

ARTICLE XI. - GENERAL PROVISIONS

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.

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. - The Charter Review Commission and Amending the Charter.

The Council shall appoint 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.

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

Editor's note— A Charter election held on [May 9, 2015](#), amended § 11.16 in its entirety to read as herein set out. Former § 11.16, pertained to amending the Charter.

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.

Section 11.18. - 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; Charter Election of [5-9-2015](#))

Editor's note— An ordinance adopted at the Charter Election of [May 9, 2015](#), repealed the former § 11.18, and renumbered §§ 11.19—11.30 as §§ 11.18—11.29. The former § 11.18 pertained to Charter Review Commission and derived from an ordinance adopted at the Charter Election of May 8, 2010.

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

Section 11.19. - 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.

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

Note— See note at § 11.18.

Section 11.20. - 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.

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

Note— See note at § 11.18.

Section 11.21. - 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.

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

Note— See note at § 11.18.

Section 11.22. - 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.

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

Note— See note at § 11.18.

Section 11.23. - 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 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 this section, 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 six (6) months, which may be extended with the approval of City Council. At the completion of the term, 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; Charter Election of [5-9-2015](#).)

Note— See note at § 11.18.

Section 11.24. - 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.

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

Note— See note at § 11.18.

Section 11.25. - 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; Charter Election of [5-9-2015](#))

Editor's note— A Charter election held May 8, 2010, changed the name of section 11.25 from "Favorable majority vote of the people required in certain cases" to "Favorable majority vote of the electorate required in certain cases."

Note— See note at § 11.18.

Section 11.26. - 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; Charter Election of [5-9-2015](#))

Note— See note at § 11.18.

Section 11.27. - Other charter requirements.

All City appointees to boards, committees, corporations, organizations, and other related entities 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; Charter Election of [5-9-2015](#))

Note— See note at § 11.18.

Section 11.28. - 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; Charter Election of [5-9-2015](#))

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

Section 11.29. - 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; Charter Election of [5-9-2015](#).)

Note— See note at § 11.18.