

ARTICLE IV. - ADMINISTRATIVE DEPARTMENTS

Section 4.01. - Administrative departments, offices, and agencies.

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.

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; Charter Election of [5-9-2015](#))

Section 4.02. - City Secretary.

The Council shall appoint 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.

(Charter Election of [5-9-2015](#))

Editor's note— A Charter election held on [May 9, 2015](#), added a new § 4.02 to read as set out herein, and renumbered the former §§ 4.02—4.05 as §§ 4.03—4.06.

Section 4.03. - City Attorney.

- a) *Appointment and Qualifications:* The City Council shall appoint by an affirmative vote of four or more Councilmembers, 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 an affirmative vote of four or more Councilmembers.

(Charter Election of [5-9-2015](#))

Note— See note at § 4.02.

Section 4.04. - 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.

(Charter Election of [5-9-2015](#))

Note— See note at § 4.02.

Section 4.05. - 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; Charter Election of [5-9-2015](#))

Note— See note at § 4.02.

Section 4.06. - 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; Charter Election of [5-9-2015](#))

Note— See note at § 4.02.