

**CITY OF SEABROOK
RESOLUTION 2016-23**

**A RESOLUTION OF THE CITY COUNCIL OF SEABROOK, TEXAS
RELATING TO INTERPRETATION OF THE SEABROOK CITY CHARTER
IN RELATION TO REQUIRED QUORUMS IN GENERAL FOR CITY
COUNCIL ACTION AND TO SPECIFICALLY DETERMINE THAT THE
MAYOR IS A VOTING MEMBER OF CITY COUNCIL FOR
DETERMINATION OF REQUIRED QUORUM UNDER THE CITY CHARTER
AND THE TEXAS OPEN MEETING ACT.**

WHEREAS, the Office of the Attorney General of the State of Texas (“Attorney General”) has made inquiry regarding the presence of a quorum for the passage and approval of Resolution 2016-14 “Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation, in an Aggregate Principal Amount not to exceed \$7,100,000 for the Acquisition, Construction and Improvement of certain Public Works, and Authorizing Certain Other Matters Relating Thereto”, (the “Resolution”); and

WHEREAS, the adopted minutes of August 16, 2016, reflect that the Resolution was adopted by unanimous vote of the Mayor and three other City Council members, as referenced in the attached certified copy of the subject Minutes from the City Secretary reflecting a quorum of four (4) City Councilmembers were present and voting; and

WHEREAS, the Attorney General has made specific inquiry of whether the Mayor is a Council member for purposes of determining whether a quorum is present for adoption; and

WHEREAS, the City Council of the City of Seabrook has a paramount interest in insuring compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code as well as uniformity in interpretation and compliance with the requirements of the Seabrook City Charter (“Charter”); and

WHEREAS, the City Council is cognizant of Attorney General Opinions GA-0362 (2005), GA-130 (2003) that reflects that the Attorney General declines to interpret city charter provisions, absent matters that are preempted by state or federal law (see, GA-0433); and

WHEREAS, the Seabrook City Charter provides that City Council shall be composed of a Mayor and six (6) Councilmembers (Section 2.01); that the Mayor shall be the official head of City government, shall preside at all meetings of Council and shall vote on Council actions, (Section 2.04, emphasis supplied); that four (4) Councilmembers shall constitute a quorum and that no action of Council, (except as provided elsewhere by Charter or state law) shall be binding unless by affirmative vote of Councilmembers present, (Section 2.10, emphasis supplied); and

WHEREAS, consistent with the Seabrook City Charter, City Council determined that a quorum of four (4) City Councilmembers were present for the City Council meeting on August 16, 2016 for purposes of compliance with the Texas Open Meeting Act, consisting of the Mayor and three (3) other Councilmembers and that Resolution 2016-14 was thereafter adopted by unanimous vote of the Mayor and three (3) other City Councilmembers; and

WHEREAS, the inclusion of the Mayor for determination of the required quorum has been a historical course of conduct; was not a special occurrence for the adoption of the subject Resolution, and not subject to prior question of interpretation or ambiguity; and

WHEREAS, the Seabrook City Council finds that the intent of the Seabrook City Charter is and has been to recognize the Mayor as a voting Councilmember for purposes of determination of the requisite quorum for action by City Council as provided therein.

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

Section 1. That the City Council of the City of Seabrook adopts the preceding preamble paragraphs as if repeated verbatim herein and find them as matters of fact.

Section 2. That the Seabrook City Council finds and determines that the intent of the Seabrook City Charter is and has been to recognize the Mayor as a voting Councilmember for purposes of determination of the requisite quorum for action by City Council as provided therein.

AND IT IS SO ORDERED.

PASSED AND ADOPTED with a quorum present, by an affirmative vote of a majority of Councilmembers present, on this **1st day of November, 2016**, in accordance with Seabrook City Charter Section 2.10.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney