

EXHIBIT "A"

CHARTER AMENDMENT BALLOT PROPOSITION 1

Shall Article II, Section 2.02 "Qualifications" be amended to increase the minimum years of age to qualify to be a Councilmember from 18 to 21 as provided by Texas Election Code 141.003? This amendment has no expected budget impact.

Draft Amendment

Section 2.02. - Qualifications.

A member of the Council shall **be at least 21 years of age**, 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.

CHARTER AMENDMENT BALLOT PROPOSITION 2

Shall Article II, Section 2.04 "Mayor and Mayor Pro Tem" be amended to add clarifying language that the Mayor is a member of City Council for purposes of establishing a required quorum of City Council? This amendment is to address recent inquiry made by the Attorney General of whether the Mayor was included for purposes of calculation of quorum requirements. This amendment has no expected budget impact.

Draft Amendment

Section 2.04. - Mayor and Mayor Pro-Tem.

The Mayor shall **be a voting Councilmember of the City Council and 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.

CHARTER AMENDMENT BALLOT PROPOSITION 3

Shall Article II, Section 2.04 "Mayor and Mayor Pro Tem" be amended to delete unnecessary surplus language describing documents that the Mayor shall sign and simply provide that the Mayor when authorized by City Council, shall sign all official documents? This amendment has no expected budget impact.

Draft Amendment

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

EXHIBIT "A"

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.

CHARTER AMENDMENT BALLOT PROPOSITION 4

Shall Article II, Section 2.10 "Rules of Procedure" be amended for efficiency, to remove the requirements of a roll call vote, unless required by law, so as to conform to current practice of City Council where the votes are counted immediately at time of reading, confirmed and included in the public minutes by the City Secretary?" This amendment has no expected budget impact.

Draft Amendment

Section 2.10. - 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~~] **and** 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 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.

CHARTER AMENDMENT BALLOT PROPOSITION 5

Shall Article II, Section 2.11 "Passage of Ordinances in General" be amended to remove the delaying requirement, that 2 or more Councilmembers may request the entire ordinance be read in its entirety, despite the fact that the proposed ordinance has been made available to the public prior to the meeting, all councilmembers have been provided a copy, and the ordinance may comprise an extreme number of pages which would take an extensive amount of time to read? This amendment has no expected budget impact.

Draft Amendment

Section 2.11. - Passage of ordinances in general.

- (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.~~]

EXHIBIT "A"

CHARTER AMENDMENT BALLOT PROPOSITION 6

Shall Article VI, "Planning and Zoning", Section 6.04 "Powers and Duties" be amended to remove the requirement that the Planning and Zoning Commission meet monthly, irrespective of whether there are any pending cases or zoning requests before it for that month? This amendment may have negligible budget impact associated with cost saved for unnecessary meetings such as building costs, and staff expense/overtime.

Draft Amendment

Section 6.04. - Powers and duties.

- (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.

CHARTER AMENDMENT BALLOT PROPOSITION 7

Shall Article VI, "Planning and Zoning", Section 6.06 "Development of Property" be removed in its entirety to avoid ambiguity created by its current language, that might be interpreted as prohibiting the City from taking advantage of statutes available to home rule cities for development of the City? Budget impact cannot be quantified due to variables.

Draft Amendment

~~[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.]~~

CHARTER AMENDMENT BALLOT PROPOSITION 8

Shall Article VII, "Nominations and Elections", Section 7.01, "Nominations and Elections" be amended to remove any reference to a specific municipal election date, to ensure that the Seabrook City Charter adheres to the dates specified by Texas Election Code for elections, should the State Legislature continue to amend the available uniform election date(s)? This amendment has no expected budget impact.

Draft Amendment

Section 7.01. - Nominations and elections.

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

EXHIBIT "A"

CHARTER AMENDMENT BALLOT PROPOSITION 9

Shall Article IX, "Courts" be amended in its entirety for corrective reference update that the Seabrook Municipal Court, by adoption on May 5, 2004 of Ordinance 2004-09, is a "Municipal Court of Record" pursuant to Chapter 30 of the Texas Government Code? This amendment has no expected budget impact.

ARTICLE IX. – COURTS

Draft Amendments

Section 9.01. - Municipal Court of Record.

There shall be a court known as the Municipal Court of Record 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 of Record.

The Municipal Court of Record shall be presided over by a magistrate, appointed by an affirmative vote of four or more Councilmembers, known as the Presiding Judge of the Municipal Court of Record. 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 Presiding Judge. The City Council may waive the residency requirement when appointing a Municipal Court Presiding 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 of Record. 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.

Section 9.03. - Clerk of the Municipal Court of Record.

There shall be a Clerk of the Municipal Court of Record who shall be appointed by the Judge of the Municipal Court of Record 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 of Record as may be authorized by the Council and appointed by the Judge of the Municipal Court of Record 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 of Record. The Clerk and Deputy clerks of the

EXHIBIT "A"

Municipal Court **of Record** shall be responsible to the Judge thereof and shall be subject to his or her direction and control. The Judge of the Municipal Court **of Record** 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 of Record.

Sessions of the Municipal Court **of Record** shall be held at such times as the Judge(s) of the Municipal Court **of Record** 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 **of Record** 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.

Section 9.05. - Court separate from all departments.

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

CHARTER AMENDMENT BALLOT PROPOSITION 10

ARTICLE IX. – COURTS

Shall Article IX, "Courts", Section 9.02 "Judge of the Municipal Court" and Section 9.03, "Clerk of the Municipal Court", be amended to add the word "Presiding" each time the word "Judge" is used to distinguish the duties and responsibilities of the Presiding Judge from any and all Alternate Judges? This amendment has no expected budget impact.

Draft Amendment

Section 9.02. - Judge of the Municipal Court.

The Municipal Court shall be presided over by a magistrate, appointed by an affirmative vote of four or more Councilmembers, known as the **Presiding** 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 **Presiding** Judge. The City Council may waive the residency requirement when appointing a Municipal Court **Presiding** Judge or Alternate Judge with an affirmative vote of five (5) council members. The Council shall fix the compensation of the **Presiding** Judge and the alternate Judge of the Municipal Court. The **Presiding** 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 Presiding 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.

EXHIBIT "A"

Section 9.03. - Clerk of the Municipal Court.

There shall be a Clerk of the Municipal Court who shall be appointed by the **Presiding** 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 **Presiding** 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 Presiding Judge thereof and shall be subject to his or her direction and control. The **Presiding** Judge of the Municipal Court shall recommend the level of compensation of the Clerk of court subject to confirmation by the Council.

CHARTER AMENDMENT BALLOT PROPOSITION 11

Shall Article IX, "Courts", Section 9.02 "Judge of the Municipal Court" be amended to remove the Seabrook residency requirement for appointment as a municipal judge, to allow City Council access to more potential candidates for consideration of the position? This amendment has no expected budget impact.

Draft Amendment

Section 9.02. - Judge of the Municipal Court.

The Municipal Court shall be presided over by a magistrate, appointed by an affirmative vote of four or more Councilmembers, 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 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 AMENDMENT BALLOT PROPOSITION 12

Shall Article IX, "Courts", Section 9.02 "Judge of the Municipal Court" be amended to provide a correction for the term of appointment for the municipal court judge for a 2 or 4-year term, as provided by state law for municipal judges, Section 30.00006(d) Texas Government Code?

EXHIBIT "A"

Currently Charter Section 9.02 provides for a 3-year term. This amendment has no expected budget impact. This amendment has no expected budget impact.

Draft Amendment

Section 9.02. - Judge of the Municipal Court.

The Municipal Court shall be presided over by a magistrate, appointed by an affirmative vote of four or more Councilmembers, 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)~~] **two (2) or four (4)** 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~~] **two (2) or four (4)** years thereafter, as applicable.

CHARTER AMENDMENT BALLOT PROPOSITION 13

Shall Article X. "Franchises and Public Utilities" Section 10.07 "Regulation of Utilities, Subsection (f) (requiring every franchise holder to allow public utilities to use its poles and other facilities), be removed due to ambiguity and potential conflict with state and federal law? Budget impact cannot be quantified due to variables.

Draft Amendment

Section 10.07. - Regulation of franchises.

- (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.

EXHIBIT "A"

~~[(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.]~~

CHARTER AMENDMENT BALLOT PROPOSITION 14

Shall Article XI, "General Provisions" Section 11.01 "Publicity of Records" be amended for correction to conform to state law requiring that records shall be made available pursuant to the Texas Public Information Act, and accordingly are not subject to regulations established by the City Manager? This amendment has no expected budget impact.

Draft Amendment

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~~] **Texas Public Information Act**.

CHARTER AMENDMENT BALLOT PROPOSITION 15

Shall Article XI, "General Provisions" Section 11.08 "Fire Department and Fire Marshal be amended to update and substitute the term "fireman" to "firefighter"? This amendment has no expected budget impact.

Draft Amendment

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~~] **firefighters**, 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.

CHARTER AMENDMENT BALLOT PROPOSITION 16

Shall Article XI, "General Provisions", Section 11.16 "The Charter Review Commission and Amending the Charter" be amended to more clearly, precisely and uniformly schedule the date for appointment of the Charter Review Commission, by using the date of the last Charter Election,

EXHIBIT "A"

*instead of the date when the last Charter Review Commission was appointed, a time which varies?
This amendment has no expected budget impact.*

Draft Amendment

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~~] Charter Amendment Election.

CHARTER AMENDMENT BALLOT PROPOSITION 17

Shall Article XI, "General Provisions", Section 11.23 "Comprehensive Master Plan Review Commission" be amended to delete the provision that the Master Plan may not be amended unless approved by the Commission, in order to properly reference adherence to statutory authority of Council pursuant to State law Section 211.004-211.007 Texas Local Government Code, providing that the elected City Council exercises authority for zoning regulations, districts and boundaries. This amendment has no expected budget impact.

Draft Amendment

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.

CHARTER AMENDMENT BALLOT PROPOSITION 18

Shall Article XI, "General Provisions", Section 11.23 "Comprehensive Master Plan Review Commission" be amended to more clearly, precisely and uniformly schedule the date for appointment of the Master Plan Commission, by using the date of the last Plan Adoption, instead of the date when the last Master Plan Commission was appointed, a time which varies? This amendment has no expected budget impact.

Draft Amendment

Section 11.23. - Comprehensive Master Plan Review Commission.

EXHIBIT "A"

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~~] plan adoption. 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.

CHARTER AMENDMENT BALLOT PROPOSITION 19

Shall Article XII, "Transitional Provisions", be amended to replace the title of this Article with "Historical Reference" to provide more clarity that this Article is for historical recording when the citizens determined the City of Seabrook to move from a General Law City to a Home Rule City? This amendment has no expected budget impact.

Draft Amendment

ARTICLE XII. – [~~TRANSITIONAL PROVISIONS~~] HISTORICAL REFERENCE