court of competent jurisdiction.

(Election of 5-7-2005; Charter Election of 5-8-2010)

Section 2.06. Powers.

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.07. Prohibitions.

a) *Holding Other Office:* Except where authorized by law, neither the Mayor or any other Councilmember shall hold any other City Office or City Employment during his or her term as Mayor or Councilmember, and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until two (2) years after the expiration of his or her term as Mayor or Councilmember.

b) *Appointments and Removals:* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officials or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officials and employees.

c) *Interface with Administration:* Except for the purpose of inquiries and investigations under Section 2.16, the Council or its members shall deal with the City officials and employees who are subject to the direction and supervision of the Manager, solely through the Manager, and neither the Council nor its members shall give orders to any such official or employee, either publicly or privately. (9/29/14)

Section 2.08. Administrative offices and departments.

There shall be such offices and departments of the City as are established by this Charter and as may be established by ordinance, all of which, unless otherwise provided in this Charter, shall be under the control and direction of the City Manager. The Council may abolish or combine one or more offices or one or more departments and may define, assign, or transfer duties of any such offices or departments of the City from one office or department to another by ordinance. [~~There are hereby created the following administrative departments: Finance, Police, Law, Public Works, Health, and Recreation.~~] [3]

Section 2.09. City Secretary.[4]

The Council shall appoint [~~by a two-thirds vote of all members present~~] **a City Secretary by an affirmative vote of four or more members.** The City Secretary reports to, and is responsible to the City Council. The City Secretary shall give notice of all Council meetings; keep the journal of the Council proceedings; authenticate by his or her signature and record in a book kept for the purpose, all ordinances and resolutions, and perform such other duties as required by this Charter, by ordinance, or by the Council. The City Secretary shall be provided an office in the city hall sufficient to maintain the records entrusted to the City Secretary's care and shall be entitled to a seat at the Council table at all official meetings.

(a) The City Secretary, or the city secretary's designee, shall:

(1) Attend all official meetings of the Council and shall keep, in a record provided for that purpose, accurate minutes of the proceedings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.

(2) Be the custodian of all municipal records of the Council.

(3) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.

(4) Hold, maintain, and affix the city seal to all instruments requiring such seal.

(5) Administer oaths in any matter pertaining to municipal affairs.

An affirmative vote of four or more councilmembers is required for removal of the City Secretary. (11/10/14)

Note: If ballot proposition 5 is approved, Sections 2.08 and 2.09 will be moved to Chapter 4, which will result in the renumbering of both Chapter 2 and Chapter 4.[5]

Section 2.10. Induction of Council into office; meeting of Council.

The City Council shall conduct the canvass of all regular and special officers' elections in accordance with the Texas Election Code at a regular or special council meeting at which the newly elected Councilmembers shall qualify and assume the duties of office. Thereafter, the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of the Council with the exception of those exempted by State Statute shall be open to the public and normally held at Seabrook City Hall, or if necessary, any other facility within the city limits of Seabrook except under special conditions; special meetings and emergency meetings shall be called by the City Secretary upon request of the Mayor, or a majority of the members of the Council and shall be publicly announced. *(Charter Election of 5-8-2010)*

Section 2.11. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have powers to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the Courts.

Section 2.12. Rules of procedure.

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,**[6] 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. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

Section 2.13. Passage of ordinances in general.

(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, 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 enclosing it in brackets and shall indicate new matter by underscoring.

(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.~~][7] 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.

(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**[8] on the City's homepage (on the Internet) and the City's communication TV channel. 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.

(d) *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. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

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, "Emergency Appropriations."** [9] 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.

Section 2.15. Authentication, recording, codification, printing, distribution of ordinances.

(a) *Authentication and Recording:* The City Secretary shall authenticate by signature and seal in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the Council. All ordinances shall be numbered consecutively in the order in which adopted. This record shall be open for public inspection.

(b) *Codification:* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a codification of all general ordinances of the City. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. The codification shall be adopted by the Council by ordinance and shall be published promptly together with this Charter and any amendment thereto and with appropriate references to State Statutes and the State Constitution, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Seabrook City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to City officials, placed in City offices, [~~and a library open to the public designated by the Council for free reference~~] **on the City website**[10] and made available for purchase by the public at a reasonable price fixed by the Council.

(c) *Printing of Ordinances and Resolutions:* The Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinance and Charter amendments shall be distributed free or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Seabrook City Code and at all times thereafter, the ordinances and Charter

amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

A copy of each ordinance and resolution shall be placed in City offices and [~~a library open to the public designated by the Council for free reference~~] **on the city website**.

Section 2.16. Investigation by City Council.

The Council shall have power to inquire into the conduct of any office, department, agency, official, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine. The Council shall enact an ordinance to enforce this provision.

Section 2.17. Officials protected from financial loss.

Duly elected and appointed City officials, acting in their official capacity, shall be protected by the City from personal financial loss resulting from the official's good faith decisions made while in official sessions as a result of lawsuits filed pertaining to such decisions.

ARTICLE III. THE CITY MANAGER

Section 3.01. Appointment and qualifications.
Section 3.02. Compensation.
Section 3.03. Removal of City Manager.
Section 3.04. Powers and duties of City Manager.
Section 3.05. Acting City Manager.

Section 3.01. Appointment and qualifications.

The Council shall, by an affirmative vote of four or more members, appoint a City Manager who shall be the chief administrative official of the City and who shall be responsible to the Council for administration of all affairs of the City. The City Manager shall be appointed solely upon the basis of executive and administrative qualifications and need not, when appointed, be a resident of the City; however, he or she shall become a resident of the City within six (6) months after appointment unless otherwise specifically excused by the Council. The City Manager shall not be appointed for a definite term, but shall serve at the pleasure of the Council. *(Charter Election of 5-8-2010)*

Section 3.02. Compensation.

The City Manager shall receive compensation as may be fixed by contract if one is so in place; if no contract is in place then by the Council according to his or her qualifications and experience. He or she shall be bonded at City expense. *(Election of 5-7-2005)*

Section 3.03. Removal of City Manager.

The Council may remove the City Manager by an affirmative vote of four or more members. At least thirty (30) days before such removal shall become effective, the Council shall by majority vote of its members adopt a resolution providing for removal of the City Manager and stating the reasons therefor. Immediately upon adoption, a copy of the resolution shall be given to the City Manager. Within five (5) days of adoption of the resolution, the City Manager may request in writing a public hearing which must be granted by the Council and shall be held not earlier than ten (10) days nor later than twenty (20) days after the filing of such request. Within five (5) days of the public hearing, the Council by majority vote of its members shall reaffirm or rescind the resolution for removal. By the resolution, the Council may suspend the City Manager immediately from duty, but shall in any case cause to be paid him or her forthwith any unpaid balance of his or her accrued salary and one month's salary as severance pay following adoption of the resolution. If a contract is in effect, then the terms of the contract for severance pay shall rule. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

Section 3.04. Powers and duties of City Manager.

The City Manager shall be the chief administrative and executive officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this Charter. He or she shall have the following powers and duties:

(a) Appoint and remove all department heads, direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(b) Attend all Council meetings and shall have the right to take part in discussion but may not vote.

(c) See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or her or by officials subject to his or her direction and supervision, are faithfully executed.

(d) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption.

(e) Submit to the Council and make available to the public a complete report of the finances and administrative activities of the City as of the end of each fiscal year.

(f) Make such other reports as the Council may require concerning the operation of City departments, offices and agencies subject to his or her direction and supervision.

(g) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable.

(h) Perform such duties as may be prescribed by this Charter or may be required by the Council, not inconsistent with this Charter.

Section 3.05. Acting City Manager.

The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative official of the City to perform the duties of the City Manager in his or her absence or disability. Such designation shall be subject to approval by Council. No member of Council shall serve as Acting City Manager. From time to time the City Manager may remove and/or appoint another Acting City Manager. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an official of the City to perform the duties of the City Manager until he or she shall return or his or her disability shall cease.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Section 4.01. Administrative departments, offices, and agencies.
Section 4.02. City Attorney.
Section 4.03. Boards, commissions, and committees.
Section 4.04. Oath of office.
Section 4.05. Personnel system.

Section 4.01. Administrative departments, offices, and agencies.

a) *General Provisions:*

(1) The Council may create or establish departments, offices, or agencies in addition to those provided by this Charter and may prescribe the functions and duties of such departments, offices, and agencies.

(2) The Council may abolish, redesignate, or combine any of the departments, offices, or agencies it has established.

(3) The Council shall take none of the foregoing actions until the recommendations of the City Manager are heard by the Council.

b) *Direction and Supervision:* Except as provided in Article II, Section 2.09, *"City Secretary"*; Article IV, Section 4.02, *"City Attorney"*; and Article IX, *"Courts"* of this Charter, all departments, offices, and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officials appointed by and subject to the direction and supervision of the City Manager. The City Manager may, with the consent of Council, serve as the head of one or more City departments, offices, or agencies, or appoint one person as the head of two or more of them. *(Election of 5-7-2005)*

Section 4.02. City Attorney.[11]

a) *Appointment and Qualifications:* The City Council shall appoint by a**n affirmative vote of four or more** [~~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.

b) *Duties of the City Attorney:* The City Attorney shall be required to:

1) Serve as the legal advisor to the Council and to the City Manager;
2) Represent the City in litigation and legal proceedings; and
3) Review and provide opinions as requested by the Council or by the City Manager on contracts, legal instruments, and ordinances of the City.

c) *Limitation:* This Section shall not be a constraint upon the right of the Council to retain special counsel at any time that the Council may deem necessary and appropriate.

d) *Removal:* The City Attorney may be removed for any reason by [~~a majority vote of all present~~] **an affirmative vote of four or more** Councilmembers.

Section 4.03. Boards, commissions, and committees.

The Council shall create, establish, or appoint, as may be required by law, circumstance, or this Charter, those Boards, Commissions, and Committees which are deemed necessary to carry out the functions and obligations of the City. The Council shall prescribe the purpose, composition, function, duties, and accountability, of each Board, Commission, and Committee, where such are not prescribed by law or this Charter. All such appointees shall be residents of the City of Seabrook, Texas. Each such appointment shall be for a three (3) year term unless restricted by law, the Charter or restricted to a shorter term by the Council.

Section 4.04. Oath of office.

Every appointive official of the City, and every member appointed to a Board, Commission, or Committee under the provisions of this Charter, before entering upon the duties of the office, shall take and subscribe to the appropriate oath or affirmation prescribed in Article XI of this Charter and adhere to the Ethics Ordinance of the City as required by Article XI, Section 11-23. Each such oath or affirmation shall be filed and kept in the office of the City Secretary. *(Charter Election of 5-8-2010)*

Section 4.05. Personnel system.

(a) *Merit Principle:* Appointments and promotions of all City employees and appointive administrative officials shall be made solely on the basis of merit demonstrated by examination or other evidence of competence.

(b) *Personnel Rules:* Personnel rules shall be prepared by the City Manager and presented to the Council which may by ordinance adopt them with or without amendment. The adopted rules shall govern the equitable administration of the personnel system of the City and shall provide for the following requirements, among others:

(1) A pay benefit plan for all City personnel;

(2) A plan for working hours, attendance regulation, and provision for sick and vacation leave;

(3) Procedures for the hearing and adjudication of grievances; and

(4) Other practices and procedures necessary to the equitable administration of the personnel system of the City.

(c) *Submission:* The City manager shall prepare personnel policies. The Council shall adopt such policies with or without amendment. The personnel policies shall be reviewed as required. The rules shall be published, with copies to all department heads, employees and Members of the Council. All recommended changes must be approved by the Council prior to implementation. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01. Department of Finance.
Section 5.02. Public record.
Section 5.03. Annual budget.
Section 5.04. Administration of budget.
Section 5.05. Emergency appropriations.
Section 5.06. Amendments after adoption.
Section 5.07. Borrowing in anticipation of property taxes.
Section 5.08. Depository.
Section 5.09. Purchase procedure.
Section 5.10. Independent audit.
Section 5.11. Borrowing for capital improvements.
Section 5.12. Division of Taxation.
Section 5.13. Powers of taxation.
Section 5.14. Assessment of property for taxes.
Section 5.15. Exemptions.
Section 5.16. Taxes: when due and payable.
Section 5.17. Tax liens and liabilities.
Section 5.18. Joint interest in property.
Section 5.19. Arrears of taxes offset to debt against City.
Section 5.20. Board of Equalization.
Section 5.21. Citizen approval required for certain expenditures and use of reserved funds.

A. BUDGET

Section 5.01. Department of Finance.

(a) There shall be established a Department of Finance, the head of which shall be appointed by the City Manager subject to confirmation by Council.

(b) The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and/or to create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter. *(Charter Election of 5-8-2010)*

Section 5.02. Public record.

Copies of the budget as adopted shall be public records and shall be made available to the public for inspection upon request.

Section 5.03. Annual budget.

(a) *Content:* The budget shall provide a complete financial plan of all City funds and activities for the ensuing five (5) fiscal years, and except as required by law or this Charter, shall be in such form as the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing five (5) fiscal years, describe the important features of the budget, and indicate any major changes, from the current year in financial policies, expenditures, and revenues, with reason for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing five (5) fiscal years. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two (2) fiscal years. It shall include in separate sections:

(1) An itemized estimate of the expense of conducting each department, division and office.

(2) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.

(3) A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.

(4) A statement of the total probable income of the City from taxes for the period covered in the estimate.

(5) Tax levies rates and collections for the preceding three (3) years and ensuing five (5) years.

(6) An itemization of all anticipated revenue from sources other than the tax levy.

(7) The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.

(8) The total amount of outstanding City debts, with a schedule of maturities on bond issues and/or certificates of obligation.

(9) Such other information as may be required by the Council.

(10) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

(11) A Five (5) Year Capital Program and Budget, which may be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:

a. A summary of proposed programs;

b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

c. Cost estimates, method of financing and recommended time schedules for each such improvement; and

d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

e. Adoption of the budget is for the ensuing fiscal year only and does not constitute adoption for the subsequent four (4) fiscal years.

(b) *Submission:* At least sixty (60) days prior to the end of the fiscal year the City Manager shall submit to the Council a proposed budget and an accompanying message. The Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.

(c) *Public Notice and Hearing:* The Council shall post in the City Hall and publish in the official newspaper a general summary of their proposed budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and
(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(d) *Amendment before Adoption:* After the Public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

(e) *Adoption:* The budget shall be finally adopted by ordinance by one reading not later than the twenty-seventh (27th) day of the last month of the fiscal year. Adoption of this budget shall constitute the levy of the property tax therein proposed. Should the Council take no final action on or prior to such day the budget, as originally submitted by the City Manager together with the proposed tax levy shall be deemed to have been finally adopted by the Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

State law reference— *Budgets, V.T.C.A., Local Government Code § 102.011 et seq.*

Section 5.04. Administration of budget.

(a) *Payments and Obligations Prohibited:* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his or her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall

be void and any payment so made illegal. Such action shall be the cause for removal of any official who knowingly authorized or made such payment or incurred such obligations, and he or she shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(b) *Financial Reports:* The City Manager shall submit to the Council at least quarterly a report covering the financial conditions of the city. The financial expenditure records of the City will be maintained on a modified accrual basis to support this type of financial management. *(Charter Election of 5-8-2010)*

Section 5.05. Emergency appropriations.

At any time in any fiscal year, the Council may, pursuant to this section make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of five (5) or more of the Councilmembers qualified and serving. To the extent that there is no available unappropriated revenue and/or unencumbered fund balances to meet such appropriations, the Council may by such ordinance authorize the issuance of emergency notes, which may be renewed as necessary. *(Election of 5-7-2005)*

Section 5.06. Amendments after adoption.

(a) *Supplemental Appropriations:* If, during the fiscal year, the City Manager certifies that there are available for appropriation revenues and/or unencumbered fund balances in excess of those [estimated] appropriated for specific expenditures in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

(b) *Reduction of Appropriations:* If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him or her and his or her recommendations as to other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may reduce one or more appropriations.

(c) *Transfer of Appropriations:* At any time during the fiscal year the City Manager may transfer part of all of any unencumbered appropriation balance among programs within a fund department, office or agency, and upon written request by the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one fund department, office or agency to another.

(d) *Limitations; Effective Date:* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriations authorized by this section may be made effective immediately upon adoption.

(e) *Lapse of Appropriations:* Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in full force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

(Election of 5-7-2005)

Section 5.07. Borrowing in anticipation of property taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten (10) percent of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for the year _____" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

State law reference— *Tax anticipation notes, V.T.C.A., Government Code § 1431.001 et seq.*

Section 5.08. Depository.

All monies received by any person, department or agency of the City for any connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or an official designated by the Council and countersigned by the City Manager. The Council, under such regulations and limitations

as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures.

Section 5.09. Purchase procedure.

All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged and no contract or order shall be binding upon the City unless and until the City Manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the City makes any purchase for supplies, materials, equipment, or contractual services, the opportunity shall be given for competition as hereinafter provided. The Council may by resolution specify an amount for which the City Manager may contract for expenditure without competitive bidding; any expenditure over said amount must be expressly approved by Council. All contracts or purchases exceeding the amount set for non-competitive bidding shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the Council or the City Manager in such cases as he or she is authorized to contract for the City, shall have the right to reject any and all bids. Contracts for personal and professional services need not be let on competitive bids. The City shall enter into all contracts in accordance with state law.

State law reference— *Purchasing procedures, V.T.C.A., Local Government Code § 252.001 et seq.*

Section 5.10. Independent audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the City or any of its officials. Upon completion of the audit, the summary shall be published as soon as possible in the official newspaper of the City and copies of this audit placed on file in the City Secretary's office as public record.

State law reference— *Audits, V.T.C.A., Local Government Code § 103.001 et seq.*

B. BONDS [3]

Section 5.11. Borrowing for capital improvements.

(a) *Borrowing:* The Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

(b) *General Obligation Bonds and Certificates of Obligation:* The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outside bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

(c) *Revenue Bonds:* The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued.

(d) *Bonds Incontestable:* All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

(e) *Ordinance Procedure:* The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:

(1) A copy of any proposed ordinance relative to borrowing for Capital Improvements shall be furnished to each member of the Council, the City Attorney and any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be considered.

(2) Any ordinance relative to borrowing for capital improvements may be adopted and finally passed in accordance with provisions of this Charter.

C. TAX ADMINISTRATION

Section 5.12. Division of Taxation.

There shall be appointed by the City Manager a City Assessor-Collector subject to confirmation by the Council. The City Assessor-Collector shall be head of the Division of Taxation. The City Assessor-Collector shall give a surety bond for faithful performance of his or her duties, including compliance with all controlling provisions of the State law bearing upon the functions of his or her office, in a sum which shall be fixed by the Council.

State law reference— *Tax assessor-collector, V.T.C.A., Tax Code § 6.22 et seq.*

Section 5.13. Powers of taxation.

The City shall have the power to levy, assess, and collect taxes of every character and type not prohibited by the Constitution and Laws of the State of Texas, and for any municipal purpose.

State law reference— *Powers of property taxation, V.T.C.A., Tax Code § 302.001.*

Section 5.14. Assessment of property for taxes.

All property, real, personal or mixed, having a situs within the corporate limits of the City on January 1 of each year, not expressly exempted by law, shall be subject to taxation by the City for such year. The Council may prescribe the mode and manner of making renditions, tax lists, assessments, and tax rolls. Every person, partnership, association or corporation holding, owning, or controlling property within the limits of the City, shall, between January 1 and April 1 of each year, file with the City Assessor-Collector a full and complete sworn inventory of such property held, owned, or controlled within said limits on January 1 each year. The Council may prescribe by ordinance the mode and manner of making such inventories, and penalties for failing or refusing to submit the same. The City Assessor-Collector shall review all renditions made to him or her and determine the value of the property rendered and fix the value thereof for tax purposes. If the City Assessor-Collector fixes a value higher than that shown on the owner's rendition, he or she shall give written notice thereof to such owner at his or her last known address by depositing the same, postage paid, in the United States mail, notifying him or her that he or she may appear before the Board of Equalization to protest such change. In all cases where no rendition of real or personal property is made by the owner thereof, the City Assessor-Collector shall ascertain the amount and value of such property and assess the same, and such assessment shall be as valid and binding as if the property involved had been rendered by such owner, provided that if the City Assessor-Collector shall assess any such property which has not previously been assessed, or if he or she shall assess any such property at a higher valuation from that shown on the last preceding tax roll, he or she shall give notice of such assessment, or such change in assessment, as above provided. All assessments of real property, whether rendered by the owner or assessed by the City Assessor-Collector, shall list the value of the land and improvements separately and the total values and describe such property sufficiently to

identify it, giving the name of the last known owner thereof. If the ownership of any property should be unknown to the City Assessor-Collector, he or she shall state that fact. The City Assessor-Collector shall assess any property which has been omitted from assessment in prior years upon a current supplemental assessment roll. The taxes upon such supplemental assessments shall be due at once and if not paid within sixty (60) days thereafter, shall be deemed delinquent and shall be subject to the penalty and interest as other delinquent taxes for such year. In addition to the powers granted by this Section he or she shall have the same power as any County Tax Assessor and Collector in the State of Texas.

State law reference— *Ad valorem tax assessment and collection, V.T.C.A., Tax Code § 1.01 et seq.*

Section 5.15. Exemptions.

The City Assessor-Collector shall implement exemptions as specified by the State of Texas and approved by the Council. All exemptions authorized by the Council shall be by ordinance and in accordance with the provisions of this Charter.

(a) *Homestead Exemptions:* A favorable majority vote of the people is required for any reductions in the value amount percent or dollars of any homestead exemptions as identified in any city ordinance. Homestead exemptions and ordinances are defined as those passed by the citizens or council of the City of Seabrook. *(Election of 5-7-2005)*

Section 5.16. Taxes: when due and payable.

All taxes due the City on real or personal property shall be payable at the office of the City Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent, and shall be subject to such penalty and interest as the Council may provide by ordinance. The Council may provide further by ordinance that all taxes, either current or delinquent, due the City may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

Section 5.17. Tax liens and liabilities.

All property, having a situs in the City on the first (1st) day of January of each year shall stand charged with a special lien in favor of the City from said date for the taxes due thereon. The liens provided herein shall be superior to all other liens except other tax liens regardless of when such other liens were created. All persons purchasing any of said property

on or after the first (1st) day of January in any year shall take same subject to the liens herein provided. In addition to the liens herein provided on the first (1st) day of January of any year the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of the property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

Section 5.18. Joint interest in property.

The City Assessor-Collector shall not be required to make separate easements of joint or conflicting interests in any real estate. It is provided, however, that the owner of any such interest may furnish to the City Assessor-Collector at any time before April 1 of each year a written description of any parcel of land on which he or she has an interest less than the whole, showing the amount of his or her interest therein, and the City Assessor-Collector may thereupon assess such interest as a separate parcel. The City Assessor-Collector may receive the taxes on part of any lot or parcel of real estate or an undivided interest therein, but no such taxes shall be received until the person rendering the same shall have furnished the City Assessor-Collector a full description of the particular part of interest on which payment is tendered.

Section 5.19. Arrears of taxes offset to debt against City.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation who is in arrears, and no assignment or transfer of such debt, claim, demand or account after said taxes are due shall affect the right of the City to so offset the said taxes against the same.

Section 5.20. Board of Equalization.

(a) *Right to Contract with Other Entities:* The Council shall be empowered to contract by ordinance with any other municipality or any district which is located entirely or partly within the corporate limits of the City with regard to the mutual assessment, equalization, and collection of taxes. In the event the City does enter into such a contract, the appointment procedures and qualifications for individuals so serving as Tax Assessor, Board of Equalization, and Tax Collector shall be negotiable and determined in accordance with the best interest of the City at that time and shall be made a part of the contract.

D. CERTAIN EXPENDITURES AND USE OF RESERVED FUNDS

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 established by the City's financial policy in effect at the time of the expenditure. 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 without voter approval. [12]

~~[(a) *Capital Expenditures of One (1) Million or More Dollars* A favorable majority vote of the people is required for each capital expenditure of one (1) million dollars or more 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.~~

~~(b) *Use of Reserve Funds.* A favorable majority vote of the people is required for each expenditure of thirty (30) percent or more from reserve funds 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.~~]

(Election of 5-7-2005)

FOOTNOTE(S):

*--- (2) --- **State Law reference**— General fiscal powers of municipality, V.T.C.A., Local Government Code § 101.022.*

*--- (3) --- **State Law reference**— Home-rule municipality has authority to issue bond on credit of the municipality if approved by majority of qualified voters of municipality at election held for that specific purpose, V.T.C.A., Government Code § 1331.052.* *(Back)*

ARTICLE VI. PLANNING AND ZONING [4]

Section 6.01. Planning and Zoning Commission.
Section 6.02. Term of office.
Section 6.03. Rules of procedure.
Section 6.04. Powers and duties.
Section 6.05. Platting of property.
Section 6.06. Development of property.
Section 6.07. Zoning ordinances, rules, and regulations.
Section 6.08. Board of Adjustment.

Section 6.01. Planning and Zoning Commission.

The Council shall appoint a Planning and Zoning Commission which shall consist of seven (7) members. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position elective, appointive, or salaried in the City government, and shall serve without pay, The Mayor, the City Manager, the City Engineer and other ex officio members as the Council, by resolution, may provide, shall serve as nonvoting members of the Commission. All actions of this Commission shall be in accordance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 211.001 et seq., 212.001 et seq.], as now or hereafter amended. *(Election of 5-7-2005)*

State law reference— *Planning and zoning commission, V.T.C.A., Local Government Code § 211.007.*

Section 6.02. Term of office.

Four (4) members appointed to the first commission under this Charter shall serve until January 1, 1982, and three (3) members shall serve until January 1, 1981. Thereafter, each member shall be appointed for a term of three (3) years, with four (4) terms commencing on January 1 of even-numbered years and three (3) terms commencing on January 1 of odd-numbered years. Vacancies occurring in the Commission, for whatever reason, shall be filled by appointment by the Council, for the remainder of the unexpired term.

Section 6.03. Rules of procedure.

The Commission shall elect a Chairperson and Vice-Chairperson and shall establish its own rules of procedure. A quorum shall consist of four (4) members of the Commission qualified and serving. All meetings shall be open to the public and a record of all proceedings shall be kept. The record shall be filed with the City Secretary and shall be public record.

Section 6.04. Powers and duties.

(a) Formulate comprehensive planning guidelines containing the Commission's recommendations for criteria for growth, development, and beautification of the City. The planning guidelines shall be forwarded to the City Manager who shall submit the planning guidelines to the Council with his or her recommendations within ninety (90) days after receipt. The Council may adopt these planning guidelines as a whole or in parts and may amend the planning guidelines after at least one (1) public hearing on the proposed action. The Council shall act on the planning guidelines or part thereof within ninety (90) days following its submission by the City Manager. If the planning guidelines, or part thereof, should be rejected by the Council, the Planning and Zoning Commission may modify the planning guidelines, or part thereof and again forward it to the City Manager for submission to the Council. All amendments to the comprehensive planning guidelines recommended by the Planning and Zoning Commission shall be submitted to the Council in the same manner as that outlined above, and all recommendations to the Council from any City department affecting the comprehensive planning guidelines must be accompanied by a recommendation from the Planning and Zoning Commission.

(b) Approve or disapprove subdivision plats as provided by State law and City ordinance.

(c) Draft and recommend to the Council for adoption an official map of the City. Said map to be updated or required to reflect previously approved changes authorized under provisions of this Charter.

(d) Make and recommend to the Council for adoption a zoning plan and recommend or disapprove proposed changes in such plan.

(e) Recommend to the Council for adoption a building code which shall include the minimum standards of construction of buildings, and the minimum standards for plumbing, wiring and gas piping.

(f) Meet not less than once each month at City Hall unless prior notice of change of meeting place be given in accordance with Section 11.12.

(g) Perform such other duties and be vested with such other powers as the Council shall from time to time prescribe.

(h) The guidelines to be formulated shall be supplemental to the Comprehensive Master Plan which Master Plan and guidelines shall guide and assist the Commission and the Council in interpreting and enforcing the Zoning Ordinance. *(Charter Election of 5-8-2010)*

Section 6.05. Platting of property.

Hereafter, every owner of any tract of land situated within the corporate limits of the City and its extraterritorial jurisdiction who may divide the same in two (2) or more parts for the purpose of laying out any commercial, industrial, or residential subdivision or any addition to the City, shall comply with the provisions of the regulation of subdivisions subchapter of Chapter 212 of the Texas Local Government Code [V.T.C.A., Local Government Code § 212.001 et seq.] as now or hereafter amended.

State law reference— *Subdivision of land, V.T.C.A., Local Government Code § 212.001 et seq.*

Section 6.06. Development of property.

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.

Section 6.07. Zoning ordinances, rules, and regulations.

The Council shall pass all ordinances, rules and regulations necessary to implement and govern the zoning of the City. Such zoning shall incorporate the zoning plan prepared by the Planning and Zoning Commission and approved by Council and all changes to the zoning plan prepared by the same Commission and approved by Council.

Section 6.08. Board of Adjustment.

The Council shall appoint a Zoning Board of Adjustment of five (5) members and additional alternates as determined by Council. Each member shall be a qualified voter at the time of appointment and shall be a resident within the corporate limits of the City of Seabrook and shall have been a resident for a period of twelve (12) months prior to appointment. He or she shall hold no other position in the City government other than the Building and Standards Commission or as allowed by law and shall serve without pay. Term of office shall be two (2) years and shall be filled in the manner described for Planning and Zoning Commission in Section 6.02 above. Rules of procedure shall be the same as those described in Section 6.03 above. The Board shall have all applicable powers granted in V.T.C.A., Local Government Code § 211.001 et seq., as now or hereafter amended, which shall include the power to hear

and determine appeals from refusal of building permits, and to permit exceptions or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions, and procedures specified in the zoning ordinance.

(Election of 5-7-2005; Charter Election of 5-8-2010)

State law reference— *Board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.011.*

FOOTNOTE(S):

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*--- (4) --- **State Law reference—** Planning and zoning, V.T.C.A., Local Government Code § 211.001 et seq.* *(Back)*

ARTICLE VII. NOMINATIONS AND ELECTIONS

Section 7.01. Nominations and elections.
Section 7.02. Filing for office.
Section 7.03. Official ballots.
Section 7.04. Determination of election results.
Section 7.05. Taking office.

Section 7.01. Nominations and elections.

(a) *Regular Elections:* The general city elections will be held annually on the second Saturday in May, unless otherwise [~~required~~] **allowed**[13] by state law. The Council shall fix the place for holding such an election. (10/20/14)

(b) *Special Elections:* The Council may, by resolution, order a special election for any purpose authorized by law or this Charter; the Council will fix the place and date for holding this type of election as provided by State Law.

(c) *Publicizing City Elections:* It is the responsibility of the Council to inform the voters as to the time, place, purpose and filing period for the potential candidates, for the upcoming City election at least sixty (60) days prior to such election unless otherwise provided by law. The provisions for early balloting shall also be publicized at this time unless otherwise provided by law. Sample ballots shall be posted outside the City Offices and shall be published in the official city newspaper not less than ten (10) days prior to the election. Council shall devote its best efforts to compliance with this subsection, but Council's failure to comply shall not invalidate any election result.

(d) *Conduct and Regulation of City Elections:* All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by election officials appointed and approved by Council. Sample ballots identical to the voting format for the specific election shall be posted in the voting place for the benefit of the voters.

(e) *Voter Qualifications:* All duly qualified electors under the laws of the State of Texas who have resided in the City for a minimum of thirty (30) days immediately prior to the election, and who are registered to vote with the appropriate state or county authority, shall be qualified to vote in any City election. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

State law reference— *Uniform election dates, V.T.C.A., Election Code § 41.001.*

Section 7.02. Filing for office.

(a) *Eligibility to File for Office:* Each candidate for an elective position in the City shall meet the qualifications for office as specified in article II. No candidate may file for more than one (1) office or position per election.

(b) *Procedure for Filing for Office:* Any qualified person who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Election Code of the State of Texas. Such an application shall clearly designate the office and position to which the candidate seeks election, and shall contain a sworn statement by the candidate that he or she is fully qualified under the provisions of this Charter to hold the office sought.

(c) *Public Disclosure Statement:* As part of the application for place on the ballot, candidates shall file with the City Secretary a financial disclosure statement containing the following information. This information shall pertain to the candidate, his or her spouse and dependent children.

(1) List of all property owned or held in trust within the city limits and extraterritorial jurisdiction of the City. This list shall include location (address) size (general dimensions) and current use.

(2) List the dollar amount and identify by name and address the source of all fees, salaries or gifts of value exceeding twenty-five dollars ($25.00) received from companies or individuals under contract with the City during the twelve (12) months prior to filing for public office.

(3) Ownership of any stock in companies under contract to the City when such stock comprises greater than two (2) percent of the company's total outstanding stock. *(Election of 5-7-2005)*

State law reference— *Candidates application for office in home-rule municipality, V.T.C.A., Election Code § 143.005.*

Section 7.03. Official ballots.

(a) *Candidates' Names on Ballots:* The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

(b) *Early Voting:* Voting shall be governed by the Election Code of the State of Texas.

(c) *Write-in Votes:* Write in votes will be governed by the Election Code of the State of Texas. There can be no write-in votes in any run-off elections. *(Election of 5-7-2005)*

State law reference— *Early voting, V.T.C.A., Election Code § 81.001 et seq.*

Section 7.04. Determination of election results.

(a) *Canvassing:* Election returns shall be canvassed in accordance with state law.

(b) *Majority Rules:* The candidate for each position on the ballot who shall have received the majority of votes cast for such position shall be declared elected. In the event that no candidate for a designated position receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who receive the greatest number of votes for such position. Notwithstanding the provisions of Section 7.01C [(c)], such a run-off election shall be held not less than twenty (20) days, nor more than thirty (30) days after the canvass of returns from the first election, unless otherwise permitted by State Law, but shall be held no later than the forty-fifth (45th) day following the canvass of the regular election.

State law reference— *Canvassing elections, V.T.C.A., Election Code § 67.001 et seq.*

Section 7.05. Taking office.

The City Secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or run-off City election shall, after taking oath of office as prescribed in Article XI, take office, and enter upon his or her duties as provided under Section 2.10 of the Charter. *(Charter Election of 5-8-2010)*

FOOTNOTE(S):

*--- (5) --- **State Law reference**— Elections, V.T.C.A., Election Code § 1.001 et seq.* *(Back)*

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL [6]

Section 8.01. Power of initiative.
Section 8.02. Power of referendum.
Section 8.03. Power of Recall.
Section 8.04. When Initiative and Referendum Prohibited.
Section 8.05. Form of Affidavit; committee of petitioners.
Section 8.06. Petition Forms.
Section 8.07. Circulation of the Petition.
Section 8.08. Filing and examination of petitions.
Section 8.09. Certification of petitions.
Section 8.10. Amendments.
Section 8.11. Action on Petitions & Submission to Electors.
Section 8.12. Form of ballot.
Section 8.13. Results of election.
Section 8.14. Nonbinding Elections.

Section 8.01. Power of initiative.

The electors shall have the power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change of substance, to adopt or reject it at a City election, provided that such power shall not extend to matters prohibited by Charter or law. Such initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least thirty (30) percent of the electors voting in the last regular municipal election. *(Charter Election of 5-8-2010)*

Section 8.02. Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council or submitted by the Council to a vote of electors, as provided herein, such power being known as the referendum. Ordinances submitted to the Council by initiative petition

and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least thirty (30) percent of the electors voting in the last regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote by the electors. *(Charter Election of 5-8-2010)*

Section 8.03. Power of Recall.

The Mayor or any other member of the Council may be removed from office by recall. A recall petition must be signed by qualified voters of the city equal in number to at least fifty (50) percent of the voters voting in the last general municipal election at which any members of the Council were elected; provided, however, that the petition shall contain the signatures of at least four hundred and fifty (450) qualified voters of the city and shall conform to other provisions of this article and to state law. *(Charter Election of 5-8-2010)*

Section 8.04. When Initiative and Referendum Prohibited.

The power of the initiative and referendum does not apply to ordinances relating to:

A. Financial matters, including the budget, the levy of taxes, or the issuance of bonds or debt instruments; (8.01)

B. The salaries of officers or employees; (8.01)

C. Matters which are not legislative in character or which have been withdrawn or excluded by general law from the operative field of initiative or referendum; and (new)

D. Matters where a State or Federal law provides for an election and related election procedures. (New)

(Charter Election of 5-8-2010)

Section 8.05. Form of Affidavit; committee of petitioners.

Any elector of the city may commence proceedings contemplated by this article by filing with the city secretary a signed and notarized affidavit which shall contain the names and addresses of no more than five (5) electors, who as a committee of petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit shall specify the address to which all notices to the petitioner's committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance, or the ordinance to be reconsidered, or in the case of recall, shall state the name of the official whose removal is sought and a statement of

the grounds for removal. A separate affidavit shall be submitted for each individual official whose recall is sought. (11/9/09) *(Charter Election of 5-8-2010)*

Section 8.06. Petition Forms.

Within two (2) business days after receiving a completed affidavit, the city secretary shall make available to the person(s) making such affidavit, copies of petition blanks. Such blanks when issued by the City Secretary shall bear his or her signature and be addressed to the Council, and shall be numbered, dated, and indicate the name of the person(s) to whom issued. The affidavit submitted by the committee of petitioners which shows the full text of proposed ordinance, or the ordinance petitioned for referendum, or the name of the officer subject to removal and the grounds given for removal, shall be imprinted on the back of each petition blank or attached to each petition blank.

The petition blanks shall require each signer to acknowledge that he or she has read the affidavit submitted by the committee of petitioners. The petition blanks when issued by the city secretary shall also indicate the number of such blanks issued and in the case of a recall petition, the name of the official(s) whose removal is sought. The City Secretary shall enter in a record to be kept in his or her office the name of the elector(s) to whom the petition blanks were issued, the number series of the petition blanks and the number of petition blanks issued to each elector.

All required forms shall be approved by the city attorney before distribution. *(Charter Election of 5-8-2010)*

Section 8.07. Circulation of the Petition.

All petition forms circulated must be on the official forms received from and signed by the city secretary. All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signer must be a registered voter of the city and shall sign his/her name in ink or indelible pencil on the petition form. Additional required information shall be entered on the petition forms in accordance with the Texas Election Code.

Attached to or shown on each copy of such petition, there shall be a notarized affidavit of the circulator thereof stating that he or she, and he or she only personally circulated the foregoing copy of such petition, that it bears a stated number of signatures, that all signatures appended thereto were made in his or her presence and that he or she believes them to be genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, or the identity of the official whose recall is being sought and the reasons for

recall. In addition to the requirements contained in the Charter, all petitions shall be filed in accordance with the Texas Election Code.

A signature on a petition may be withdrawn as provided by Chapter 277 of the Texas Election Code or as may hereafter be amended.

All petition forms shall be submitted and filed as one instrument to the city secretary no later than 30 days after the petition blanks have been issued by the city secretary to the committee of petitioners. If the 30th day falls on a day that city hall is closed, the completed petition shall be due on the first day that city hall is open following the 30th day. *(Charter Election of 5-8-2010)*

Section 8.08. Filing and examination of petitions.

Within twenty (20) days after an initiative, referendum or recall petition is filed, the City Secretary shall determine whether each copy of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters, and contains all other information required by state law and this charter. The City Secretary shall declare any copy of the petition entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a copy of the petition is found to be signed by more persons than the number of signatures certified by the circulator, each signature beyond the number certified shall be disregarded. If a copy of a petition is found to be signed by fewer than the number certified, the signatures shall be accepted unless void on other grounds. *(Charter Election of 5-8-2010)*

Section 8.09. Certification of petitions.

After completing his or her examination of the petition, the City Secretary shall certify the results thereof to the Council at its next regular meeting.

If the City Secretary finds the petition to be sufficient and in compliance with the provisions of this article of the Charter, he or she shall submit the petition to the Council with his/her certificate to that effect. If the petition is a recall petition, the official submission to council shall officially notify the official sought to be recalled. If the city secretary certifies that the petition is sufficient, the City Council shall take the action appropriate for the type of petition as specified in this article.

If the City Secretary certifies that the petition is insufficient he or she shall send the petitioner's committee a certificate of insufficiency by certified mail which shall include the particulars in which the petition is defective.

The City Council will take no action on a petition which has been certified as insufficient by the City Secretary.

(Charter Election of 5-8-2010)

Section 8.10. Amendments.

Any supplemental petition submitted to the City Secretary to address any insufficiencies will be governed by Chapter 272 of the Texas Election Code or as may hereafter be amended. The City Secretary shall examine the supplemental petition and follow the same procedures applicable to the initial petition subject to the provisions of this Charter and Chapter 272 of the Election Code. *(Charter Election of 5-8-2010)*

Section 8.11. Action on Petitions & Submission to Electors.

A. Initiative and Referendum Petitions.

When a referendum petition, or amended petition has been certified as sufficient by the City Secretary, as defined in Section 8.09 of this Charter, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors as hereinafter provided.

Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision made for a public hearing upon the proposed ordinance. A referred ordinance shall be considered by the Council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?" The Council shall take final action on an ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Secretary.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days from the date the Council takes its final vote thereon. The Council shall submit the subject ordinance to the electors on the first calendar date provided by state law for a regular or special municipal election which satisfies the time requirement stated herein.

B. Recall Petitions.

Upon certification by the city secretary of a sufficient recall petition at a council meeting, the council member(s) whose removal is sought shall have five (5) calendar days to voluntarily resign his/her position(s). If the official whose removal is sought does not resign within five (5) days after such notice, the City Secretary shall place on the agenda of the next Council meeting the ordering of and setting of the recall

election date at which time the Council shall thereupon order and fix a date for holding a recall election within the time period provided by the Texas election Code; however, the recall election may be held at the same time as any municipal election held within such period. *(Charter Election of 5-8-2010)*

Section 8.12. Form of ballot.

A. Initiative and Referendum Elections.

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title which shall be approved in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance.

The ballot shall have, below the ballot title, the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." The elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance. Any number of ordinances shall be voted on at the same election and may be submitted on the same ballot.

B. Recall Elections.

Ballots used at recall elections shall conform to the following requirements: There shall be printed with respect to each person whose removal is sought the question "SHALL (name of person) BE REMOVED FROM THE OFFICE (name of office) BY RECALL?" Immediately below each such question there shall be printed the following propositions, in the order indicated: "FOR THE RECALL OF (name of person)" and "AGAINST THE RECALL OF (name of person)." The elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the recall of an official(s). *(Charter Election of 5-8-2010)*

Section 8.13. Results of election.

A. Initiative and Referendum.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an initiative ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Initiative and referendum ordinances adopted or approved by the electors shall be made available as provided in Article II, Section 2.15 C, and may be amended or repealed by the Council as in the case of other ordinances; provided however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the Council within six (6) months of adoption of said ordinance.

B. Recall.

If a majority of the votes cast at a recall election shall be against the recall of any official named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term. If a majority of the votes cast at such an election shall be for the recall of any official named on the ballot he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the city council shall immediately order a special election to be held in accordance with the Texas Election Code to fill the vacancy or vacancies**, unless the remainder of the unexpired term of the recalled Councilmember(s) is 12 months or less. Unexpired terms of 12 months or less may be filled by Council appointment as provided in Section 2.05 (c)**. NOTE: This proposed change is contained in Proposition 2.

No recall petition shall be filed against an elected official within six (6) months after he or she takes office. Following an unsuccessful recall effort, the same official shall not be subjected to another recall petition for a period of twelve (12) months. *(Charter Election of 5-8-2010)*

Section 8.14. Nonbinding Elections.

Council shall have the right to call nonbinding elections if so approved by the majority vote of council members present and voting.

If a nonbinding election is called by council, the ballot shall so state that it is a nonbinding election.

Elections under Section 8.14 shall be treated as special elections as identified in this Charter.

Nonbinding elections shall never take the place of elections required by this Charter or by state law. *(Charter Election of 5-8-2010)*

FOOTNOTE(S):

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*--- (6) --- **Editor's note**— A Charter election held on May 8, 2010, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, §§ 8.01—8.20, pertained to similar subject matter and derived from a special election held Aug. 11, 1979 and an election held May 7, 2005.*

ARTICLE IX. COURTS [7]

Section 9.01. Municipal Court.
Section 9.02. Judge of the Municipal Court.
Section 9.03. Clerk of the Municipal Court.
Section 9.04. Costs, process, and procedure in the Municipal Court.
Section 9.05. Court separate from all departments.

Section 9.01. Municipal Court.

There shall be a court known as the Municipal Court of the City which court shall be deemed always open for the trial of causes, and with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

Section 9.02. Judge of the Municipal Court.[14]

The Municipal Court shall be presided over by a magistrate, appointed by [~~the~~] **an affirmative vote of four or more** Council**members,** known as the Judge of the Municipal Court. He or she shall be an attorney at law licensed to practice in the State of Texas. Unless the residency requirement is waived as explained below, he or she shall reside within the corporate limits of the City. The Council, **by an affirmative vote of four or more members,** shall appoint alternate judges as needed who shall meet the qualifications required for appointment as a Judge. The City Council may waive the residency requirement when appointing a Municipal Court Judge or Alternate Judge with an affirmative vote of five (5) council members. The Council shall fix the compensation of the Judge and the alternate Judge of the Municipal Court. The Judge and the Alternate Judge shall be appointed for a term of three (3) years unless otherwise required by state law. **Removal of a judge during his/her term requires an affirmative vote of four or more Councilmembers, unless otherwise provided by state law.** At the time of passage of this Charter change: (1.) the terms of the incumbent Judge and Alternate Judge shall expire on June 7, 1996, when qualified candidates shall be appointed to the respective offices for three year terms to expire on June 7, 1999, and

a like term in each office shall be filled by appointment on said date every three years thereafter. *(Charter Election of 5-8-2010)*

Section 9.03. Clerk of the Municipal Court.

There shall be a Clerk of the Municipal Court who shall be appointed by the Judge of the Municipal Court subject to confirmation of the Council. Such Clerk shall have the power to administer oaths and affidavits, make certificates, fix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof. There shall be such Deputy Clerks of the Municipal Court as may be authorized by the Council and appointed by the Judge of the Municipal Court subject to the approval of Council, which Deputy Clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court. The Clerk and Deputy clerks of the Municipal Court shall be responsible to the Judge thereof and shall be subject to his or her direction and control. The Judge of the Municipal Court shall recommend the level of compensation of the Clerk of court subject to confirmation by the Council.

Section 9.04. Costs, process, and procedure in the Municipal Court.

Sessions of the Municipal Court shall be held at such times as the Judge(s) of the Municipal Court may determine subject to confirmation by the Council. The dates of such court sessions and each change thereto should be filed with the City Secretary. The style of all writs issued out of the Municipal Court shall be in the name of the City, all jurors shall be residents of said City and otherwise possess the same qualifications as jurors in State courts, and they shall be summoned in the same manner as provided for in Justice Courts.

State law reference— *Court fees and costs, Vernon's Ann. C.C.P. art. 45.051.*

Section 9.05. Court separate from all departments.

The Municipal Court of the City shall always be separate and apart from all departments of the City.

FOOTNOTE(S):

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*--- (7) --- **State Law reference—** Municipal court, V.T.C.A., Government Code § 29.001 et seq.* *(Back)*

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. Powers of the City.
Section 10.02. Power to grant franchises.
Section 10.03. Grant not to be exclusive.
Section 10.04. Transfer of franchises.
Section 10.05. Ordinances granting franchises.
Section 10.06. Franchise value not to be allowed.
Section 10.07. Regulation of franchises.
Section 10.08. Regulation on rates.
Section 10.09. Consent of property owners.
Section 10.10. Extensions.
Section 10.11. Other conditions.
Section 10.12. Franchise records.
Section 10.13. Financial provisions.

Section 10.01. Powers of the City.

The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City, is hereby declared to be inalienable to said City, except by ordinances not in conflict with the provisions of this Charter. No franchise or easement involving the rights to use same, either along, across, over, or under the same shall ever be valid unless expressly granted, and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officials, or agents shall be construed to confer or extend by estoppel or implication, any right, franchise, or easement not expressly granted by ordinance. In addition to the City's power granted elsewhere in this Charter, the City shall have power to buy, own, sell, construct, lease, maintain and operate public service within or without the City limits and to manufacture, distribute and sell the output of such service operation within or without the city limits. The City shall have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas. Public service shall include utilities or service to the public of every character.

Section 10.02. Power to grant franchises.

The Council shall have the power by ordinance to grant, renew and extend all franchises of a public service operation within the City and, with consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension.

Section 10.03. Grant not to be exclusive.

No grant or franchise to construct, maintain or operate a public service and no renewal or extension of such grant shall be exclusive.

Section 10.04. Transfer of franchises.

No public service franchise shall be transferable except with the approval of the Council as expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchisee from pledging said franchise as security for a valid debt or mortgage.

Section 10.05. Ordinances granting franchises.

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.]~~ [15]

Section 10.06. Franchise value not to be allowed.

In fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the City under this Charter.

Section 10.07. Regulation of franchises.

Every grant, renewal, extension, or amendment of a franchise, whether so provided in the ordinance or not, shall be subject to the right of the Council, to wit:

(a) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder had failed to comply with the terms of the franchise and setting a reasonable time for the correction for such failure, and shall be exercised only after hearing and after such reasonable time has expired.

(b) To impose reasonable regulations to ensure safe, efficient, and continuous service to the public.

(c) To require such expansion, extension, enlargement and improvements of plants and facilities as are necessary to provide adequate service to the public.

(d) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length, and terminals of all facilities of such franchise holder in, over and under the streets, alleys, and other public property of the City; and to regulate and control the location, relocation, and removal of such facilities.

(e) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represents the increased cost of such operations resulting from the occupancy of such public places by such public utility, and such proportion of the costs of such operations as results from the damage to or disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.

(f) To require every franchise holder to allow public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgment of the Council such use shall be in the public interest, provided that in such event a reasonable rental shall be paid such owner of the facilities for such use. Provided further, that inability of such public utilities to agree upon rentals for such facilities shall not be an excuse for failure to comply with such requirement by the Council.

(g) To prescribe the form of accounts kept by each such utility. If the franchise or ordinance does not prescribe the form of accounts kept by each utility, then it shall keep its accounts in accordance with the utility system of accounts for said utility prescribed the appropriate State and/or Federal utility regulatory agencies.

(h) To examine and audit the accounts and other records of any such utility during normal business hours as deemed necessary and to require annual and other reports, including reports on local operations by each such public utility. The

Council shall, by ordinance, establish appropriate penalties for failure of a utility to provide reports.

Section 10.08. Regulation on rates.

The Council shall have all powers granted by the State Constitution and Statutes to regulate the rates of public service activities within the City limits. Such regulations shall be in conformance with the procedures prescribed by the Constitution and Statutes of the State of Texas.

Section 10.09. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance, or operation of any public utility; but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

Section 10.10. Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, and shall be operated as such, and shall be subject to all the obligations and reserve rights contained in this Charter and in any original grant hereafter made. The right to use any extension shall terminate with the original grant and shall be terminable as provided in this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 10.11. Other conditions.

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and all conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as

specifically stated, the discretion of the Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas.

Section 10.12. Franchise records.

The City shall compile and maintain a public record of all franchises operating within the City.

Section 10.13. Financial provisions.

The City may finance the acquisition by the City of privately owned utility properties, the purchase of land, and the cost of all construction and property installation for utility purposes by borrowing, in accordance with the provisions of this Charter.

FOOTNOTE(S):

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*--- (8) --- **State Law reference**— Home-rule municipality power to regulate franchises, Vernon's Ann. Texas Civ. St., art. 1175.*

ARTICLE XI. GENERAL PROVISIONS

Section 11.01. Publicity of records.
Section 11.02. Power to settle claims.
Section 11.03. Service of process against the City.
Section 11.04. Security and bond.
Section 11.05. Church and school property not exempt from special assessments.
Section 11.06. Sale or lease of property other than public utilities or acquired by tax sale.
Section 11.07. Bonds for City employees.
Section 11.08. Fire Department and Fire Marshal.
Section 11.09. Personal interest.
Section 11.10. Nepotism.
Section 11.11. Oath of office.
Section 11.12. Official newspaper and other media.
Section 11.13. Intergovernmental relations.
Section 11.14. Construction.

Section 11.15. Severability clause.
Section 11.16. Amending the Charter.
Section 11.17. Judicial notice.
Section 11.18. Charter Review Commission.
Section 11.19. Notice of claims.
Section 11.20. Sanitary sewer system.
Section 11.21. Garbage disposal.
Section 11.22. Nuisances.
Section 11.23. Ethics ordinance.
Section 11.24. Comprehensive Master Plan Review Commission.
Section 11.25. Sale of liquor, wine, and beer prohibited in residential zoned areas of the City.
Section 11.26. Favorable majority vote of the electorate required in certain cases.
Section 11.27. Training requirements for City officials.
Section 11.28. Other Charter requirements.
Section 11.29. Employment at will.
Section 11.30. Special requirements concerning the City Manager and entities formed by, or having oversight by the City of Seabrook.

Section 11.01. Publicity of records.

All records and accounts of every office, department or agency of the City except those closed to the public by law shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager.

State law reference— *Public records, V.T.C.A., Government Code § 552.001 et seq.*

Section 11.02. Power to settle claims.

The Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

State law reference— *Tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.101 et seq.*

Section 11.03. Service of process against the City.

All legal process against the City shall be served upon the City Secretary or upon the Mayor at the City Hall, Seabrook, Texas, during normal working hours.

Section 11.04. Security and bond.

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

Section 11.05. Church and school property not exempt from special assessments.

No property of any kind, church, school, or otherwise, in the City shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by state law.

Section 11.06. Sale or lease of property other than public utilities or acquired by tax sale.

Any real property owned by the City may be sold or leased by the Council when in its judgment such sale or lease will be for the best interests of the City; provided, however, a sale, or a lease for more than five (5) years, shall never become effective until thirty (30) days after passage of the ordinance or resolution affecting same. If, during such thirty-day (30) period, a referendum petition is presented to the City Secretary which in all respects conforms to the referendum provisions of Article VIII of this Charter, and same is found sufficient, then the City Secretary shall certify the sufficiency of same to the Council, and an election shall be called submitting the question of whether or not the sale or lease shall be consummated. Provided, further, however, the provisions of this section shall not apply to public utilities, nor to property purchased by the City at tax sales.

Section 11.07. Bonds for City employees.

The Council shall require bonds of all municipal officials and employees who receive or pay out monies of the City. The amount of such bonds shall be determined by the Council and the cost thereof shall be borne by the City.

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 fire service providers as provided by law. [16]

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 11.09. Personal interest.

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding personal, financial or conflicting interests in transactions with the City, including but not limited to Chapter 171 of the Texas Local Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter. *(Election of 5-7-2005; Charter Election of 5-8-2010)*

Section 11.10. Nepotism.

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter. *(Charter Election of 5-8-2010)*

State law reference— *Nepotism, V.T.C.A., Government Code § 573.001 et seq.*

Section 11.11. Oath of office.

Every official of the City shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

> I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Seabrook, County of Harris, State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this State and the Charter and Ordinances of the City; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contribute, nor promise to

contribute any money, or valuable thing, or promised any public office or employment, as a reward:

- (for the giving or withholding a vote at the election at which I was elected.)
- (to secure my appointment or the confirmation thereof.)

Section 11.12. Official newspaper and other media.

The Council shall by resolution designate a public newspaper of general circulation in the city as the official organ thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter by the ordinances of the City, or by the Constitution and/or laws of the State of Texas. The City's Internet homepage and the City's TV channel shall also be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of any ordinance unless and until state law requires such electronic publication.

State law reference— *Official newspaper, V.T.C.A., Local Government Code § 52.004.*

Section 11.13. Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or in the United States or any agency thereof.

Section 11.14. Construction.

The powers of the City under this Charter shall be construed in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in the Article.

Section 11.15. Severability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 11.16. <u>The Charter Review Commission and</u> Amending the Charter.

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. [17]

(a) ***Duties of the Commission:***

(1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any official or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.

(2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City Government.

(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.

(4) Report its findings and present its proposed amendments, if any, to the Council.

(b) Action by the Council: The Council shall receive any report presented by the Charter Review Commission; and shall consider any recommendations made, and if any amendments be presented as part of such report, shall order such amendment or amendments to be submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code § 9.001 et seq. All proposed amendments shall be published in the designated official public newspaper of the city and when practical, in other designated media, prior to the election. All Charter amendments approved by the electors shall become automatically effective and incorporated into law upon canvass of the election.

(c) ***Term of Office:*** **The term of office of such Charter Review Commission shall be six (6) months, and at the completion of such term a report shall be presented to the Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.**

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now and hereafter amended [V.T.C.A., Local Government Code § 9.001 et seq.]. Except as noted in the following paragraph, amendments to this Charter shall be proposed to the people only by the Charter Review Commission, or by petition of the people in conformance with state law.

The City Council may, without approval of the voters, adopt an ordinance that corrects errors in spelling, cross-references, punctuation or numbering of Articles or Sections in the Charter. A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision. *(Election of 5-7-2005)*

Section 11.17. Judicial notice.

This Charter shall be deemed a public act, may be read as evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places. *(Charter Election of 5-8-2010)*

[~~Section 11.18. Charter Review Commission.~~] THIS SECTION WILL BE COMBINED WITH SEC. 11.16 ABOVE AND ALL SUBSEQUENT SECTIONS IN ARTICLE XI WILL BE RENUMBERED IF PROPOSITION 18 IS APPROVED. [18]

~~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.~~

~~(a) *Duties of the Commission:*~~

~~(1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any official or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.~~

~~(2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City Government.~~

~~(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.~~

~~(4) Report its findings and present its proposed amendments, if any, to the Council.~~

~~(b) Action by the Council: The Council shall receive any report presented by the Charter Review Commission; and shall consider any recommendations made, and if any amendments be presented as part of such report, shall order such amendment or amendments to be submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code § 9.001 et seq. All proposed amendments shall be published in the designated official public newspaper of the city and when practical, in other designated media, prior to the election. All Charter amendments approved by the electors shall become automatically effective and incorporated into law upon canvass of the election.~~

~~(c) *Term of Office:* The term of office of such Charter Review Commission shall be six (6) months, and at the completion of such term a report shall be presented to the Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.~~]

(Charter Election of 5-8-2010)

Section 11.19. Notice of claims.

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his or her authorized representative shall notify the City Secretary. The notification shall be in writing and shall state specifically how, when and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within forty-five (45) days of the date of injury, damage, or death. No action at law shall be brought against the City until at least sixty (60) days have elapsed since the date of notification; after this period, the complainant may then have two (2) years in which to bring an action of law. *(Election of 5-7-2005)*

State law reference— *Notice of claims, V.T.C.A., Civil Practice and Remedies Code § 101.101.*

Section 11.20. Sanitary sewer system.

The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sanitary sewer connections, and shall further have the right to fix fees to be charged by the City for sewerage service, providing rules and regulations for the

collection thereof, and to provide for rendering a lien against any property owner's premises who fails or refuses to pay the pro rata assessment value of his or her share of the sewer system, and make it a personal liability.

The City as a corporate body shall likewise be subject to the provisions of this section pertaining to requirements for the connection of premises with such sewer systems. Failure of officials to take timely action in this regard shall be deemed a violation of this section.

Section 11.21. Garbage disposal.

The Council may by ordinance adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the City and may fix fees to be charged for the removal of garbage, trash, and rubbish, providing rules and regulations for the collection thereof.

Section 11.22. Nuisances.

The City shall have the power to define by ordinance all nuisances and prohibit the same within the City and outside the City limits for a distance of 5,000 feet, to have power to police all parks or grounds, speedways, or boulevards owned by said City and lying outside of said City, to prohibit the pollution of any stream, drain or tributaries, thereof, which may constitute the source of water supply of any City and to provide for policing the same as well as to provide for the protection of any watersheds and the policing of same.

Section 11.23. Ethics ordinance.

The City of Seabrook shall maintain an ordinance adopting an Ethics Review Commission and a Code of Ethics governing conduct of officers and employees; provide standards of conduct for the City's officials and employees; provide procedures regarding complaints for violations of such standards; [and] provide disciplinary measures for violations of such standards.

Section 11.24. Comprehensive Master Plan Review Commission.[19]

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."

(a) *Duties of the Commission:*

(1) To inquire into the timeliness of the Comprehensive Master Plan, the usefulness of the plan in the interpretation, implementation and enforcement of the zoning ordinance and the reflection in the document of any and all new conditions in the City subsequent to the adoption of the Comprehensive Master Plan. To this end, public hearings shall be held at which hearings the public shall have the right to be heard and the Commission shall have the power to compel the attendance of any official or employee of the City and/or to compel the production of any City records deemed necessary, unless such records are exempt from public disclosure as a matter of law.

(2) To propose any change(s) it deems desirable to ensure that the plan is effective and/or timely and/or to ensure that it reflects any new conditions arising subsequent to its adoption.

(3) Report all recommended changes to Council who shall accept or reject such recommended changes to the plan in their entirety.

(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~~] **six (6) months, which may be extended with the approval of City Council.** [~~and a~~] **A**t the completion of [~~same~~] 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.

(Election of 5-7-2005; Charter Election of 5-8-2010)

Section 11.25. Sale of liquor, wine, and beer prohibited in residential zoned areas of the City.

The sale of liquor, wine, and beer shall be prohibited in residential zoned areas of the City.

Section 11.26. Favorable majority vote of the electorate required in certain cases.

A favorable majority vote of the electorate of Seabrook shall be required for any of the following:

(a) The expansion of any existing municipal utility district as defined by the Texas Water Code;

(b) Any additional municipal utility district as defined by the Texas Water Code;

(c) The absorption by the city of the debt of any municipal utility district as defined by the Texas Water Code;

(d) The rebate of any city taxes at any time to any municipal utility district as defined by the Texas Water Code.

The City Council shall provide, by ordinance, regulations and procedures for the implementation of this section as deemed necessary. The cost of the election shall not be the burden of the city.

(Election 5-7-2005; Charter Election of 5-8-2010)

Editor's note—

A Charter election held May 8, 2010, changed the name of Section 11.26 from "Favorable majority vote of the people required in certain cases" to "Favorable majority vote of the electorate required in certain cases."

Section 11.27. Training requirements for City officials.

New members of Council not having served within the past three (3) years shall complete a recognized training session or seminar for newly elected officials offered by a recognized municipal official training organization such as the Texas Municipal League within six (6) months of taking office. An additional three (3) months extension may be granted by a favorable majority vote of Council excluding those affected by the requirement.

Other city officials such as Planning and Zoning members newly appointed and not serving within the past three (3) years, and Board of Adjustment members newly appointed and not having served within the past two (2) years shall attend appropriate training for the position. All expenses for training are to be at city expense. *(Election 5-7-2005)*

Section 11.28. Other Charter requirements. [20]

All City appointees to [~~B~~]**b**oards, committees, corporations, organizations, and other **related** 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 **regulating personal interest, conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance**. *(Election 5-7-2005)*

Section 11.29. Employment at will.

All employees of the city shall be at-will employees except as may otherwise be provided by state law or contract. *(Election 5-7-2005; Charter Election of 5-8-2010)*

Editor's note— A Charter election held May 8, 2010, changed the name of section 11.29 from "Standards of conduct for City officials, board members, employees and others" to "Employment at will."

Section 11.30. Special requirements concerning the City Manager and entities formed by, or having oversight by the City of Seabrook.

At the direction of the City Council, the City Manager shall be provided, at his or her request, any and all documents including those which may otherwise be excluded from public disclosure of those entities in accordance with state law formed by, or having oversight by the City of Seabrook. Additionally, the City Manager shall be granted access to any and all meetings including executive sessions of those entities formed by, or having oversight by the City of Seabrook, provided the city and the entity are not adverse parties. Matters addressed at meetings including those concerning the health, safety and welfare of the people of Seabrook identified by the City Manager shall be reported to the City Council and appropriate action shall be taken by the City Council or when applicable by the City Manager. *(Election 5-7-2005)*

ARTICLE XII. TRANSITIONAL PROVISIONS

[Section 12.01. Schedule.
Section 12.02. Appointive officials and employees.
Section 12.03. Effect of the Charter on existing law.
Section 12.04. Pending matters.
Section 12.05. Submission of the Charter to the voters.

Section 12.01. Schedule.

(a) This Charter shall take effect on the first day following adoption by the voters of the city and shall be fully operative within one (1) year after such adoption.

(b) At the first regular meeting of the Council following adoption of this Charter the members of Council elected or reelected to office at the last regular election for that position shall retain the designation Mayor's Position and Positions 1, 2, 3, 4, and 5.

(c) It is provided that on the ballot of the regular election scheduled for the first Saturday in April 1980; that the ballot will provide for the election, at large, of four (4) candidates to positions on the Council, of whom three (3) candidates (Mayor, Positions 2 and 4) will be elected to succeed those members of Council whose terms expire at the time, and the fourth (4th) of whom (Position 6) will be elected to the Council position created by adoption of this Charter.

(d) The members of Council at the time of adoption of this Charter shall have all the powers and duties granted in this Charter.

(e) The limitations prescribed in Article II of this Charter, shall apply to all persons elected to office in 1980 and thereafter but will not include terms of office which began prior to the adoption of this Charter.

(f) All Boards, Commissions, and Committees in existence on the effective date of this Charter, and not in conflict with the provisions thereof, may continue in existence. Any Board, Commission, or Committee in existence on the effective date of this Charter which is in conflict with the provisions thereof is abolished, with such abolition to take effect on the 120th day after the effective date of the Charter.

Section 12.02. Appointive officials and employees.

(a) Nothing in this Charter, except as may be specifically provided otherwise, shall affect or impair the rights or privileges of persons who are appointive officials or employees of the City at the time of its adoption.

(b) An employee holding a City position at the time this Charter becomes fully operative, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in that same position but in all other respects shall be subject to the personnel system provided for in this Charter.

Section 12.03. Effect of the Charter on existing law.

(a) All codes, ordinances, resolutions, rules, and regulations in force in the city on the effective date of this Charter, and not in conflict with the provisions thereof, shall remain in force until altered, amended or repealed by the Council. Emergency ordinances enacted before the adoption of this Charter shall not be affected by the provisions of this Charter. Any code, ordinance, resolution, rule or regulation which

conflicts with the provisions of this Charter is repealed to the extent that it is inconsistent or will interfere with the effective operation of this Charter or ordinances enacted pursuant thereto.

(b) All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before the effective date of this Charter, or for the fixing or establishing of which proceedings had begun prior to such date, shall be valid when properly fixed or established under the law in force at the time of the beginning of such proceedings or under the law after adoption of this Charter.

Section 12.04. Pending matters.

All rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings in existence or pending on the effective date of this Charter shall continue until consummation. All new or renewal rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings initiated after the effective date of this Charter shall conform to the requirements and provisions thereof.

Section 12.05. Submission of the Charter to the voters.

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at the regular City election to be held on August 11, 1979. Not less than thirty (30) days prior to that election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in that election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter so adopted, authenticated and certified by his or her signature and the Seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at that election.

BALLOT PROPOSITION LANGUAGE

1 Shall Article II, "The Council", Section 2.01, "The Council" be amended to allow a member of Council, including the Mayor, to be elected for no more than two consecutive 4-year terms rather than two consecutive three-year terms as currently provided in the Charter, to begin with the General Municipal Election in 2017 for the Mayor and Councilmembers in positions 2, 4 and 6 and in 2018 for Councilmembers in positions 1, 3 and 5? This proposed amendment would delete the prior historical charter language related to three-year terms. This amendment is expected to save money, as there will be fewer elections.

2 Shall Article II, Section 2.05, "Vacancies, forfeiture, filling of vacancies", Subsection (c), "Filling of Vacancies" and related charter requirements for filling a vacancy, including Section 8.13, "Results of election", Subsection (b) "Recall", be amended to allow an affirmative vote of four or more Councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less as permitted by state law? This amendment is expected to save money, as appointment is less costly than a special election.

3 Shall Article II, Section 2.08, "Administrative offices and departments" be amended to delete the list of city departments, as the names and number of departments can periodically change by approval of an ordinance by City Council? This amendment has no expected budget impact.

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. This amendment has no expected budget impact.

5 Shall Section 2.08 "Administrative Departments" and Section 2.09 "City Secretary" be relocated from Article II "The Council" to Article IV "Administrative Departments" for easier reference? There is no other revision associated with this amendment. This amendment has no expected budget impact.

6 Shall Article II, Section 2.12 "Rules of Procedure" be amended to clarify generally 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? Currently, Section 2.12 incorrectly states that the only exception to this voting requirement is Section 2.05. This amendment has no expected budget impact.

7 Shall Article II, Section 2.13, "Passage of Ordinances in General" Subsection (b), "Procedure" be amended to delete the following: *"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"*? This amendment is proposed to provide consistency in application, to avoid ambiguity and to remove the continuing requirement for Council interpretation of what constitutes "substance". This amendment has no expected budget impact.

8 Shall Article II, Section 2.13, "Passage of Ordinances in General," Subsection (c), "Effective Date" be amended to require that City ordinances with penal provisions shall be posted on the city website within 10 days of approval and the effective date after passage shall be governed by state law to avoid potential conflict with statutory provisions? 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 provisions must be published once in the official city newspaper. This amendment has no expected budget impact.

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 otherwise specified by Charter? Currently the charter requires an affirmative vote of only 2/3's of Councilmembers present. This amendment has no expected budget impact.

10 Shall Article II, Section 2.15 "Authentication, Recording, Codification, Printing and Distribution of Ordinances" Subsection (b) "Codification" and Subsection (c) "Printing of Ordinances and Resolutions" be amended to require that the "Seabrook City 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 to the public at City offices and in a library selected by Council. This amendment is expected to save labor and materials in copying.

11 Shall Article IV, "Administrative Departments", Section 4.02, "City Attorney" Subsection (a), "Appointment and Qualifications" and Subsection (d), "Removal" be amended to require an affirmative vote of four or more Councilmembers to appoint and remove a City Attorney? Currently, the City Attorney may be appointed and removed by an affirmative vote of a majority of Councilmembers present. This amendment has no expected budget impact.

12 Shall Article V, "Financial Procedures", Section 5.21 "Citizen approval required for certain expenditures and use of reserved funds" be updated, clarified and consolidated to address current and future City funding needs? This amendment is proposed to allow the City to apply for time- critical grant opportunities requiring matching funds, adjust for changing state mandates and avoid a fixed limitation that fails to address current city financial status by

allowing the City Council to 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 fund balance established by the city finance policy in effect at the time of the expenditure. Voter 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 cannot be quantified due to variables.

13 Shall Article VII. "Nominations and Elections", Section 7.01. "Nominations and Elections" be amended to permit the general City election to be held on a date other than the second Saturday of May, in accordance with state law? November elections, as currently authorized by statute, may save money if election is held with Harris County.

14 Shall Article IX, "Municipal Court", 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. This amendment has no expected budget impact.

15 Shall Article X. "Franchises and Public Utilities", Section 10.05, "Ordinances Granting Franchises" be amended to provide that franchise ordinances shall be approved in the same manner as other city ordinances requiring two readings, unless otherwise required by state law? Currently, franchise ordinances require three readings and shall not be acted upon until 42 days after the first reading and the full text of the ordinance shall be published one time in the city's official newspaper. Budget impact cannot be quantified due to variables.

16 Shall Article XI. "General Provisions", Section 11.08, "Fire Department and Fire Marshal", be amended to allow expansion of potential service providers 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? Currently, the only two provisions for fire service listed in the 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.

17 Shall Article XI, Section 11.18. "Charter Review Commission" be amended to allow the appointment of a Charter Review Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Commission? ? Currently, the Charter limits the appointment of the Charter Review Commission to once every five (5) years at the first Council meeting in July. Budget impact cannot be quantified due to variables.

18 Shall Article XI, Section 11.16, "Amending the Charter" and Section 11.18 "Charter Review Commission" be combined for easier reference? The new Section 11.16 shall be titled "The Charter Review Commission and Amending the Charter" and all subsequent sections in Article XI shall be renumbered accordingly. This amendment has no expected budget impact.

19 Shall Article XI, Section 11.24, "Comprehensive Master Plan Review Commission" be amended to allow the appointment of a Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Comprehensive Master Plan Review Commission and to allow Council to extend the six (6) month term of the Commission? Currently, the Charter limits the appointment of the Comprehensive Master Plan Review Commission to once every five years and there is no provision for a term extension. Budget impact cannot be quantified due to variables.

20 Shall Article XI, Section 11.28, "Other Charter Requirements" be amended to clarify, confirm and specify that all city appointees of boards, corporations, organizations, committees and other related entities shall conform to the requirements of the Charter provisions regulating personal interest, conflicts of interest, nepotism and ethics? Currently the Charter refers to entities and does not specify individual members. Budget impact cannot be quantified due to variables.

INTERLOCAL CONTRACTUAL AGREEMENT CONCERNING BREATH ALCOHOL TECHNICAL SUPERVISOR

This is an Agreement entered into on the _____ day of _____, 2014, by and between the CITY OF LEAGUE CITY, TEXAS, a home rule City existing in Galveston and Harris Counties, Texas, (hereinafter sometimes called "COLC") and the following governmental entities: THE COUNTY OF GALVESTON, TEXAS, acting on behalf of the offices of its Criminal District Attorney and its Sheriff, a Texas County, CITY OF WEBSTER, TEXAS, a home rule City in Harris County, Texas, CITY OF SEABROOK, TEXAS, a home rule City in Harris County, Texas, CITY OF SOUTH HOUSTON, TEXAS, a home rule City in Harris County, Texas, CLUTE, TEXAS, a home rule City in Brazoria County, Texas, TEXAS CITY, TEXAS, a home rule City in Galveston County, Texas, PEARLAND, TEXAS, a home rule City in Brazoria County, Texas and CITY OF FRIENDSWOOD, TEXAS, a home rule City in Galveston and Harris Counties, Texas, pursuant to the Interlocal Cooperation Act of Texas (Chapter 791, Texas Government Code).

WITNESS:

WHEREAS, all of the contracting parties hereto have need for the services of a certified (by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety) Breath Alcohol Technical Supervisor, hereinafter sometimes collectively called "Breath Alcohol Technical Supervisor", and for an Evidential Breath Alcohol Instrument (also certified by the same Texas DPS Scientific Director) for use in law enforcement and prosecution of Driving While Intoxicated (hereafter "DWI") arrests; and

WHEREAS, each party shall provide its own certified Evidential Breath Alcohol Instrument including all enhancements, betterments or upgrades selected by the COLC during the term of this agreement at its own cost, but the COLC is committed to providing the Breath Alcohol Technical Supervisor for the provision of services described herein for the COLC and all the collective governmental entities named herein, using and supervising the use of said in house Evidential Breath Alcohol Instrument at the offices of the various contracting parties. That employee/Breath Alcohol Technical Supervisor of the COLC shall be a Breath Alcohol Technical Supervisor at the COLC, who job description shall be that he/she shall, in a capable and professional manner:

1. Comply with and meet all Breath Alcohol Testing Regulations set forth in the Texas Breath Alcohol Regulations Title 37 Public Safety and Corrections, Part 1 Texas Department of Public Safety Chapter 19, Breath Alcohol Testing Regulations, Subchapter A, Breath Alcohol Testing Regulations attached hereto and incorporated herein by reference as Exhibit "A" is a recitation of said regulations.
2. Perform any other duties by the Scientific Director, Alcohol Testing Program, Texas Department of Public Safety, which are either required now or in the future as a predicate to admissibility of evidence related to the Evidential Breath Alcohol Instrument equipment or the methods, processes or procedures utilized or followed by each entity.
3. Provide all breath testing needs including mouthpieces and all other collateral supplies (except an ample supply of blood tubes and all State mandated and required paperwork for filing as part of a Driving While Intoxicated (DWI) arrest which shall be provided by the applicable governmental entity).
4. Recognize that he/she is an employee at will of COLC who has no express or implied contract of employment and whose employment may be terminated at any time for any lawful reason; and

WHEREAS, there are significant savings to be realized by the various contracting parties hereto if this service is provided by the employee/Breath Alcohol Technical Supervisor of one entity for the joint use of all named entities herein on a collective cost sharing basis; and

WHEREAS, COLC shall hire the employee/Breath Alcohol Technical Supervisor for purposes of this agreement and all other duties as assigned; and

WHEREAS, all other entities named herein seek the benefit of such services from COLC and understand that in return COLC requires the predictability of a minimum term for the agreement and a predictable allocation of the costs receivable over that term, but not thereafter unless renewed and agreed in writing; and

WHEREAS, COLC has (or shall have by the time the program is initiated) adequate personnel for this service and it would be more cost efficient for the other entities to share in the subject costs, as made the basis of this agreement; and

NOW THEREFORE, for the consideration hereinafter stated the parties do hereby agree as follows:

I.

The terms of this contract shall be for a period of sixty (60) months commencing October 1, 2014, and continuing until September 30, 2019. Any Renewal and/or Proposals concerning this, or subsequent, contract(s), shall be submitted to all parties in contract form, ready for signature no later than sixty (60) days prior to the ending of this contract.

This Agreement will automatically be extended beyond the expiration date to allow each participating agency to review whether or not it wishes to renew the Agreement unless terminated earlier by the provisions of the Agreement. This extension is for a maximum period of six months or until April 1, 2020.

II.

The objective of this contract is to achieve economies of scale by reducing the cost of multiple Breath Alcohol Technical Supervisors for the respective governmental entities.

III.

The recitals in the preamble are incorporated herein as findings and terms. Each entity shall purchase and make available the standardized Intoxylzer hardware called for in the preamble herein. COLC shall provide the Breath Alcohol Technical Supervisor more particularly described in the same preamble. The job performance, duties and responsibilities of the certified Breath Alcohol Technical Supervisor shall be the responsibility of COLC because the certified Breath Alcohol Technical Supervisor shall be an employee of COLC, shall be subject to COLC employee benefits, job performance standards and merit raises and the cost of same has been estimated and calculated to be a gross annual amount of $91,442.00 for each year to provide this employee to meet the objectives contained herein. That cost shall be prepaid annually to COLC by each contracting party in an amount equal to a fraction determined by a numerator of the total gross cost indicated and a denominator of the total signatory parties to this agreement. In the first quarter of the year after each full year is experienced, the real costs actually incurred shall be calculated and compared to the amount prepaid for the year in question and the pro rata cost (and the new prepaid estimate to be charged) shall be adjusted accordingly. The obligation to pay an equal share for the full five year term shall be enforceable by COLC against any other party whether or not that party decides to withdraw during the term. Such a take or pay provisions shall expire after the first five year term unless agreed otherwise in writing.

IV.

All parties shall abide by reasonable Rules and Regulations established by COLC concerning maintenance of the Evidential Breath Alcohol Instrument equipment, record keeping, documentation or the upgrades or changes to standard equipment and the procedures to follow in the implementation of this contract. COLC agrees that, at a minimum, all Rules and Regulations it establishes will be in strict compliance with Texas Department of Public Safety Rules and Regulations. COLC shall notify all parties in writing, as to any changes to such Rules and Regulations. No changes in Rules and Regulations shall be implemented without the notification of all parties prior to the effective date of such changes. Should any party disagree with or object to the proposed Rules and Regulations, COLC will meet with such party and attempt to reach a mutually agreed upon solution to the disagreement or objection.

V.

Should any party to this Agreement note any material deficiency in the performance of services provided by the Breath Alcohol Technical Supervisor, such deficiency will be reported to the COLC Chief of Police. The COLC Chief of Police shall ensure such deficiencies ae corrected within ten (10) days. If however, the deficiencies are not corrected, the reporting party may terminate its further involvement in this Agreement with no further obligations.

VI.

This contract may be terminated by COLC upon sixty (60) days written notice. Upon the effective date of such termination, all prepaid but unused payments for services will be refunded by COLC to each party. Any other party may terminate its participation in this agreement upon thirty (30) days written notice to the other parties. Upon termination by a party no prepaid but unused payment for services shall be refunded. Unless a withdrawing party terminates its participation in this Agreement in accordance with Article V, the withdrawing party shall pay as it accrues the pro rata share of the withdrawing party for the remainder of the full five (5) year term. There shall be no refunds.

To the extent permitted by the laws and Constitution of the State of Texas, all parties shall be obligated to make payments under this contract from funds budgeted and appropriated for that purpose. Should a party be delinquent in any payment during the first five (5) year term or should a party fail to appropriate funds to make payments during any fiscal year during the term of this contract, COLC shall cease to be obligated to provide the services unless and until the delinquency is cured but the obligation of the party to pay shall not expire.

In conformance with Texas Government Code Section 791.011(d)(3), each payment due from a party to COLC for services provided for herein are payable from the party's then current revenues.

This Agreement will automatically be extended beyond the expiration date to allow each participating agency to review whether or not it wishes to renew the Agreement unless terminated earlier by the provisions of the Agreement. This extension is for a maximum period of six months or until April 1, 2020.

CITY OF LEAGUE CITY, TEXAS

By: Timothy Paulissen, MAYOR

ATTEST:

City Secretary, City of League City, Texas

CITY OF SEABROOK, TEXAS

By: Glenn Royal, MAYOR

ATTEST:

City Secretary, City of Seabrook, Texas

CITY OF PEARLAND, TEXAS

By: Tom Reid, MAYOR

ATTEST:

City Secretary, City of Pearland, Texas

CITY OF CLUTE, TEXAS

By: Calvin Shiflet, MAYOR

ATTEST:

City Secretary, City of Clute, Texas

CITY OF WEBSTER, TEXAS

By: Donna Rogers, MAYOR

ATTEST:

City Secretary, City of Webster, Texas

CITY OF TEXAS CITY, TEXAS

By: Matt Doyle, MAYOR

ATTEST:

City Secretary, City of Texas City, Texas

CITY OF SOUTH HOUSTON, TEXAS

By: Joe Soto, MAYOR

ATTEST:

City Secretary, City of South Houston, Texas

GALVESTON COUNTY, TEXAS

By: Mark A. Henry, Judge

ATTEST:

Galveston County Clerk

CITY OF FRIENDSWOOD, TEXAS

_____

By: Kevin M. Holland, MAYOR

ATTEST:

_____

City Secretary, City of Friendswood, Texas

The City Council of the City of Seabrook met in regular session on Tuesday, January 20, 2015 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO (arrived late)	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM & COUNCIL PLACE 3
MELISSA BOTKIN (absent)	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
O.J. MILLER	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MEREDITH BRANT	ASSISTANT CITY SECRETARY

Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Present the 2014 annual Economic Development Corporation Report. (EDC)

President Paul Dunphey gave the annual report for EDC.

1.2 Present the Quarterly Communications and Marketing Report. (Dearman)

Ms. Dearman gave the quarterly report.

Councilor Giangrosso arrived at 7:19 p.m.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Councilor Giangrosso announced upcoming events.

Mayor Royal announced that Kevin Padgett of the Parks Department and the Parks and Open Space Committee were given an award from H-GAC for planting trees in the parks.

3.0 BID AWARDS

3.1 Award RFP 2014-08, Post Disaster Debris Removal and Disposal Services to CrowderGulf as primary contractor, Ceres as secondary contractor and TFR

Enterprises as tertiary contractor and approve applicable contracts. There is no expense unless the contract(s) are activated.

The City's Emergency Management Coordinator, Jeff Galyean, explained the process for the selection of these contractors and noted that they replace the Omni Pinnacle agreement.

Motion was made Councilor Llorente and seconded by Councilor Miller

To award Post Disaster Debris Removal and Disposal Services to CrowderGulf as primary contractor, Ceres as secondary contractor and TFR Enterprises as tertiary contractor and approve applicable contracts.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 CONSENT AGENDA

4.1 Approve application for Lucky Trail Marathon to be held on March 14 and 15 at Meador Park. This annual event is sponsored by Running Alliance Sport and anticipates 700 participants in the event. Police will be required and directional signs will be used. (Applicant)

4.2 Approve minutes of the joint meeting of City Council and the Planning & Zoning Commission of January 6, 2015. (Glaser)

4.3 Approve minutes of the regular City Council meeting of January 6, 2015. (Glaser)

4.4 Approve the November 2014 Building Report. (Landis)

4.5 Approve the December 2014 Building Report. (Landis)

4.6 Approve proposed Resolution No. 2015-01, "Debt Management Policy" (Lab)

A RESOLUTION OF THE CITY OF SEABROOK TEXAS ESTABLISHING, APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY FOR THE CITY OF SEABROOK.

Motion was made by Mayor Pro Tem Johnson and seconded by Councilor Llorente

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.0 NEW BUSINESS

5.1 Consider approval of an agreement with McGuire Woods. LLP to serve as Bond Counsel due to the transfer of Marcus Deitz from Fulbright & Jaworski, LLP to McGuire Woods, LLP: and authorize the city manager or mayor to request that Fulbright & Jaworski, LLP transfer all pertinent records to Marcus Deitz. (Lab)

Finance Director Pam Lab stated that the city has engaged Mr. Dietz for many years as Bond Counsel and would like to continue that relationship.

Mr. Dietz stated that McGuire Woods is a better platform in which to serve his clients and added that he would be honored to continue his service to the City of Seabrook.

Motion was made by Mayor Pro Tem Johnson and seconded by Councilor Miller

To approve the agreement with McGuire Woods, LLP as Bond Counsel and to request a transfer of pertinent records from Fulbright & Jaworski, LLP to Mr. Dietz.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.2 Consider first and final reading of proposed Ord. No. 2015-01, Issuance of General Obligation Bonds, Series 2015. (Bond Attorney)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF SEABROOK, TEXAS GENGERAL OBLIGATION BONDS, SERIES 2015; AWARDING THE SALE THEREOF; AND CONTAINING MATTERS INCIDENT THERETO.

Ms. Lab introduced Rick Manchaca of BOSC, Inc. who gave a presentation and overview of the general obligation bonds including market conditions, sources and uses of funds, and debt service requirements.

In response to Mayor Royal's questions, Mr. Manchaca stated that there were multiple purchasers of debt and the city's S & P rating is AA.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the first and final reading of Ordinance No. 2015-01 with the reading of the caption serving as a reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.3 Consider revised Seabrook Economic Development Corporation Façade Improvement Program as approved by the SEDC on July 10, 2014. (Chavez)

EDC Director Paul Chavez stated that the Façade Improvement Program has been marketed to the local business community. It is a means by which a business can improve its storefront. To date, no business has been approved for the program.

In response to Councilor Miller's question, Mr. Chavez stated that there is currently $40,000 in the budget for this program.

Motion was made by Councilor Llorente and seconded by Mayor Pro Tem Johnson

To approve the Façade Improvement Program as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.4 Consider approval of Seabrook Economic Development Incentive Policy as approved by EDC on August 14, 2014. (Chavez)

Mr. Chavez explained that this policy is a general purpose document and covers all incentives offered by the EDC. It will serve as a useful tool for businesses currently located on SH 146.

Motion was made by Councilor Miller and seconded by Mayor Pro Tem Johnson

To approve the policy as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.5 Consider participation in the Economic Alliance Advocacy trip to Washington, D.C. April 13-16, 2015. (Royal)

Mayor Royal stated that he had gone on this trip last year and even though it was expensive, it was worth it. It is educational as well as a great opportunity for networking and having the city's concerns heard.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To table this item until the next meeting.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

6.1 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

Ms. Cook gave an update on the status of the new facility for Public Works. She stated that everything is on schedule at this time. Staff has met with the water park vendors for the splash pads and IT with fiber optic vendors.

Ms. Cook also reported on the results of the traffic study of Mystic Village and the traffic was not gauged as high volume and the speed was mostly within the speed limit. She added that she hopes to present a traffic management plan in the near future which will provide optional approaches and solutions for such situations.

Councilor Llorente asked that Surf Oak improvements be removed.

Motion was made by Councilor Kolupski and seconded by Mayor Pro Tem Johnson

To approve the action item checklist and remove Item #19 concerning Surf Oaks.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.2 Establish future meeting dates and agenda items. (Council)

On February 3 and February 17 there will be special meetings at 6:00 p.m. before the regular meetings at 7:00 p.m.

7.0 EXECUTIVE SESSION

At 8:09 p.m., Mayor Royal announced that City Council would hold a closed executive meeting 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 in Section 551.074, Personnel Matters.

Section 551.074

7.1 Conduct an executive session to deliberate the employment, evaluation and duties of the City Manager, pursuant to Section 551.074 Texas Government Code. (Royal)

8.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 8:44 p.m. and announced that Item 7.1 had been discussed, but no action had been taken.

Motion was made by Councilor Kolupski and seconded by Councilor Miller

To increase Ms. Cook’s salary based on a standard COLA (cost of living adjustment), provide for a two per cent increase to Step B of the pay grade and a performance bonus.

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon motion the meeting was adjourned at 8:47 p.m.

Approved this 3rd day of February, 2015.

_____
Glenn Royal, Mayor

_____
Meredith Brant, TRMC
Assistant City Secretary

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, FEBRUARY 3, 2015

Submitter/Requestor: **Date Submitted: 1/29/2015 4:36:12 PM**

Presenter:

Description/Subject:

Purpose/Need: NA

Background/Issue(What prompted this need):

Excerpt from the Comprehensive Zoning Ordinance.

2.04.08. Withdrawal of application: Prior to the issuance of the notice of a public hearing before the planning and zoning commission and city council, the applicant may, by written notice to the director of administration, withdraw the application or request rescheduling of the public hearing to a later regular meeting date. Once public notice is given, the applicant may withdraw the application or request for rescheduling only with the approval of the city council. The city council may reject a request to withdraw an application or request to reschedule and conduct the public hearing as stated in the notification and take action as appropriate within the context of the public notice provided.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Joint public hearing notice

Request from applicant

Fiscal Impact:	Budgeted	Yes	Finance Review:	Officer
	Budget Amendment Required	Yes		

Future/Ongoing Impact Yes

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?
Consent Agenda

Suggested Motion:

As the February 17, 2015 public hearing notice has already been posted, published in THE CITIZEN newspaper and mailed to property owners, Council must approve any request for cancellation or rescheduling.

Agenda Language:

Consider request by Bill Friedrichs, Jr. to withdraw his request for the February 17, 2015 joint public hearing at 6:00 p.m. to present plans for a PUD to consist of approximately 269 senior apartments on Repsdorph Road. (Applicant)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

SEABROOK CITY COUNCIL AND
PLANNING & ZONING COMMISSION
JOINT PUBLIC HEARING NOTICE
TUESDAY, FEBRUARY 17, 2015 – 6:00 P.M.

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEABROOK WILL HOLD A **JOINT PUBLIC HEARING ON TUESDAY, FEBRUARY 17, 2015** AT **6:00 P.M**. IN SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, COUNCIL CHAMBERS TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK FOR OR AGAINST THESE REQUESTS IN ACCORDANCE WITH THE PROCEDURES OF CITY COUNCIL AND THE COMMISSION. ALL REQUIRED DOCUMENTS REGARDING THESE REQUESTS ARE AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5600 IF YOU HAVE QUESTIONS.

SPECIFIC PUBLIC HEARINGS

Request for FINAL APPROVAL of a Planned Unit Development (PUD) to create a Senior Living Complex of approximately 269 units on approximately 12.2 acres of land.

Applicant: William Friedrichs, Jr., 16865 Diana Lane Ste 200, Houston, TX 77058
Owner: CL Repsdorph LLC, 111 E. Jericho TPKE FL2, Mineola, NY 11501
Owner: Jack Hornsby Jr., 406 Lakeshore Drive, El Lago, TX 77586
Owner: James Hussion Jr., 22110 Terrace Gate Lane, Katy, TX 77450-8054
Owner: Charles & Jan Bosone, PO Box 7, Seabrook, TX 77586

Legal Description: Tracts 1F, 1J, 1, 1H, 1G-1, 1G and 13, Repsdorph Partition, Abstract 52 in the Ritson Morris Survey, Harris County Texas. This property is located immediately east of Repsdorph and south of Brummerhop Park.

CERTIFICATE

I certify that this notice was posted on the bulletin board at Seabrook City Hall on or before 5:00 p.m., Thursday, January 22, 2015 and that it will remain posted until after completion of the hearing.

s/Michele L. Glaser, TRMC
City Secretary

-----Original Message-----
From: Sean Landis
Sent: Friday, January 30, 2015 8:10 AM
To: Michele Glaser
Subject: FW: Chesapeake senior project

-----Original Message-----
From: Office Sent: Thursday, January 29, 2015 11:29 PM
To: Sean Landis
Cc:

Sean
Would you please remove my project from the
2-17-15 joint P&Z & Council meeting. We are going to re-submit our project on the 3-17-15 joint meeting in a different format. We are going to re position the project further south towards Nasa rd. This will preserve 90% of the wet lands on the north end of our development and better situate us with the Sawyer Cul de sac that we back up to.
Please send this to everyone in this email verifying our next 3 city meetings.

Regards. Bill

Sent from my iPhone

RESOLUTION NO. 2015-02
UPDATE IN SANITATION PROCEDURES AND RATES

A RESOLUTION REESTABLISHING SANITATION PROCEDURES AND UPDATING RESIDENTIAL CHARGES AND COMMERCIAL CHARGES FOR SANITATION SERVICES AND REPEALING RESOLUTION NO. 2014-02.

WHEREAS, the City Council of the City of Seabrook approved a new contract with Waste Management Inc on November 18, 2014 which amended the city residential and commercial sanitation procedures and rates;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

THAT, sanitation procedures and rates for residential and commercial customers shall be revised effective with the billing cycle beginning January, 2015 in accordance with the new contract. Such revisions are shown on Exhibit 1 which is attached and made a part of this Resolution.

THAT, twice a week garbage collection shall be provided to residents (excluding any complex with dumpster service) at the rate indicated in Exhibit 1. Once a week pick-up of recyclables shall be provided to residents at no extra charge. Multi-family complexes using dumpsters shall be charged an additional rate per unit, per month for recycling as shown in Exhibit 1. Residents shall have the option of using a 101 gallon tote cart or plastic garbage bags to be provided to residents as part of the monthly sanitation fee. If a resident selects bags these will be made available three times per year in January May and August. After the initial selection, change in service from carts to bags or from bags to carts must coincide with the delivery of bags as stated above.

THAT, persons sixty-five (65) years and older shall be exempt from paying a residential sanitation charge but shall still be eligible for carts or bags from the City. Proof of age is required for this exemption.

THAT Resolution 2014-02 is hereby repealed with the adoption of Resolution 2015-02.

AND IT IS SO ORDERED.

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF FEBRUARY 2015.

_____
ATTEST: GLENN R. ROYAL, MAYOR

_____
MICHELE L. GLASER, TRMC
CITY SECRETARY

SCHEDULE "A"
Base Rates
City of Seabrook, Texas
January 1, 2015
(All Rates Include the City's Franchise Fee and Billing Fee)

Residential –$20.95/per month
Commercial Hand Collect -$45.86/per month
Multi-Family Recycle- $2.97/per family unit per month

Container Size	Commercial Collection Frequency 1x/wk	2x	3x	4x	5x	6x
2yd.	$88.63	119.32	147.19	171.24	189.33	225.40
4yd.	$112.85	199.48	226.13	295.24	376.14	450.16
6yd.	$146.56	268.67	326.64	447.06	563.29	688.35
8yd.	$198.58	340.30	442.80	595.79	766.61	913.83

Compactor per pick up

	Haul Rate	**Disposal**	**Total**
40 cubic yard	$284.86	427.26	712.12
28 cubic yard	$284.86	299.08	583.94

Front Load Compacted per cubic yard $16.71

Castor Charge per container per month $25.00 limited to 2 cubic yard containers

Extra Pick up Fee

2 yd. 65.00

4 yd. 88.00

6yd. 111.00

8 yd. 136.00

Permanent Roll off Bin:

Delivery Fee 0

Rental per month 157.24

Rental per day 5.94

	Haul	Disposal	Total
20 cubic yard	225.50	204.15	429.64
30 cubic yard	225.50	306.21	531.71
40 cubic yard	225.50	408.28	633.78

Misc. Rates

Dead Head Fee 221.80

Relocate Fee 133.09
Truck Time 133.08/hour

Any additional services requested by Customers will be negotiated directly between the Customer and the Contractor.

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, FEBRUARY 3, 2015

Submitter/Requestor: **Date Submitted: 1/26/2015 3:39:00 PM**

Presenter:

Description/Subject:

THE RATE STUDY IS AN ATTACHMENT FOR THE SPECIAL MEETING AT 6:00 P.M.

Purpose/Need: NA

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:
(Please list description of attachments and number of pages in each attachment)
Study
Current Water/Sewer Rates

Fiscal Impact:	Budgeted	Yes	Finance Officer Review:
	Budget Amendment Required	Yes	
	Future/Ongoing Impact	Yes	
	Budget Dept/Line Item Number		

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Agenda Language:

Accept the Five-Year Water & Sewer Rates Study as presented at the special meeting on February 3, 2015 at 6:00 p.m. and direct city staff to prepare a resolution authorizing the new rates. (Cook)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

RESOLUTION NO. 2011-13
CORRECTING WASTEWATER UTILITY RATES

A RESOLUTION LISTING THE CORRECT WATER AND WASTEWATER UTILITY RATES EFFECTIVE WITH THE AUGUST 15-SEPTEMBER 15, 2011 BILLING CYCLE FOR THE CITY OF SEABROOK AS THE WASTEWATER RATES LISTED IN RESOLUTION NO. 2011-09 WERE THE 2010 RATES AND WERE INCORRECT. THIS RESOLUTION REPLACES RESOLUTION NO. 2011-09 WHICH WAS APPROVED ON JULY 19, 2011.

WHEREAS, on March 8, 1988, the City of Seabrook entered into a contract with the City of Pasadena to purchase potable water; and

WHEREAS, the City of Seabrook received a letter from the City of Pasadena dated June 27, 2011; and

WHEREAS, this letter stated the base price per thousand gallons of water being sold to the City of Seabrook was increasing from .6429 to .7297; and

WHEREAS, the City Council adjusted the water rates to compensate for the increased charge from the City of Pasadena by the adoption of Resolution No. 2011-09 on July 19, 2011; and

WHEREAS, the wastewater (sewer) rates were not to be affected by this adjustment; and

WHEREAS, Resolution No. 2011-09 listed the 2010 wastewater rates in error instead of the correct 2011 wastewater rates which had been adopted on November 16, 2010 with the approval of Resolution No. 2010-21; and

WHEREAS, actual utility rate fees are established and amended by Resolution; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. WATER RATES.

A. WATER RATES FOR SINGLE METER RESIDENTIAL AND ALL COMMERCIAL CUSTOMERS (SINGLE CUSTOMER AND MULTI CUSTOMER COMMERCIAL METERS).

2011 water rates for these customers in the City of Seabrook shall be as shown below. The minimum bill charge is based on the customer's meter size as shown below and includes up to 2,000 gallons of water usage per month.

Meter Size	Minimum Bill (for first 2,000 gal)
5/8”	$ 9.68
¾”	$ 14.43
1”	$ 23.94
1.5”	$ 47.69
2”	$ 76.20
3”	$ 152.22
4”	$ 237.74
6”	$ 475.31

All over 2,000 gallons to 10,000 gallons is: $2.84 per thousand gallons.
All over 10,000 gallons to 15,000 gallons is: $3.38 per thousand gallons.
All over 15,000 gallons is: $4.04 per thousand gallons.

B. WATER RATES FOR MULTI-FAMILY METER CUSTOMERS.

A minimum charge of $ 9.68 per month shall be charged for each living unit serviced by the same meter. This minimum charge will include usage of up to 2,000 gallons per month, per unit.

In addition, all gallons over the minimum allotment will be charged as follows:

4,001 to 10,000 gallons is: $ 9.68 per thousand gallons.
All over 10,000 gallons is: $ 3.38 per thousand gallons.

For example, a water meter serves three (3) residential customers. 11,000 gallons usage is recorded for one month. The charge is computed as follows:

3 units X $ 9.68 $ 29.04 base rate.
(This pays for the first 6,000 gallons of water.)

6,001 gallons – 10,000 gallons @	$ 2.84 per/1000	$11.36
10,001 gallons – 11,000 gallons @	$ 3.38 per/1000	$ 3.38
TOTAL MONTHLY WATER BILL		$43.78

SECTION 2. SEWER RATES.

A. 2011 RESIDENTIAL, MULTI-FAMILY AND LIGHT COMMERCIAL

First 2,000 gallons	$ 19.02 minimum
All over 2,000 gallons, per 1,000 gallons	$ 3.62
Maximum charge based on 14,000 gallons	$ 62.46

B. 2011 COMMERCIAL SEWER RATES

First 2,000 gallons	$26.96 minimum
All over 2,000 gallons, per 1,000 gallons	$ 4.76

C. 2011 INDUSTRIAL SEWER RATES

First 2,000 gallons	$26.96 minimum
Over 2,000 gallons per 1,000 gallons	$ 4.76
Over 14,000 gallons, per 1,000 gallons	$ 1.76

For multi-family dwellings, the monthly charge is based on the connection equivalent of the property whereby the charge is on a per unit basis determined by dividing the total consumption on the master meter(s) by the number of units in the dwelling. The average consumption per unit is used to calculate the sewer charges for each unit. Then the average charge per unit times the number of units, equals the total sewer charge for that meter(s).

SECTION 3. CUSTOMER UTILITY DEPOSITS.

There shall be no increase in customer deposit rates in the City of Seabrook. Customer deposit rates shall remain as follows:

Homeowner, multi-family living unit equivalent	75.00
Tenant or Lessee	75.00
Commercial; 3 months average use, but not less than	100.00
Builder's temporary deposit	100.00
Builder's permanent deposit, per unit, payable at time of water tap	25.00

SECTION 4. DEFINITIONS.

The following definitions shall apply to this resolution.

Light Commercial:	Office and professional occupancy only.
Commercial:	All businesses other than above.
Industrial:	A process plant which discharges 70 percent or more of wastewater to storm sewer facilities as determined by the Director of Public Works.
Multi-family meter:	Any water meter which serves more than one (1) living unit. For example, an apartment building has one (1) water meter to serve 10 separate apartment units. Or a duplex has one (1) water meter to serve two (2) separate duplex units.

Multi customer commercial meter:

Any water meter which serves more than one business or commercial enterprise. For example, a shopping plaza has one water meter to serve 10 separate businesses/or shops.

Single customer meter:

Any water meter which serves only one (1) living unit or one (1) commercial business or store.

AND IT IS SO ORDERED.

PASSED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 2011.

_____
Glenn R. Royal, Mayor

ATTEST:

_____
Michele L. Glaser, TRMC
City Secretary

 Revised 03/11

CITY OF SEABROOK
PARADE, CARNIVAL, SHOW, FESTIVAL, SPECIAL OR COMMUNITY EVENT APPLICATION

Date of Application: 1/14/15 Name of Applicant: Malia Pyle

Full Address of Applicant: 12672 Silicon Dr. Suite 105 San Antonio, TX 78249

Day Time Phone (904) 891-1307 Night time phone ( ) Same

e-mail address: mpyle@woundedwarriorproject.org

Name of Organization, Firm or Corporation on whose behalf this application is made: Wounded Warrior Project

Address of Organization (if different from above): Same

City _____ State _____ Zip Code _____

Phone Number of Organization (if different from above): ( ) Same

Is the organization recognized as a non-profit organization for tax purposes? yes

Requested Date(s) **and** Times of the Event: Friday, March 6th, 2015. Start: 9:00am End: 11:30am

Location of the Event: See attached map of route

Give a brief description of the event: Private, adaptive cycling event.

Estimated No. of Workers 5 Estimated No. of Attendees 105

Will the event be held in a parking area? no. If so, how many parking spaces will be temporarily lost? _____.

How many parking spaces are you providing for the event? none

Will any portion of this event be held on city property? If so, where? _____

Will alcohol be served? no If so, you are required to pay an additional deposit if you wish to serve alcohol on city property. You must also contact the Texas Alcoholic Beverage Commission.

Will admission be charged for this event? no

Do you want to display temporary signs or banners to advertise this event? no

Number of signs for this event Ø Complete the sign permit application attached to the packet. **Please note that signs may only be displayed on private property, with the property owners' permission and with a city permit. Signs are not permitted in any street rights-of-way.**

If this event is a parade, please answer the following additional questions.

Proposed Route (Attach Map): See attached

Estimated number and kind of animals to be used: none

Estimated number of parade participants including, animals and riders, bicycle riders, animal-drawn vehicles, floats motor vehicles, motorized displays and marching units or organizations, such as bands, color-guards, and drill teams: 65 riders

THIS SECTION NEEDS TO BE COMPLETED IN ORDER TO PROCESS YOUR APPLICATION.

This application has been reviewed by the Seabrook Police Chief or designee and the signature below verifies that adequate provisions for security have been made by the applicant.

Print name
Police Department Representative

Date Approved

Signature
Police Department Representative

Comments:

I have enclosed the following items as part of my application:

1. **A completed application form including approval by the Seabrook Police Department.**
2. **Permit fee in the amount of $ 50.00. (Non-profit organizations may substitute a letter of request to the City Council requesting a waiver of the permit fee.**
3. **If event is a parade a deposit fee of _____ is included. Deposits are not waived.**
4. **A certificate of insurance, naming the City of Seabrook as certificate holder. This insurance provides protection of not less than $100,000 against liability for damages to property and protection of not less than $100,000 for protection of injury to the death of one person and of not less than $300,000 for protection against injury to death of two or**

more persons in a single accident or occurrence. (A sample certificate of insurance is enclosed.)

5. **For special events, a site plan is attached as required by the Code of the City of Seabrook, Section 4.07. (See attached excerpt.)**

6. **For parades, a map showing the parade route is attached.**

NO APPLICATION WILL BE ACCEPTED UNLESS ALL ITEMS LISTED ABOVE ARE PROVIDED.

As applicant, I certify that all information contained in this application is true and correct to the best of my knowledge. I state that I am fully authorized to act and contract for any persons, organizations, firms or corporations on whose behalf this application is made. As applicant for the above organization, I do contract and agree that they will jointly and severally, indemnify and hold the City of Seabrook harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the conduct of the participants. As applicant, I understand that I may be held liable as principal in place of the organization for the cost of cleaning or repairing city property which may have sustained damage as a result of the special event. I understand that a special events permit may be issued for no more than five consecutive days. If the permit is granted, I, as representative, agree to adhere to all city ordinances regarding the special event.

I understand that If I am applying to use a city park, community house or other city facility to hold this event, additional applications and fees will be required.

I understand that all required applications, accompanying documents and fees must be submitted to the City Secretary's Office at least 30 days prior to the date of the event, and that the event may not be held without approval of the Seabrook City Council. I have read and have agreed to the above conditions.

Malia Pyle
Signature of Applicant

Malia Pyle
Printed Name of Applicant

Date Submitted

FOR OFFICE USE ONLY

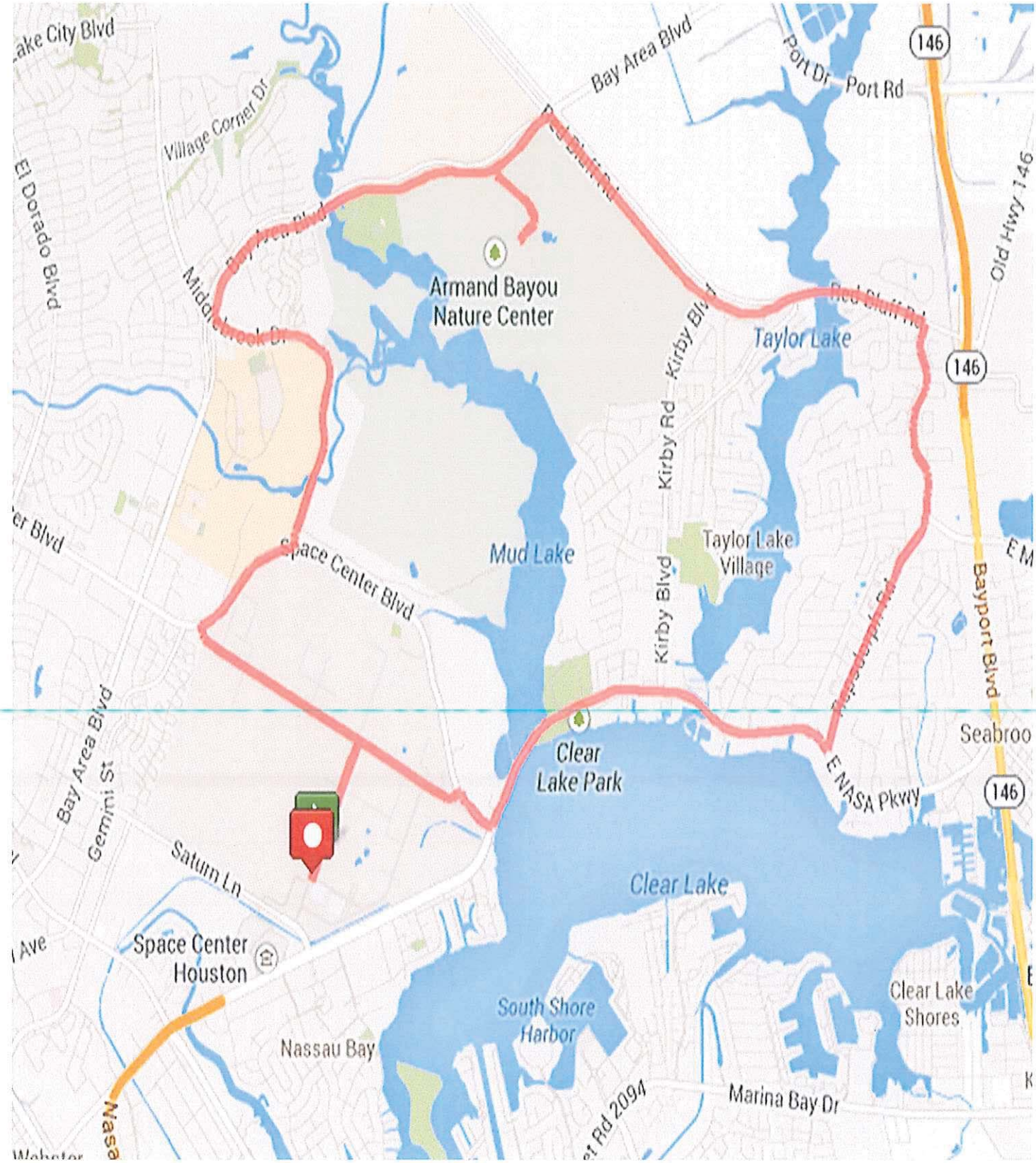
Reviewed by City Secretary Date

If applicable: Fire Marshal notified _____ Building Official Notified _____ City Mgr _____

This application has been reviewed by the Seabrook City Council on _____
and has been APPROVED DENIED.

The following conditions are placed upon this event: _____

Soldier Ride Houston – NASA/Seabrook
Friday, March 6th, 2015



Wounded Warrior Project
Soldier Ride - Houston
Friday, March 6th, 2015

Description of Proposed Activity

Soldier Ride is a Wounded Warrior Project initiative that provides adaptive cycling opportunities *across the country* to help wounded warriors restore their physical and emotional well-being. It is a unique adaptive cycling experience that honors our military men and women as they courageously battle the physical and psychological damages of war. Through the exhilaration of cycling, warriors embrace possibilities for the future in a supportive environment with fellow injured service members.

Wounded Warrior Project provides equipment and support to participating injured service members at no cost to the warrior. Soldier Ride raises funds for Wounded Warrior Project programs and initiatives to ensure this generation is the most successful, well-adjusted generation of wounded warriors in our nation's history. This year, Wounded Warrior Project's Soldier Ride tour will be held in over major cities nationwide.

Event Details

This event is not advertised or opened to the public; it is for wounded warriors and support and is exclusive to cycling. Traveling in a tight protective bubble, the rolling escort will include a police escort, a lead WWP van, 50-65 cyclists and a SAG U-Haul carrying supplies.

- **Event Venue Start/Finish Location:**
  NASA
  1601 NASA Pkwy,
  Houston, Texas, USA
  77058

- **Route**
  Please see attached sheets for route maps and turn by turn cues sheets.

- **Schedule of events as planned**

  Friday, March 6th
  - 7:30am WWP staff arrives to set up bikes for warriors
  - 8:15am Warriors arrive
  - 9:00am ride begins
  - 11:30 am anticipated end time

Support Personnel

Below is a list of Wounded Warrior Project staff that will be responsible for the coordination of the event:

- **Malia Pyle,** Logistics Coordinator
  12672 Silicon Drive, Suite 105
  San Antonio, Texas 78249
  904. 891.1307
  mpyle@woundedwarriorproject.org

- **Shana Gibbs,** Event Specialist
  12672 Silicon Drive, Suite 105
  San Antonio, Texas 78249
  904.252.4857
  sgibbs@woundedwarriorproject.org

Police Support

Police: WWP and Soldier Ride will be requesting police support from the local Sheriff's Department, in the form of a rolling police escort the day of the event for our warriors. WWP's utmost concern is safety for our warriors. The traditional model of police support that we have found successful in other Soldier Ride events is as follows:

- Police lead vehicle used to clear major intersections for participants
- Patrol cars/motors in order to leap frog, control intersections
- Police escort for the warriors on the road, creating a protective bubble

Traffic Control Plan

The warrior bubble will travel at 10-15 MPH in a rolling escort and will remain in a tight bubble (as not to span more than 1/8 to ¼ mile), therefore no street or road closures. The police escort will control intersections and travels in the right lane, as traffic will be allowed to pass on the left.

In the case of one lane traffic, traffic will be traveling behind the bubble at this slow pace for a short duration or escorted past the bubble by the Sheriff's Department.

Medical Plan

Wounded Warrior Project will use first responders of the police escort, as well as, medics riding bikes to ensure immediate attention. If a warriors needs to be removed from the course, the Soldier Ride team will place the participant in a SAG vehicle.

Event Clean Up

All event clean-up will be handled by the Soldier Ride staff. We will have trash bins available in our SAG support U-Haul and discard immediately after the event in trash dumpsters.

Event Website:

www.woundedwarriorproject.org

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, FEBRUARY 3, 2015

Submitter/Requestor: **Date Submitted: 1/26/2015 2:53:00 PM**

Presenter:

Description/Subject:

SEE ATTACHMENT 1

Purpose/Need: NA

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:
(Please list description of attachments and number of pages in each attachment)
Final Report with Attachment A
Attachment B

Fiscal Impact:	Budgeted	Yes	Finance Officer Review:
	Budget Amendment Required	Yes	
	Future/Ongoing Impact	Yes	
	Budget Dept/Line Item Number		

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Agenda Language:

Consider the final report and proposed charter amendments recommended by the Charter Review Commission for submission to the voters of Seabrook. (CRC)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, FEBRUARY 3, 2015

Submitter/Requestor: Cook/Chairez **Date Submitted: 1/27/2015 11:22:03 AM**

Presenter: Cook/Chairez

Description/Subject:

Discuss and approve proposal for the Splash Pads to be located at Pelican Bay Swimming Pool and Monroe Fields as part of the November 2014 Bond Program.

Purpose/Need: NA

Background/Issue(What prompted this need):

In November, 2014, the electorate voted to approve two splash pads at the Pelican Bay Swimming Pool area, which would include demolition of the exiting structure, and an additional new location at Monroe Field. The Director and Assistant Director of Public Works immediately began working with vendors that are on the state approved vendor list and have been pre-bid. Three vendors were contacted to discuss the details and scope of our projects. Two vendors completed and returned qualified proposals.

The two proposals were evaluated by the staff and the proposal from Vortex was selected as staff's recommendation.

The total bond project budget for the two sites were $450,000. The proposal from Fun Abounds was returned and totaled $516,166. The proposal from Vortex totaled $449, 879.42 and included an awning and restroom facilities within the proposal.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

City staff, in both proposals, will be demolishing the existing Pelican Bay splash pad structure in-house in addition to pouring a slab for the proposed restroom facility at Monroe Field.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Fiscal Impact:	Budgeted	Yes	Finance Review:	Officer
	Budget Amendment Required	No		
	Future/Ongoing Impact	Yes		
	Budget Dept/Line Item Number			

Funding Comments:

Proceeds from the 2014 Bond Issue

Where on the agenda should this item be placed?
New Business

Suggested Motion:

Approve the recommendation from city staff to proceed with the proposal from Vortex in the amount of $449,870.42 for splash pads at the Pelican Bay Swimming Pool and the Monroe Field.

Agenda Language:

Consider the recommendation from city staff to proceed with the proposal from Vortex in the amount of $449,870.42 for splash pads at the Pelican Bay Swimming Pool and the Monroe Field. Proceeds from the 2014 Bond Issue will be used. Authorization for City Manager to sign pending review by city attorney. (Chairez)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

SEABROOK

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 01/20/2015

Submitter/Requestor: Charles Galyean **Date Submitted:** 01/09/2015

Presenter: Charles Galyean

Description/Subject: Public Safety Fund Expenditures for 2015

Purpose/Need: The Expenditures are items that were submitted to the Public Safety Task force for approval and were approved by the task for purchase.

Background/Issue: At the recommendation of the Public Safety Committee, the new Public Safety Fund was approved by City Council in May 2010. This fund was established to accept donations which will be used to purchase needed equipment for which money is not available in the current operating budget for Police, Fire and Ambulance.

Impacted Parties: Council, Citizens, Public Works, Emergency Management, Police Department, Fire Department

Miscellaneous Comments: All suggested purchases were presented to Public Safety Task Force and discussed among the members.

Recommended Action: Approval of the list presented by the Public Safety Task Force on the purchases for 2015.

Attachments: Public Safety Task Purchase list for 2015.

Fiscal Impact:

Budgeted	_X_ Yes	___ No	Finance Officer Review:
Budget Amendment Required	___ Yes	_X_ No	
Future/Ongoing Impact	___ Yes	___ No	_____
Budget Dept/Line Item Number	_____		

Approximate Total Amount of Expenditure **Budget amount for 2015 is $87,100.00**

Where on the agenda should this item be placed: New Business.

Suggested Motion: Approval of the purchases as presented by the Public Safety Task Force For 2015

Approvals:

	Initials	Date
Approved by City Manager (If applicable) (All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)		
Sent to City Attorney for review (City Attorney should review all ordinances, resolutions, contracts and executive session items.)		
Received and accepted by the City Secretary/Assistant		
Returned by the City Secretary/Assistant (If incomplete)		

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Public Safety Year	Amount Collected	Amount in Reserves	Amount to Spend
FY 2011	$ 86,858.53	$ 8,685.85	$ 78,172.68
		$ -	$ -
FY 2012	$ 92,092.25	$ 9,209.23	$ 82,883.03
		$ -	$ -
FY 2013	$ 95,140.33	$ 9,514.03	$ 85,626.30
		$ -	$ -
FY 2014	$ 96,813.00	$ 9,681.30	$ 87,131.70
Total	$ 370,904.11	$ 37,090.41	

Public Safety Year	Budgeted Amount	Actual Expenses	Savings/Overage
FY 2012	$ 78,172.00	$ 58,878.00	$ 19,294.00
			$ -
FY 2013	$ 82,883.03	$ 69,775.22	$ 13,107.81
			$ -
FY 2014	$ 85,626.30	$ 58,483.18	$ 27,143.12
			$ -
FY 2015	$ 87,131.70	$ -	$ 87,131.70

Reserves			**$ 37,090.41**
Account Balance			**$ 183,767.04**
Available			**$ 146,676.63**

Fiscal Year 2015 List Item	Estimated Cost	Paid	Amout Left
Mule FD	$ 16,000.00		$ 16,000.00
4-Wheeler PD	$ 10,000.00		$ 10,000.00
Quad copter	$ 2,500.00		$ 2,500.00
Universl Chargers CERT	$ 300.00		$ 300.00
GIS Service (City Wide)	$ 2,500.00		$ 2,500.00
Microwave link	$ 7,500.00		$ 7,500.00
Message Board	$ 20,000.00		$ 20,000.00
ReadyOp	$ 6,000.00		$ 6,000.00
Repeater	$ 15,000.00		$ 15,000.00
Radio Headsets	Out of Last year budget		
C-Soft Upgrade (All)	Out of Last year budget		
Watercraft Trailer	Reserve		
TOTAL	$ 79,800.00	$ -	$ 79,800.00

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Fire Department Mule

Purpose/Need:

With the purchase of the equipment in years past, the fire department is in need of a Mule at their location. This will come in handy when it is time to deploy equipment from the fire department and time is not wasted by coming to the police department to pick up the existing Mule and go back to the fire department and deploy the equipment. In the event of an emergency time saves lives and this piece of equipment will significantly reduce the response time when the special equipment needs to be deployed.

Estimated Cost: $16,000.00

Impacted Parties:

All Public Safety response Agencies.

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No**
Seabrook Volunteer Fire Department	**Yes** ✓	**No**
Seabrook Office of Emergency Management	**Yes** ✓	**No**
Clear Lake Emergency Medical Corps	**Yes** ✓	**No**
Citizens Emergency Response Team	**Yes** ✓	**No**

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Police Department 4-wheeler

Purpose/Need:

With the growth in trails and the growth in the department more trail security is going to be place higher on the needs of service. Currently with one Mule and one 4-wheeler a two man deployment will have on or the other. Having two 4-wheelers the areas of which can be patrolled is greater just do to the size of the vehicle. This leaves the Mule for hauling of equipment and extra man power if needed.

Estimated Cost: $10,000.00

Impacted Parties:

All Public Safety response Agencies.

Miscellaneous Comments:

Task Force Approved (YES) NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No**
Seabrook Volunteer Fire Department	**Yes** ✓	**No**
Seabrook Office of Emergency Management	**Yes** ✓	**No**
Clear Lake Emergency Medical Corps	**Yes** ✓	**No**
Citizens Emergency Response Team	**Yes** ✓	**No**

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management Quad Copter

Purpose/Need:

The quad copter is another name for a drone and can be used in surveillance, damage assessment, search and rescue, and situational awareness, during any type of event or incident. The device will be able to be flown over areas while sending back limited video, and once back on the ground the video and pictures can be downloaded onto a computer.

Estimated Cost: $2,500.00

Impacted Parties:

All Public Safety response Agencies.

Miscellaneous Comments:

Task Force Approved (YES) NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No** ____
Seabrook Volunteer Fire Department	**Yes** ✓	**No** ____
Seabrook Office of Emergency Management	**Yes** ✓	**No** ____
Clear Lake Emergency Medical Corps	**Yes** ✓	**No** ____
Citizens Emergency Response Team	**Yes** ✓	**No** ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: C.E.R.T. Universal Chargers

Purpose/Need:

This is the most requested item in the shelter. When citizens are relocated to a shelter the most forgotten thing by citizens is a phone charger. This will provide the C.E.R.T. shelter operators the ability to provide charging stations for all types of electronics.

Estimated Cost: $300.00

Impacted Parties:

Citizens of the Shelter provided by the C.E.R.T. Team

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	Yes ✓	No ____
Seabrook Volunteer Fire Department	Yes ✓	No ____
Seabrook Office of Emergency Management	Yes ✓	No ____
Clear Lake Emergency Medical Corps	Yes ✓	No ____
Citizens Emergency Response Team	Yes ✓	No ____

Chairman Signature **DATE:** 1/15/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management GIS Service

Purpose/Need:

Currently the City of Seabrook is using a third party to host the Public and Private GIS mapping service for the city. Currently the city is paying for the data to be complied and we are also paying for the data to be placed into the map. Also the maps are only published or updated twice a year. The city is paying $3000.00 for the maps to be hosted at this time. With this service for the hosting of the data and maps can be created with the third person in the picture. This is a onetime expense and will be placed in the city budget after this is set up. The reason we are paying for it now is because of several upgrades to the GIS maps in the city and it will be more cost effective to upgrades in the new system than having to pay for it to be done twice.

Estimated Cost: $2,500.00

Impacted Parties:

The City of Seabrook

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No** ____
Seabrook Volunteer Fire Department	**Yes** ✓	**No** ____
Seabrook Office of Emergency Management	**Yes** ✓	**No** ____
Clear Lake Emergency Medical Corps	**Yes** ✓	**No** ____
Citizens Emergency Response Team	**Yes** ✓	**No** ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management Microwave Link

Purpose/Need:

Data Back up and Data Recovery that is what this system is going to provide. This will be a wireless internet connection between the City Hall Complex and the Water tower located on the Repspdorh. Also in this package the police and fire radio system will also be tied into the Kemah Police Department. Thus giving the ability for the Kemah Police Department to come to our location and continue to Dispatch in the event of an emergency. Currently done with active internet but has been a little slow at times

Estimated Cost: $7,500.00

Impacted Parties:

The City of Seabrook

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	Yes ✓	No ____
Seabrook Volunteer Fire Department	Yes ✓	No ____
Seabrook Office of Emergency Management	Yes ✓	No ____
Clear Lake Emergency Medical Corps	Yes ✓	No ____
Citizens Emergency Response Team	Yes ✓	No ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management Message Board

Purpose/Need:

With growing construction projects within the City of Seabrook, this can be an item that can be used for a lot of things. Currently the City of Seabrook has two of them and could more be used yes. The use of the signs is very important to the community and gives them knowledge of the ongoing events in Seabrook

Estimated Cost: $20,000.00

Impacted Parties:

Citizens of Seabrook, All first Responders and visitors coming into the City.

Miscellaneous Comments:

Task Force Approved (YES) NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No** ____
Seabrook Volunteer Fire Department	**Yes** ✓	**No** ____
Seabrook Office of Emergency Management	**Yes** ✓	**No** ____
Clear Lake Emergency Medical Corps	**Yes** ✓	**No** ____
Citizens Emergency Response Team	**Yes** ✓	**No** ____

Chairman Signature

DATE: 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management Ready Op

Purpose/Need:

This is a situational awareness tool, resource awareness and a notification tool for the responders and critical personnel. This is a system that provides a data base of all types of personnel and equipment and makes notification to them in an instant. This is a yearly fee that will be absorbed into the Emergency Management Budget next year. This will have the rights to 50 users of the system and the plan is to give access to Nassau Bay who will pay at the rate of $120 per user. This system has the ability to tie into the radios and can serve as back to the radio system if our system fails.

Estimated Cost: $6,000.00

Impacted Parties:

All Public Safety Responders and Administration Staff of the City of Seabrook.

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	Yes ✓	No ____
Seabrook Volunteer Fire Department	Yes ✓	No ____
Seabrook Office of Emergency Management	Yes ✓	No ____
Clear Lake Emergency Medical Corps	Yes ✓	No ____
Citizens Emergency Response Team	Yes ✓	No ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Emergency Management Repeaters

Purpose/Need:

This is to replace the $15,000.00 that was use to complete the dispatch radio project last year.

Estimated Cost: $15,000.00

Impacted Parties:

All Public Safety Responders

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	Yes ✓	No ____
Seabrook Volunteer Fire Department	Yes ✓	No ____
Seabrook Office of Emergency Management	Yes ✓	No ____
Clear Lake Emergency Medical Corps	Yes ✓	No ____
Citizens Emergency Response Team	Yes ✓	No ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Police Department Radio Headsets

Purpose/Need:

(This item will be paid out of last year budget)
This will purchase two (2) base units and nine (9) individual head sets for the dispatchers. This will give the dispatchers a more professional feel and a better operation of the system. This will keep the dispatch center quieter and will have fewer distractions.

Estimated Cost: $2,100.00

Impacted Parties:

All Public Safety Responders

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No**
Seabrook Volunteer Fire Department	**Yes** ✓	**No**
Seabrook Office of Emergency Management	**Yes** ✓	**No**
Clear Lake Emergency Medical Corps	**Yes** ✓	**No**
Citizens Emergency Response Team	**Yes** ✓	**No**

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Police Department C-Soft Upgrade

Purpose/Need:

(This item will be paid out of last year budget)
The currently software that runs the dispatcher center consoles is scheduled for an upgrade in the spring of this year. This upgrade is not a requirement but it I am told that it will provide more features to the system. It is unknown what those features at this time. From what

Estimated Cost: $2,400.00

Impacted Parties:

All Public Safety Responders

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/14/2015

Seabrook Police Department	**Yes** ✓	**No** ____
Seabrook Volunteer Fire Department	**Yes** ✓	**No** ____
Seabrook Office of Emergency Management	**Yes** ✓	**No** ____
Clear Lake Emergency Medical Corps	**Yes** ✓	**No** ____
Citizens Emergency Response Team	**Yes** ✓	**No** ____

Chairman Signature **DATE:** 1/14/2015

Public Safety Fund
Purchase Plan Request Form

Date of Request: January 14, 2015

Submitter: Emergency management

Presenter: Charles J. Galyean

Description/Subject: Police Department Water Craft Trailer

Purpose/Need:

(This item will be paid out of reserve as it fits into the category if awarded)
Currently the Chief of Police is pursuing a loaner program through Kawasaki that provides local Law Enforcement with two personal water crafts for the use of enforcement. The department will receive the water crafts free of charge for two years and then after two years they are returned and two additional water crafts are provide. The only catch is that a trailer is not included. In the event the program is granted to the Police

Estimated Cost: $2,000.00

Impacted Parties:

All Public Safety Responders

Miscellaneous Comments:

Task Force Approved YES NO **DATE:** 1/15/2015

Seabrook Police Department	Yes ✓	No ____
Seabrook Volunteer Fire Department	Yes ✓	No ____
Seabrook Office of Emergency Management	Yes ✓	No ____
Clear Lake Emergency Medical Corps	Yes ✓	No ____
Citizens Emergency Response Team	Yes ✓	No ____

Chairman Signature **DATE:** 1/14/2015

CITY OF SEABROOK, TEXAS
ORDINANCE NO. 2015-02
ORDERING GENERAL AND SPECIAL CITY ELECTIONS TO BE HELD ON MAY 9, 2015 AND A JUNE 6, 2015 RUN OFF ELECTION, IF NECESSARY

AN ORDINANCE CALLING AND ESTABLISHING PROCEDURES FOR THE GENERAL CITY OFFICERS' ELECTION FOR COUNCIL POSITIONS 1, 3 AND 5 TO BE HELD ON MAY 9, 2015; FOR A SPECIAL ELECTION, ALSO TO BE HELD ON MAY 9, 2015, TO CONSIDER TWENTY (20) CHARTER AMENDMENTS PRESENTED BY THE SEABROOK CHARTER REVIEW COMMISSION; AND FOR A RUN OFF ELECTION ON JUNE 13, 2015, IF REQUIRED, AND MAKING OTHER PROVISIONS RELATED TO THESE ELECTIONS.

* * *

WHEREAS, the laws of the State of Texas provide that on the 9th day of May 2015, there shall be elected the following officials for the City of Seabrook to serve for three-year terms to expire in May 2018:

Council Member	Position 1
Council Member	Position 3; and
Council Member	Position 5.

WHEREAS, the laws of the State of Texas also provide that on the 9th day of May 2015 a Special Election shall be held to vote for or against 20 charter amendment propositions as submitted by the Seabrook Charter Review Commission ("Commission") in its final report submitted at the February 3, 2015 City Council meeting; and

WHEREAS, the Seabrook City Council has reviewed the recommendations of the Commission and has determined that the 20 charter propositions, attached hereto as Exhibit A, should be submitted to the voters of the City of Seabrook in accordance with Texas Local Government Code, Section 9.004; and

WHEREAS, the Seabrook City Charter requires that a Runoff Election shall be held for any position for which no candidate running receives a majority of votes cast; and

WHEREAS, the Texas Election Code and the Seabrook City Charter establish the procedures and time period for General, Special and Runoff Elections; and

WHEREAS, the Seabrook City Council wishes to proceed with the ordering of the General Election, Special Election and Runoff Election (if required) and the City Council has determined that holding such election(s) is in the public interest; and

WHEREAS, the laws of the State of Texas further provide that the Election Code (Code) of the State of Texas is applicable to all municipal elections and, in order to comply with said Code, an ordinance should be passed establishing the procedures to be followed and in

designating the voting place for the May 9, 2015 General and Special Elections and the June 13, 2015 Runoff Election, if needed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. DATE, TIME AND PLACE OF ELECTIONS ESTABLISHED.

The General and Special Elections shall be held on the first floor of Seabrook City Hall, 1700 First Street, Seabrook, Texas on May 9, 2015 from 7:00 a.m. until 7:00 p.m. and the entire City shall constitute one election precinct for said elections. The City Council finds that the elections herein ordered have been ordered not later than the 71st day before the elections in accordance with the Texas Election Code Section 3.005(c) (2).

In the event the Mayor of the City (the "Mayor") shall find that the Early Voting or Election Day polling place, hereby established and designated, shall become unavailable or unsuitable for use at the General, Special and/or Runoff Elections, the Mayor is hereby authorized to designate substitute polling places as he deems appropriate.

SECTION 2. BALLOTS AND PROPOSITIONS.

The City Secretary and Hart Intercivic are hereby authorized and directed to prepare the ballots for the General and Special Elections in accordance with the provisions of the Texas Election Code. The ballot to be used in the Special Election on May 9, 2015 shall have printed thereon the propositions set forth on Exhibit A to this Ordinance, as they will appear, which the City Council determines constitute a fair portrayal of the chief features of the proposed charter amendments, in words of plain meaning, so that it can be understood by persons entitled to vote, directing them to the charter amendment so that they can discern its identity and distinguish it from other propositions on the ballot pursuant to Texas Election Code § 52.072.

SECTION 3. FILING PERIOD FOR CANDIDATES FOR THE GENERAL ELECTION.

All independent candidates at the General Election to be held on May 9, 2015, for Council Positions 1, 3 and 5 shall file their applications to become candidates with the City Secretary, or her designee at 1700 First Street, Seabrook, Texas, beginning Wednesday, January 28, 2015 and ending on Friday, February 27, 2015 at 5:00 p.m. Such applications shall be in accordance with State Law and City Charter.

SECTION 4. VOTING SYSTEM

The City has purchased voting and tabulation equipment from Hart Intercivic, for the preparation of electronic and mail ballots, and for training. The City shall use the Hart Intercivic DRE voting system which has been adopted pursuant to Code Section 123.001 and it shall be used for early voting by personal appearance and regular voting on Election Day.

Paper ballots shall be used for voting by mail.

The following 20 Charter Amendment Propositions have been submitted by the Charter Review Commission to the Seabrook City Council on February 3, 2015 and will appear on the May 9, 2015 Special Election Ballot.

CHARTER AMENDMENT PROPOSITION 1

Shall Article II, "The Council", Section 2.01, "The Council" be amended to allow a member of Council, including the Mayor, to be elected for no more than two consecutive 4-year terms rather than two consecutive three-year terms as currently provided in the Charter, to begin with the General Municipal Election in 2017 for the Mayor and Councilmembers in positions 2, 4 and 6 and in 2018 for Councilmembers in positions 1, 3 and 5? This proposed amendment would delete the prior historical charter language related to three-year terms. This amendment is expected to save money, as there will be fewer elections.

CHARTER AMENDMENT PROPOSITION 2

Shall Article II, Section 2.05, "Vacancies, forfeiture, filling of vacancies", Subsection (c), "Filling of Vacancies" and related charter requirements for filling a vacancy, including Section 8.13, "Results of election", Subsection (b) "Recall", be amended to allow an affirmative vote of four or more Councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less as permitted by state law? This amendment is expected to save money, as appointment is less costly than a special election.

CHARTER AMENDMENT PROPOSITION 3

Shall Article II, Section 2.08, "Administrative offices and departments" be amended to delete the list of city departments, as the names and number of departments can periodically change by approval of an ordinance by City Council? This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 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. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 5

Shall Section 2.08 "Administrative Departments" and Section 2.09 "City Secretary" be relocated from Article II "The Council" to Article IV "Administrative Departments" for easier reference? There is no other revision associated with this amendment. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 6

Shall Article II, Section 2.12 "Rules of Procedure" be amended to clarify generally 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? Currently, Section 2.12 incorrectly states that the only exception to this voting requirement is Section 2.05. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 7

Shall Article II, Section 2.13, "Passage of Ordinances in General" Subsection (b), "Procedure" be amended to delete the following: *"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"*? This amendment is proposed to provide consistency in application, to avoid ambiguity and to remove the continuing requirement for Council interpretation of what constitutes "substance". This amendment has no expected budget impact.

SECTION 5. EARLY VOTING.

The City Secretary is the Early Voting Clerk and shall conduct early voting in accordance with the Election Code of this State and the Charter and Ordinances of the City of Seabrook. As Early Voting Clerk, the City Secretary orders the hours for Saturday early voting in accordance with the Texas Election Code, Section 85.006 as indicated below.

The City Secretary shall appoint Meredith Brant to serve as Deputy Early Voting Clerk. The City Secretary may appoint up to four additional Deputy Early Voting Clerks if needed.

Early voting by personal appearance shall be held in Seabrook City Hall, 1700 First Street, Seabrook, Texas and shall begin on Monday, April 27 and end on Tuesday, May 5, 2015 as follows:

Monday, April 27 – Wednesday, April 29	7:30 a.m. until 5:00 p.m.
Thursday, April 30	7:30 a.m. until 7:30 p.m.
Friday, May 1	8:00 a.m. until 5:00 p.m.
Saturday, May 2	9:00 a.m. until 11:00 a.m.
Sunday, May 3	**NO EARLY VOTING**
Monday, May 4	7:30 a.m. until 5:00 p.m.
Tuesday, May 5	7:00 a.m. until 7:00 p.m.

Applications for ballots by mail shall be sent to the Early Voting Clerk, Seabrook City Hall, at 1700 First Street, Seabrook, Texas 77586. The first day for receiving applications for ballots by mail shall be Tuesday, March 10, 2015 and the last day for receiving applications from a voter in person for a ballot to be voted by mail shall be Friday, April 24, 2015 at 5:00 p.m. Applications for early ballots by mail shall be accepted by mail until 5:00 p.m. on Thursday, April 30, 2015.

SECTION 5. ELECTION JUDGES AND CLERKS.

The City Council shall appoint the Election Judge and Alternate Judge by minute order at a later date. The Presiding Judge shall appoint the necessary clerks to assist which shall not exceed six (6) clerks.

The rate of pay shall be $12.00 per hour for Election Judges and $11.00 per hour for Election Clerks.

SECTION 6. TABULATION OF BALLOTS.

The City Council appoints the City Secretary as Presiding Judge and Manager of the Counting Station.

The City Council appoints Mae Wright as Tabulation Supervisor and Meredith Brant as Alternate Tabulation Supervisor, who shall be in charge of the operation of the electronic tabulation equipment.

Early votes shall be counted by an Early Balloting Board, in accordance with the Texas Election Code. The appointed Presiding Judge or Alternate Judge at the polling place shall serve as the Presiding Judge of the Early Balloting Board with two (2) clerks serving at the polling place making up the other members of the board.

SECTION 7. CANVASS OF THE GENERAL AND SPECIAL ELECTIONS.

City Council, as the canvassing authority of the General and Special Elections, shall canvass the returns at its scheduled meeting to be held on May 19, 2015 at 7:00 p.m. At the completion of the canvass, the Mayor shall deliver the returns and tally lists used in the canvass to the City Secretary; and the City Secretary shall preserve them for a period in accordance with law.

SECTION 8. RUN-OFF ELECTION (IF REQUIRED).

If no candidate receives a majority of votes cast for any position on the ballot, a Runoff Election will be held on Saturday, June 6, 2015 at Seabrook City Hall. The polls shall be open from 7:00 a.m. until 7:00 p.m.

Early voting by personal appearance shall be conducted at Seabrook City Hall during regular office hours (Monday through Thursday from 7:30 a.m. until 5:00 p.m. and on Friday from 8:00 a.m. until 5:00 p.m.) beginning on Tuesday, May 26, 2015 and ending on Tuesday, June 2, 2015.

Except that early voting by personal appearance shall be held in the Seabrook City Hall, on Thursday, May 28, 2015 from 7:30 a.m. until 7:30 p.m. and on Tuesday, June 2, 2015 from 7:00 a.m. until 7:00 p.m.

Applications for early ballots by mail shall be accepted by mail until 5:00 p.m. on Thursday, May 28, 2015.

The City Council shall canvass the returns of the Runoff Election at its regularly scheduled meeting to be held on June 16, 2015 at 7:00 p.m.

All other aspects of the Runoff Election on June 6, 2015 shall be conducted in the same manner as the General Election to be held on May 9, 2015.

SECTION 9. NOTIFICATION OF ELECTION AND RETURNS.

The Mayor shall give notice of the General Election and Special Elections in accordance with the terms and provisions of the Election Code and the Seabrook Charter and the Mayor shall issue all necessary orders and writs for said election and returns of said election. A copy of the Notice of Election is attached and made a part of this ordinance as shown on Exhibit B.

SECTION 10. NOTICE.

It is further found and determined that in accordance with the order of this governing body the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting. The full text of the proposed charter amendments, with an estimate of anticipated fiscal impact, shall be included in such notice.

AND IT IS SO ORDERED.

PASSED, APPROVED AND ADOPTED ON FIRST AND FINAL READING THIS THE 3rd DAY OF FEBRUARY 2015.

_____
GLENN R. ROYAL, MAYOR

ATTEST:

_____
MICHELE L. GLASER, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
STEVEN L. WEATHERED
CITY ATTORNEY

The following 20 Charter Amendment Propositions have been submitted by the Charter Review Commission to the Seabrook City Council on February 3, 2015 and will appear on the May 9, 2015 Special Election Ballot.

CHARTER AMENDMENT PROPOSITION 1

Shall Article II, "The Council", Section 2.01, "The Council" be amended to allow a member of Council, including the Mayor, to be elected for no more than two consecutive 4-year terms rather than two consecutive three-year terms as currently provided in the Charter, to begin with the General Municipal Election in 2017 for the Mayor and Councilmembers in positions 2, 4 and 6 and in 2018 for Councilmembers in positions 1, 3 and 5? This proposed amendment would delete the prior historical charter language related to three-year terms. This amendment is expected to save money, as there will be fewer elections.

CHARTER AMENDMENT PROPOSITION 2

Shall Article II, Section 2.05, "Vacancies, forfeiture, filling of vacancies", Subsection (c), "Filling of Vacancies" and related charter requirements for filling a vacancy, including Section 8.13, "Results of election", Subsection (b) "Recall", be amended to allow an affirmative vote of four or more Councilmembers to fill a vacancy on Council by appointment if the remaining term of the vacant position is 12 months or less as permitted by state law? This amendment is expected to save money, as appointment is less costly than a special election.

CHARTER AMENDMENT PROPOSITION 3

Shall Article II, Section 2.08, "Administrative offices and departments" be amended to delete the list of city departments, as the names and number of departments can periodically change by approval of an ordinance by City Council? This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 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. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 5

Shall Section 2.08 "Administrative Departments" and Section 2.09 "City Secretary" be relocated from Article II "The Council" to Article IV "Administrative Departments" for easier reference? There is no other revision associated with this amendment. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 6

Shall Article II, Section 2.12 "Rules of Procedure" be amended to clarify generally 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? Currently, Section 2.12 incorrectly states that the only exception to this voting requirement is Section 2.05. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 7

Shall Article II, Section 2.13, "Passage of Ordinances in General" Subsection (b), "Procedure" be amended to delete the following: *"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"*? This amendment is proposed to provide consistency in application, to avoid ambiguity and to remove the continuing requirement for Council interpretation of what constitutes "substance". This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 8

Shall Article II, Section 2.13, "Passage of Ordinances in General," Subsection (c), "Effective Date" be amended to require that City ordinances with penal provisions shall be posted on the city website within 10 days of approval and the effective date after passage shall be governed by state law to avoid potential conflict with statutory provisions? 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 provisions must be published once in the official city newspaper. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 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 otherwise specified by Charter? Currently the charter requires an affirmative vote of only 2/3's of Councilmembers present. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 10

Shall Article II, Section 2.15 "Authentication, Recording, Codification, Printing and Distribution of Ordinances" Subsection (b) "Codification" and Subsection (c) "Printing of Ordinances and Resolutions" be amended to require that the "Seabrook City 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 to the public at City offices and in a library selected by Council. This amendment is expected to save labor and materials in copying.

CHARTER AMENDMENT PROPOSITION 11

Shall Article IV, "Administrative Departments", Section 4.02, "City Attorney" Subsection (a), "Appointment and Qualifications" and Subsection (d), "Removal" be amended to require an affirmative vote of four or more Councilmembers to appoint and remove a City Attorney? Currently, the City Attorney may be appointed and removed by an affirmative vote of a majority of Councilmembers present. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 12

Shall Article V, "Financial Procedures". Section 5.21 "Citizen approval required for certain expenditures and use of reserved funds" be updated, clarified and consolidated to address current and future City funding needs? This amendment is proposed to allow the City to apply for time- critical grant opportunities requiring matching funds, adjust for changing state mandates and avoid a fixed limitation that fails to address current city financial status by allowing the City Council to 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 fund balance established by the city finance policy in effect at the time of the expenditure. Voter 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 cannot be quantified due to variables.

CHARTER AMENDMENT PROPOSITION 13

Shall Article VII. "Nominations and Elections", Section 7.01. "Nominations and Elections" be amended to permit the general City election to be held on a date other than the second Saturday of May, in accordance with state law? November elections, as currently authorized by statute, may save money if election is held with Harris County.

CHARTER AMENDMENT PROPOSITION 14

Shall Article IX, "Municipal Court", 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. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 15

Shall Article X. "Franchises and Public Utilities", Section 10.05, "Ordinances Granting Franchises" be amended to provide that franchise ordinances shall be approved in the same manner as other city ordinances requiring two readings, unless otherwise required by state law? Currently, franchise ordinances require three readings and shall not be acted upon until 42 days after the first reading and the full text of the ordinance shall be published one time in the city's official newspaper. Budget impact cannot be quantified due to variables.

CHARTER AMENDMENT PROPOSITION 16

Shall Article XI. "General Provisions", Section 11.08, "Fire Department and Fire Marshal", be amended to allow expansion of potential service providers 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? Currently, the only two provisions for fire service listed in the 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.

CHARTER AMENDMENT PROPOSITION 17

Shall Article XI, Section 11.18. "Charter Review Commission" be amended to allow the appointment of a Charter Review Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Commission? ? Currently, the Charter limits the appointment of the Charter Review Commission to once every five (5) years at the first Council meeting in July. Budget impact cannot be quantified due to variables.

CHARTER AMENDMENT PROPOSITION 18

Shall Article XI, Section 11.16, "Amending the Charter" and Section 11.18 "Charter Review Commission" be combined for easier reference? The new Section 11.16 shall be titled "The Charter Review Commission and Amending the Charter" and all subsequent sections in Article XI shall be renumbered accordingly. This amendment has no expected budget impact.

CHARTER AMENDMENT PROPOSITION 19

Shall Article XI, Section 11.24, "Comprehensive Master Plan Review Commission" be amended to allow the appointment of a Commission no sooner than two (2) years and no later than five (5) years after the most recent appointment of the Comprehensive Master Plan Review Commission and to allow Council to extend the six (6) month term of the Commission? Currently, the Charter limits the appointment of the Comprehensive Master Plan Review Commission to once every five years and there is no provision for a term extension. Budget impact cannot be quantified due to variables.

CHARTER AMENDMENT PROPOSITION 20

Shall Article XI, Section 11.28, "Other Charter Requirements" be amended to clarify, confirm and specify that all city appointees of boards, corporations, organizations, committee and other related entities shall conform to the requirements of the Charter provisions regulating personal interest, conflicts of interest, nepotism and ethics? Currently the Charter refers to entities and does not specify individual members. Budget impact cannot be quantified due to variables.

NOTICE & ORDER OF GENERAL & SPECIAL ELECTIONS
CITY OF SEABROOK
MAY 9, 2015

TO THE REGISTERED VOTERS OF THE CITY OF SEABROOK, TEXAS:

Section 1. Notice.

Notice is hereby given that General and Special Elections shall be held in the City of Seabrook, Texas, on the 9th day of May 2015, at which elections there shall be submitted to the resident qualified voters of the City, for their action thereon, the following:

a) A General Election to elect Councilmembers in Positions 1, 3 and 5 with terms ending May 2018;

b) A Special Election to vote for or against 20 charter amendments proposed by the Charter Review Commission and presented to the Seabrook City Council on February 3, 2015 as shown on Exhibit A which is made a part of this Notice.

Section 2. Polling Place/Time of Election.

The polls on Election Day, May 9, 2015 shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on the first floor of Sea brook City Hall, 1700 First Street, Seabrook, TX 77586.

Section 3. Early Voting by Personal Appearance.

The City Secretary is the Early Voting Clerk who shall conduct early voting in accordance with the Texas Election Code and the Charter and Ordinances of the City of Seabrook.

Early voting by personal appearance shall be held in the Seabrook City Hall, 1700 First Street, Seabrook, Texas

Monday, April 27 – Wednesday, April 29, 2015	7:30 a.m. until 5:00 p.m.
Thursday, April 30, 2015	7:30 a.m. until 7:30 p.m.
Friday, May 1, 2015	8:00 a.m. until 5:00 p.m.
Saturday, May 2, 2015	9:00 a.m. until 11:00 a.m.
Sunday, May 3, 2015	NO EARLY VOTING
Monday, May 4, 2015	7:30 a.m. until 5:00 p.m.
Tuesday, May 5, 2015	7:00 a.m. until 7:00 p.m.

Section 4. Early Voting by Mail.

Applications for ballots by mail shall be sent to Michele Glaser, Early Voting Clerk, Seabrook City Hall, 1700 First Street, Seabrook, Texas 77586. The first day for receiving applications for ballots by mail shall be Tuesday, March 10, 2015. The last day for receiving applications from a voter in person for a ballot to be voted by mail shall be Friday, April 24, 2015 at 5:00 p.m. Applications for early ballots by mail shall be accepted by mail until 5:00 p.m. on Thursday, April 30, 2015.

Issued this 3rd day of February 2015.

_____
Glenn R. Royal, Mayor

ARTICLE II. THE COUNCIL.

PROPOSITION 1 amends Section 2.01 and is expected to save money, as there will be fewer elections.

"Section 2.01. The Council.

There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of [~~three (3)~~] four **(4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and 6 and in 2018 for Councilmembers in Positions 1, 3 and 5.** No member of Council shall be elected for more than two (2) consecutive terms. [~~At the time of passage of this charter change: 1.) the term of the incumbent Mayor shall expire on the date of the general municipal election in 1996, when a qualified candidate shall be elected to the office of Mayor for a three year term to expire in 1999, and a like term shall be filled by election every three years thereafter on said annual general election date. 2.) the term of the incumbent Councilmembers, Positions 1, 3 and 5 shall expire on the date of the general municipal election in the year 1997, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in 2000, and like terms shall be filled by election every three years thereafter on said annual general election date. 3.) the term of the incumbent Councilmembers, Positions 2, 4 and 6 shall expire on the date of the general municipal election in the year 1996, when a qualified candidate shall be elected to each of the respective positions for three year terms to expire in the year 1999, when three year terms shall be filled by election every three years thereafter on said annual general election date.~~]"

PROPOSITION 2 amends Section 2.05 (c) and is expected to save money as appointment is less costly than a Special Election.

"Section 2.05. Vacancies, forfeiture, filling of vacancies.

(c) *Filling of Vacancies:* Any Council vacancy shall be filled in accordance with state law. **A vacancy for an unexpired term of 12 months or less may be filled by appointment by a vote of four or more councilmembers.** [~~Which requires that all v~~] **V**acancies of Councilmembers [~~with three (3) year terms~~] **with unexpired terms of more than 12 months** shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur. However, if such vacancy or vacancies occur within one hundred twenty (120) days preceding a regular election, then no special election shall be called and the vacant positions shall be filled at the same time as the next regular election.

Notwithstanding the requirement in Section 2.12 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4); elections shall be held in conformance with state law. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled."

PROPOSITION 3 amends Section 2.08 and has no expected budget impact.

"Section 2.08. Administrative offices and departments.

There shall be such offices and departments of the City as are established by this Charter and as may be established by ordinance, all of which, unless otherwise provided in this Charter, shall be under the control and direction of the City Manager. The Council may abolish or combine one or more offices or one or more

departments and may define, assign, or transfer duties of any such offices or departments of the City from one office or department to another by ordinance. [~~There are hereby created the following administrative departments: Finance, Police, Law, Public Works, Health, and Recreation.~~]"

PROPOSITION 4 amends Section 2.09 and has no expected budget impact.

"Section 2.09. City Secretary.

The Council shall appoint [~~by a two-thirds vote of all members present~~] **a City Secretary by an affirmative vote of four or more members.** The City Secretary reports to, and is responsible to the City Council. The City Secretary shall give notice of all Council meetings; keep the journal of the Council proceedings; authenticate by his or her signature and record in a book kept for the purpose, all ordinances and resolutions, and perform such other duties as required by this Charter, by ordinance, or by the Council. The City Secretary shall be provided an office in the city hall sufficient to maintain the records entrusted to the City Secretary's care and shall be entitled to a seat at the Council table at all official meetings.

(a) The City Secretary, or the city secretary's designee, shall:

(1) Attend all official meetings of the Council and shall keep, in a record provided for that purpose, accurate minutes of the proceedings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.

(2) Be the custodian of all municipal records of the Council.

(3) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.

(4) Hold, maintain, and affix the city seal to all instruments requiring such seal.

(5) Administer oaths in any matter pertaining to municipal affairs.

An affirmative vote of four or more councilmembers is required for removal of the City Secretary."

PROPOSITION 5 relocates Sections 2.08 and 2.09 as shown above from Article II, "The Council" to Article IV "Administrative Departments" for easier reference. If approved, individual sections in Article II and Article IV will be renumbered as applicable.

PROPOSITION 6 amends Section 2.12 and has no expected budget impact.

"Section 2.12. Rules of procedure.

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."

PROPOSITION 7 amends Section 2.13 (b) and has no expected budget impact.

"Section 2.13. Passage of Ordinances in General.

(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."

PROPOSITION 8 amends Section 2.13 (c) and has no expected budget impact.

"Section 2.13. Passage of Ordinances in General.

(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. 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."

PROPOSITION 9 amends Section 2.14 and has no expected budget impact.

"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, 'Emergency Appropriations.'** 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."

PROPOSITION 10 amends Section 2.15 (b) and (c) and is expected to save labor and material costs in copying.

"Section 2.15. Authentication, recording, codification, printing, distribution of ordinances.

(b) *Codification:* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a codification of all general ordinances of the City. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. The codification shall be adopted by the Council by ordinance and shall be published promptly together with this Charter and any amendment thereto and with appropriate references to State Statutes and the State Constitution, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Seabrook City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to City officials, placed in City offices, [~~and a library open to the public designated by the Council for free reference~~] **on the City website** and made available for purchase by the public at a reasonable price fixed by the Council.

(c) *Printing of Ordinances and Resolutions:* The Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinance and Charter amendments shall be distributed free or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Seabrook City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

A copy of each ordinance and resolution shall be placed in City offices and [~~a library open to the public designated by the Council for free reference~~] **on the city website**."

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS.

PROPOSITION 11 amends Section 4.02 (a) and (d) and has no expected budget impact.

"Section 4.02. City Attorney.

a) *Appointment and Qualifications:* The City Council shall appoint by a**n affirmative vote of four or more** [~~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.

d) *Removal:* The City Attorney may be removed for any reason by [~~a majority vote of all present~~] **an affirmative vote of four or more** Councilmembers."

ARTICLE V. FINANCIAL PROCEDURES

PROPOSITION 12 amends Section 5.21. The budget impact cannot be quantified due to variables.

"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 established by the City's financial policy in effect at the time of the expenditure. 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 without voter approval.

~~[(a) *Capital Expenditures of One (1) Million or More Dollars* A favorable majority vote of the people is required for each capital expenditure of one (1) million dollars or more 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.~~

~~(b) *Use of Reserve Funds.* A favorable majority vote of the people is required for each expenditure of thirty (30) percent or more from reserve funds 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.]~~"

ARTICLE VII. NOMINATIONS AND ELECTIONS.

PROPOSITION 13 amends Article VII, Section 7.01 and may save money if elections are held with Harris County.

"Section 7.01. Nominations and elections.
(a) *Regular Elections:* The general city elections will be held annually on the second Saturday in May, unless otherwise [~~required~~] **allowed** by state law. The Council shall fix the place for holding such an election."

ARTICLE IX. COURTS.

PROPOSITION 14 amends Section 9.02 and has no expected budget impact.

"Section 9.02. Judge of the Municipal Court.
The Municipal Court shall be presided over by a magistrate, appointed by [~~the~~] **an affirmative vote of four or more** Council**members,** known as the Judge of the Municipal Court. He or she shall be an attorney at law licensed to practice in the State of Texas. Unless the residency requirement is waived as explained below, he or she shall reside within the corporate limits of the City. The Council, **by an affirmative vote of four or more members,** shall appoint alternate judges as needed who shall meet the qualifications required for appointment as a Judge. The City Council may waive the residency requirement when appointing a Municipal Court Judge or Alternate Judge with an affirmative vote of five (5) council members. The Council shall fix the compensation of the Judge and the alternate Judge of the Municipal Court. The Judge and the Alternate Judge shall be appointed for a term of three (3) years unless otherwise required by state law. **Removal of a judge during his/her term requires an affirmative vote of four or more Councilmembers, unless otherwise provided by state law.** At

the time of passage of this Charter change: (1.) the terms of the incumbent Judge and Alternate Judge shall expire on June 7, 1996, when qualified candidates shall be appointed to the respective offices for three year terms to expire on June 7, 1999, and a like term in each office shall be filled by appointment on said date every three years thereafter. "

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES.

PROPOSITION 15 amends Section 10.05. Budget impact cannot be quantified due to variables.

"Section 10.05. Ordinances granting franchises.
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.~~]"

ARTICLE XI. GENERAL PROVISIONS.

PROPOSITION 16 amends Article XI, Section 11.08. The budget impact cannot be quantified due to variables.

"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 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."

PROPOSITION 17 amends the first paragraph of Section 11.18. The budget impact cannot be quantified due to variables.

"Section 11.18. Charter Review Commission.
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**."

PROPOSITION 18 is an amendment to combine Section 11.16 "Amending the Charter" and Section 11.18, "Charter Review Commission" for easier reference. The new Section 11.16 will be titled "The Charter Review

Commission and Amending the Charter." There are no other proposed charter amendments to these sections associated with this proposition. If approved, all subsequent sections in Article XI will be renumbered accordingly. This amendment has no expected budget impact.

PROPOSITION 19 amends Section 11.24. The budget impact cannot be quantified due to variables.

"Section 11.24. Comprehensive Master Plan Review Commission.
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.

(a) *Duties of the Commission:*
(1) To inquire into the timeliness of the Comprehensive Master Plan, the usefulness of the plan in the interpretation, implementation and enforcement of the zoning ordinance and the reflection in the document of any and all new conditions in the City subsequent to the adoption of the Comprehensive Master Plan. To this end, public hearings shall be held at which hearings the public shall have the right to be heard and the Commission shall have the power to compel the attendance of any official or employee of the City and/or to compel the production of any City records deemed necessary, unless such records are exempt from public disclosure as a matter of law.
(2) To propose any change(s) it deems desirable to ensure that the plan is effective and/or timely and/or to ensure that it reflects any new conditions arising subsequent to its adoption.
(3) Report all recommended changes to Council who shall accept or reject such recommended changes to the plan in their entirety.
(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~~] **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."

PROPOSITION 20 amends Section 11.28. The budget impact cannot be quantified due to variables.

"Section 11.28. Other Charter requirements.
All City appointees to [~~B~~]**b**oards, committees, corporations, organizations, and other **related** 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 **regulating personal interest, conflicts of interest and nepotism, as well as the Code of Ethics established by ordinance**."

END

January 29, 2015

Dear Mayor Royal and City Council Members:

Please accept this letter as my formal notice of retirement to be effective July 1, 2015. I started working for the City in April 1983, which was two days after a rollback tax election. I have seen many changes and improvements to the city over the years. Seabrook has been my home as well as my place of employment for these past 32 years and I have always been proud to say that I am both a citizen and employee of the City.

Over the years, I have worked with many fine Mayors, Councils, employees and citizens and I will be sorry to see my daily contact end. However, I plan to remain a resident, and look forward to seeing both old friends and new faces in the future.

I would like to especially thank Mayor Royal and Councilors Llorente, Giangrosso, Johnson, Botkin, Kolupski and Miller for working with me and making my job a pleasure. Thanks also to all of our wonderful employees. Special thanks goes to my Assistant City Secretary, Meredith Brant and to City Manager Gayle Cook.

The decision to retire was not easy. However, at 66 years old, I have some things I would like to accomplish for myself as well as just have fun and sometimes even sleep late.

I will work hard to make this transition as easy as possible for everyone. In addition, please call on me if I can ever be of assistance after I retire.

Sincerely,

Michele

Michele L. Glaser

Economic Alliance
Houston Port Region

Invitation and Itinerary
Washington, D.C. Policy Visit
APRIL 13-16, 2015

Monday, 4/13	6:30 p.m. - 8:00 p.m.	Travelers' Dinner & Briefing (*location TBD*)
Tuesday, 4/14	9:00 a.m. – 4:30 p.m.	Office Visits
Wednesday, 4/15	9:00 a.m. – 4:30 p.m.	Office Visits
Thursday, 4/16	9:00 a.m. – 2:00 p.m.	Office Visits

Economic Alliance is organizing its third annual advocacy trip to Washington, D.C. We invite you to join us, as we meet with members of Congress, the Administration, and Regulatory Agencies. We will be meeting with our local delegation as well as with members in leadership positions that impact our region.

Attendees are responsible for travel, hotel room, and expenses. To join us, please register by **Friday, February 13**, by sending an email to michelle@allianceportregion.com.

Please include your home Congressional District Number when you register.
If unsure, visit: http://www.congressmerge.com/onlinedb/.

Sponsorships: Every year, our members have been generous with their sponsorships of this important activity. We look forward to obtaining sponsorships again this year for Economic Alliance staff travel expenses. If you would like to be a sponsor, please send an email to michelle@allianceportregion.com.

Lodging: Information on Lodging will be provided to those who register.

Airfare: Southwest Airlines (to Regan-National) www.southwest.com and United Airlines (to Reagan-National-DCA) www.united.com have competitive fares online.

Policy Issues:

Transportation Infrastructure Funding
Continued funding of Houston Ship Channel Dredging
Funding for regional transportation projects

Petrochemical Industry Opportunities & Challenges

Workforce Development
Addressing future workforce needs

Export-Import Bank Reauthorization

Economic Alliance
Houston Port Region

FOR IMMEDIATE RELEASE
April 15, 2014

FOR MORE INFORMATION:
Michelle Hundley
Vice President of Public Affairs
(281) 476-9176 x3
michelle@allianceportregion.com

Economic Alliance Goes To Washington

DEER PARK – Last week over 20 members of Economic Alliance Houston Port Region traveled to Washington, D.C. to advocate on behalf of the Houston Port Region. Included in the Economic Alliance delegation were representatives from local area businesses, economic development organizations, cities, labor unions, petrochemical and chemical companies, banking, community colleges, and the maritime industry.

This is the second year the Economic Alliance has organized a policy trip for its members and stakeholders. This year, over a two-day period, the delegation had 24 individual meetings with members and staff of the Houston Region delegation, senior members of Congress, staff for the U.S. Chamber of Commerce Institute for 21st Century Energy, and the Special Assistant to the President and Assistant to the Vice President.

Members of the delegation participated in meetings in teams, all with the intent of introducing Economic Alliance's role as a regional association with a diverse membership synchronized for the benefit of the region. The response to the teams was very positive, with extra time being added to each meeting as Congressional Members and staff learned about the important and timely issues discussed, and the importance of the region to the entire nation.

The Economic Alliance delegation advocated for the Houston Ship Channel's fair share in the Harbor Maintenance Trust Fund for the continued funding of the Ship Channel's dredging and operational maintenance; Reauthorization of the National Transportation Bill (MAP-21), including identifying funding for the National Highway Trust Fund; Reauthorization of the Export-Import Bank; sustaining and enhancing federal funding for students, including the federal Pell Grant program, and funding critical workforce development programs focused on career and technical education; and finally, support for a coastal storm surge plan that protects the majority of communities and businesses

-more-

from future storm surges while supporting future economic growth in the Houston Port Region.

A highlight of the trip was a meeting with the Special Assistant to the President and Assistant to the Vice President. Their interest in our regional cooperation and partnership was encouraging, and laid a strong foundation for future advocacy initiatives.

###

About Economic Alliance Houston Port Region

The Economic Alliance Houston Port Region is a non-profit organization, created in 1985, to provide professional economic development services on behalf of 16 communities surrounding the 25-mile Houston Ship Channel - home to one of the world's most influential energy corridor and trade ports. Since 2008, the Economic Alliance has supported over 40 successful projects that facilitated business activities creating ***over 4,300 new jobs*** *and providing* ***over $3.8 billion*** *of capital investment to the Houston Port Region.*

PHOTO 1:

From L to R: *Mayor Glenn Royal, City of Seabrook; Tom Brosig, Senior Vice President, BBVA Compass Bank; Mayor, Michel Bechtel, City of Morgan's Point; Lise Clavel, Special Assistant to the President; Lilly, Special Assistant to the Vice President for Intergovernmental Affairs, Public Engagement & Correspondence; Karen Gregory, Regional Manager, CenterPoint Energy & Chairman Economic Alliance; Michelle Hundley, VP of Public Affairs, Economic Alliance; Chad Burke, President/CEO of Economic Alliance; Charles Montgomery, President, ILA Local 1351*

PHOTO 2:

From L to R: *Kendrick Vela, Congressman Gene Green's office; Michel Bechtel, Mayor, Morgan's Point; Carla Medlenka, Publisher and Editor-in-Chief, Change Magazine; Chad Burke, President & CEO, Economic Alliance Houston Port Region; Steve Cote, Councilman, City of Pasadena; Tom Brosig, Senior Vice President, BBVA Compass Bank; Karen Gregory, Regional Manager, CenterPoint Energy & Chairman Economic Alliance Houston Port Region; Fran Bass, Co-owner Bass & Meineke; Buddy Tucker, Vice President Strategy & New Market Development, Hunter Buildings & Manufacturing; Glenn Royal, Mayor, City of Seabrook; Cary Bass, Co-owner Bass & Meineke & Board Member City of Pasadena Second Century Corporation; J.J. Plunkett, Port Agent & Chief Operations Officer, Houston Pilots; Nick Scinta, Public & Government Affairs Advisor, ExxonMobil – Baytown; Teri Crawford, Vice Chancellor Marketing, PR & Government Relations, San Jacinto College.*

ACTION ITEM CHECK LIST STATUS

#		STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
23		OPEN/IN WORK	11/4/2014			Mayor/ City Mgr.			5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.	
29		OPEN/IN WORK	9/16/2014			Staff			6.1	Provide updates on resurfacing of Todville	
30		OPEN/IN WORK	11/18/2014			Staff			4.2	Provide periodic updates of Strategic Plan	
31		OPEN/IN WORK	12/2/2014			Staff			6.1	Mystic Village traffic issues and traffic count	Traffic plan is being considered on a staff level.
32		OPEN/IN WORK	12/2/2014			Staff			6.1	Provide periodic bond updates	

February 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	*2* **Master Plan** **6 pm**	*3* **Council 6 pm** **Council 7pm.** **Charter Review** **6:45 pm**	*4*	*5* **Open Space** **5pm**	*6*	*7* **Yachty Gras**
8	*9*	*10* **Men Who Cook** **6:30 p.m.**	*11*	*12* **EDC 7 p.m.**	*13*	*14*
15	*16*	*17* **Joint Council & P&Z 6 p.m.** **Council 7 p.m.** **P&Z 7 p.m.**	*18*	*19* **P&Z 7 p.m.** **HCMCA**	*20*	*21*
22	*23*	*24*	*25*	*26*	*27* **Final Day to file for office for May 9 Election**	*28*