

## Regular Meeting of the City Council

Tuesday, March 14, 2023 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

An agenda information packet is available for public inspection on the website at [www.surfsidetx.org](http://www.surfsidetx.org)

**NOTICE IS HEREBY GIVEN** that the City Council of the Village of Surfside Beach will conduct its Regular Meeting scheduled for **7:00 p.m. on Tuesday, March 14, 2023**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/82804862016?pwd=M3Bma1hBTGFsOWdvUFJZaGN0MTZ6QT09>  
Meeting ID: 828 0486 2016 Passcode: 1304

The City Council reserves the right to meet in closed session on any agenda item, should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

### **COUNCIL MEETING:**

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Mayor/council/committee/departement head/organization reports
- 4) Business of visitors not on the agenda.
- 5) *ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.*

### CONSENT AGENDA:

- A. Consider approval of minutes from the Council meeting on February 14, 2023.
- B. Consider approval of the February 2023 financials.
- C. Grant a variance to the Historical Committee for canon fire on May 6
- 7) Discuss and take possible action regarding a Proclamation declaring April 2023 as Fair Housing Month. *Bisso*
- 8) Discuss and take possible action regarding the Beach Advisory Committee written directive. *Bisso*

- 9) Discuss and take possible action to modify the Code of Ordinances section 22-28 regarding the hiring and disciplinary action policies regarding police officers. *Gerber*
- 10) Discuss and take possible action regarding outdoor lighting standards in the Village of Surfside Beach. *Gerber*
- 11) Discuss and take possible action regarding adopting the International Business Code of 2018 to address development of Commercial property. *Gerber/Josh Hart Building Official*
- 12) Discuss and take possible action to appoint a new member to the Beach Advisory Committee. *Capretta*
- 13) Discuss and take possible action to adopt Ordinance 2023-03-14A regarding amending the Section 22-28 of the Code of Ordinances regarding hiring and disciplinary action by the Chief of Police and City Council regarding PD. *Bisso*
- 14) Discuss and take possible action to adopt Ordinance 2023-03-14B regarding golf cart and UTV rules and requirements. *Bisso*
- 15) Discuss and take possible action to adopt Ordinance 2023-03-14C regarding approval of Restricted Prior Service Credit with the Texas Municipal Retirement System. *Bisso*
- 16) Discuss and take possible action regarding the Village's water and sewer rates.

#### CERTIFICATION

I hereby certify that a true and correct copy of the above and foregoing "Notice of Meeting" by the City Council was posted on the front bulletin board of the City Hall of the Village of Surfside Beach, Texas. Said notice was posted Thursday March 9, 2023 at or before 6:00 PM and remained so posted continuously for at least 72 hours before the scheduled time and date of the meeting.

  
Amanda Davenport, City Secretary

# PROCLAMATION

**WHEREAS**, the Department of Housing and Urban Development has initiated the sponsorship of activities during the month of April of each year designed to reinforce the Department's commitment to the concept of Fair Housing and Equal Opportunity; and

**WHEREAS**, The Village of Surfside Beach affirmatively supports the efforts of the Federal Government and the State of Texas to assure equal access to all Americans to rental housing and homeownership opportunities; and

**WHEREAS**, The Village of Surfside Beach welcomes this opportunity to reaffirm its commitment to provide equal access to housing to all of its residents without regard to race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, national origin or source of income; and

**WHEREAS**, The Village of Surfside Beach affirmatively supports programs that will educate the public concerning their rights to equal housing opportunities and to participate in efforts with other organizations to assure every person their right to fair housing; and

**WHEREAS**, The Village of Surfside Beach is honored to join the Federal Government, the State of Texas, and local jurisdictions across America in celebrating the rich diversity of our people and the right of all citizens to live where they choose without fear of discrimination.

**NOW, THEREFORE**, be it resolved, The Village of Surfside Beach, does hereby proclaim April as the month to celebrate and honor all efforts which guarantee the right to live free of discriminatory housing practices and proclaim this month as:

## **“FAIR HOUSING MONTH”**

and urge all local officials and public and private organizations to join activities designed to further Fair Housing objectives.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Village of Surfside Beach to be affixed this the 14th day of March, 2023.

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Mayor

## **Draft – Beach Advisory Committee Written Directive 8-27-22**

**Revised 9-22-22 FC**

**Statement of Purpose** – The purpose of the Beach Advisory Committee is to provide input on an advisory basis to the City Council regarding maintenance and improvements related to the City’s beach and beach access to support compliance with the Dune Protection and Beach Access Plan (The Plan). As stated in The Plan, *Section 2 – VIII, The Beach Advisory Committee function shall be to take the local lead in the implementation of the standards for beach maintenance, resolution of issues and to address and respond to local concerns.* The committee may also be assigned special projects by the Council related to the beach and beach access on an as needed basis.

### **Activities –**

- The BAC will host monthly meetings to give the residents of Surfside and other interested individuals the opportunity to ask questions or express comments and concerns regarding the Beach in Surfside. The committee will address those directly or bring the issues to the attention of the Council as appropriate.
- The BAC will be included in or copied on, communications between the GLO, City and/or City Departments regarding maintenance or improvements to the Beach or Beach Accesses related to the Dune Protection and Beach Access Plan.
- The BAC will conduct periodic visual inspections of the beach, beach access points and beach parking areas. Findings that relate to maintenance and improvement efforts by the City will be shared with the Council to coordinate maintaining compliance with the Dune Protection and Beach Access Plan. Issues and resolutions by the city will be recorded and kept in the BAC records.
- The BAC will be involved in planning and budgeting for Beach Maintenance and Improvements including timely receipt of quarterly reports being forwarded to the GLO stating Beach User Fee Revenues and itemized expenditures.

- The BAC will recommend and coordinate any changes to the Dune Protection and Beach Access Plan with Council Approval.

**Membership** – Membership is composed of residents or property owners of the City of Surfside (1-year 6 months in residence or ownership minimum). 5 voting Members and 2 Alternates. Membership is by application which can be found on the City website. Applications are accepted year round and are retained for 1 year. Members and Alternates are added as vacancies occur. Applications are reviewed by the BAC and potential new members/alternates are recommended to Council for final approval. Membership is indefinite unless a member resigns or is removed by the Council.

**Committee Positions:** A Committee Chair and a Committee Secretary will be selected by the membership.

The Committee Chair will facilitate the committee meetings, be the point of contact for the Council Liaison and will present updates on the committee's activities at regularly scheduled council meetings.

The Committee Secretary will coordinate the scheduling and posting of meetings and workshops with the City and will notify all members and alternates of meeting dates, rescheduling or cancellations. The Secretary will also record the minutes of all meetings and workshops and will email copies of the minutes to the members and alternates prior to the next scheduled meeting.

**Meetings** - The BAC is an advisory committee and is not subject to the Open Meetings Act of the State of Texas. However, regular meetings are open to all residents or individuals with an interest in the beaches of Surfside. Questions and concerns regarding the beaches of Surfside can be brought to the regular meetings or emailed to the BAC Council Liaison. (See Communications)

The BAC will meet monthly, approximately 1 week prior to the regularly scheduled Council meeting. Additional Workshops may be scheduled as needed at any time to provide timely support for detailed work efforts by the committee. Workshops may be open or closed to guests depending on the effort as determined by the BAC.

Regular meetings will be held at the City Hall when available. Meetings or Workshops may be held at other suitable locations in Surfside as needed.



Regular meeting notices will be posted a minimum of 24 hours prior on the City's Website Calendar and/or at City Hall. Agendas with topics of discussion will be included in the postings. Minutes from regular meetings will be posted on-line at least 24 hours prior to the next regularly scheduled meeting.

**Voting** - Voting is by majority with a minimum of 3 voting members present. Alternates may vote in absence of a voting member.

### **Communications –**

- Residents or interested individuals may send comments, questions or concerns to the BAC via email to the ~~BAC Council Liaison~~ **City Secretary**. The ~~Liaison~~ **City Secretary** will ~~present~~ **forward all** emails to the BAC **Council Liaison, BAC Chair and Secretary**, for discussion at their next scheduled meeting. The ~~BAC Council Liaison~~ will reply to those emails at the earliest opportunity following the committee's discussion of the ~~item~~ **topic** and copy the BAC **Council Liaison and City Secretary** on those communications.
- Committee members and alternates may communicate in person, via email, phone or text message for general discussion purposes or for decision making as needed.
- The BAC's written directive will be posted on the Cities website in an appropriate section as determined by the Council. The City's Website Manager will ensure meeting dates and agendas are posted in a timely manner, a minimum of 24 hours in advance. Notice of workshops is at the discretion of the committee if they are determined to be open or closed.

# From the Open Meetings Act Handbook 2022 (Texas)

## Chapter V

### A. Governmental Bodies

A. Definition Section 551.002 of the Government Code provides that “[e]very regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.”<sup>99</sup> “Governmental body” is defined by section 551.001(3) as follows: “Governmental body” means: (A) a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;

*The Beach Advisory Committee is not a governmental body.*

## Chapter V

### D. Committees and Subcommittees of Governmental Bodies

Generally, meetings of less than a quorum of a governmental body are not subject to the Act.<sup>127</sup> However, when a governmental body appoints a committee that includes less than a quorum of the parent body and grants it authority to supervise or control public business or public policy, the committee may itself be a “governmental body” subject to the Act.<sup>128</sup>

*The Beach Advisory Committee does not have authority to supervise or control public business.*

## Chapter V

### E. Advisory Bodies

An advisory committee that does not control or supervise public business or policy is not subject to the Act,<sup>135</sup> even though its membership includes some members, but less than a quorum, of a governmental body.

*The Beach Advisory Committee does not control or supervise public business.*

## Chapter VII

## Notice Requirements

### A. Content

The Act requires written notice of all meetings. Section 551.041 of the Act provides: A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.<sup>232</sup> A governmental body must give the public advance notice of the subjects it will consider in an open meeting or a closed executive session.<sup>233</sup> The Act does not require the notice of a closed meeting to cite the section or subsection numbers of provisions authorizing the closed meeting.<sup>234</sup> No judicial decision or attorney general opinion states that a governmental body must indicate in the notice whether a subject will be discussed in open or closed session,<sup>235</sup> but some governmental bodies do include this information. If the notices posted for a governmental body's meetings consistently distinguish between subjects for public deliberation and subjects for executive session deliberation, an abrupt departure from this practice may raise a question as to the adequacy of the notice.<sup>236</sup> Governmental actions taken in violation of the notice requirements of the Act are voidable.<sup>237</sup> If some actions taken at a meeting do not violate the notice requirements while others do, only the actions in violation of the Act are voidable.<sup>238</sup> (For a discussion of the voidability of the governmental body's actions, refer to Part XI.C. of this Handbook).

*The Beach Advisory Committee is not a governmental body.*



## Amanda Davenport

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**From:** Jon Gerber  
**Sent:** Wednesday, March 8, 2023 10:59 AM  
**To:** Amanda Davenport  
**Subject:** Law enforcement

Discuss and take possible action to amend

### Sec. 22-28

#### Hiring and disciplinary action.

(a)

All Officers are appointed to their office by the City Council or the Chief of Police of the Village of Surfside. All Officers serve at the will of the Village and may be discharged from employment and/or removed from office with the Village with or without cause. Nothing in the Policy and Procedure Manual or this article creates a property interest in any officer or an expectation in continuing their employment with the village.

(b)

Officers may be discharged from duty with cause by the Chief of Police, procedures outlined in the Policy and Procedure Manual shall govern the scope of all disciplinary actions taken by the Chief. An emergency or special meeting shall be called by the mayor and a hearing shall be scheduled in the event that an Officer is appealing suspension, demotion, termination, or other disciplinary actions, and has met the requirements outlined in the Policy and Procedure Manual. The mayor is responsible for complying with the notice provisions of the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551, and the time at which such meetings shall begin shall be the time specified in such notice.

(c)

Officers may be discharged from duty or removed from office by the City Council, the removal becomes effective upon the vote of two-thirds of the elected councilmembers of the City Council in favor of a resolution declaring a lack of confidence in the Officer, and no notice to the Officer or opportunity to be heard by the Officer is required.

(d)

In the event that an employee is guilty of incompetency, corruption, misconduct, or malfeasance as outlined in the Policy and Procedure Manual their employment may be terminated with cause.

(e)

Nothing herein shall be construed as preventing the Chief of Police from taking other disciplinary action short of removal from office as specified in the manual, including, but not limited to, suspension, with or without pay, if warranted.

(f)

In the event that an Officer believes that his liberty interests have been violated due to a disciplinary action taken by the Chief of Police the employee may file a Grievance pursuant to Policy 4.7 of the Policy and Procedure Manual.

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(g)

Nothing herein this article or in the Policy and Procedure Manual shall be construed to limit the right of the City Council in overriding any employment or disciplinary decision made by the Chief of Police.

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Sent from my iPhone

# Amanda Davenport

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**From:** Jonathan Gerber <jonguber@yahoo.com>  
**Sent:** Wednesday, March 8, 2023 12:44 PM  
**To:** Amanda Davenport  
**Subject:** Light Agenda

Discuss and take possible action to add to Surfside Beach Code of Ordinance

## Outdoor Lighting Standards

### PURPOSE AND APPLICABILITY

A.

**Generally.** The purposes of this Article are to:

1.

Allow for the reasonable use of outdoor lighting;

2.

Minimize adverse off-site effects on other properties and habitat areas including light trespass and glare;

3.

Improve security through night-time visibility;

4.

Minimize the cumulative effects of excessive artificial lighting in an urbanized setting that detracts from enjoyment of the natural darkness and astronomical features of the night sky; and

5.

Conserve energy.

B.

### SINGLE-FAMILY AND TWO-FAMILY LIGHTING

Outdoor lighting on new single-family and two-family dwelling units shall be designed so that:

A.

**Fixtures.** Fixtures shall be installed so that the light cast on abutting properties does not exceed 0.1 foot-candles on the ground at the property line and on any window plane on the other properties ; and

B.

**Operational Practices.** Any motion sensor security lighting shall be pointed away from windows on other properties.

C.

**Fishing Lights.** All fishing lights (free standing or mounted to a structure) over or adjacent to open water shall be no taller than 20 feet from mean high tide, fully shielded and deflected, and shaded and focused away from projecting light over property lines.

2.

**Glare from Buildings and Structures.** Buildings and structures shall be designed and oriented to avoid glare

## **PUBLIC SAFETY AND PUBLIC NUISANCE**

**Generally.** The Village may require the modification, removal, or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance

## **DEFINITIONS RELATED TO OUTDOOR LIGHTING**

**Foot-Candle** means a unit measuring the amount of illumination produced on a surface. One foot-candle is the amount of illumination falling on all points which are 1 foot from a uniform point source of one candle.

**Glare** means brightness of intensity sufficient to cause discomfort to a viewer and reduce the ability to see and, in extreme cases, to cause temporary blindness.

**Lumen** means a unit of luminous flux. One foot-candle is 1 lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Sent from my iPhone



## Amanda Davenport

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**From:** Jon Gerber  
**Sent:** Wednesday, March 8, 2023 11:35 AM  
**To:** Amanda Davenport  
**Subject:** 2018 International Building Code

**Discuss and take possible action to adopt 2018 International Building Code into the Surfside Code of Ordinance , to address development of commercial property.**



Sent from my iPhone



**APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES**

DATE: March 8, 2023  
NAME: Pamela Maseda PHONE: (979) 417-4609  
ADDRESS: 202 Nasturtium CITY: Lake Jackson STATE: TX ZIP: 77566

I would like to apply for the following council-appointed boards/commissions/committees:

- Beautification Committee*
- Village Advisory Planning Commission*
- Surfside Beach Historical Commission*
- Beach Advisory Committee*
- Tourism Committee*

**PERSONAL INFORMATION:**

OCCUPATION: Research Compliance Officer, Department of Veterans Affairs

ADDITIONAL EXPERIENCE: \_\_\_\_\_

EDUCATION: Associated of Applied Science

**PROFESSIONAL and/or OTHER COMMUNITY ACTIVITIES:**

- Save our Beach Association 2017 - present (SOBA, Secretary 2019 -2021),
- Habitat for Humanity of Southern Brazoria County , 2yrs    Lean Six Sigma Certified
- VA Research & Development Committee 25+ years, VA Subcommittee on Research Safety 25+ years
- VA Wellness Committee 5+ years, VA Institutional Animal Care and Use Committee 4+years
- Sea Aggie Turtle Patrol 2019 - present

*Please return this form to the Village of Surfside Beach, Office of the City Secretary via email ([amanda@surfsidetxt.org](mailto:amanda@surfsidetxt.org)),  
fax or mail.*

**ORDINANCE 2023-03-14A**

**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; AMENDING TERMINATION REQUIREMENTS OF SURFSIDE BEACH POLICE OFFICERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

**WHEREAS**, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

**FIRST**, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

**SECOND**, That Chapter 22, Article 2, Section 22-28 of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

**Sec. 22-28. - Hiring and disciplinary action.**

- (a) All officers **and non-officer employees** are appointed to their office by the ~~city council~~ **Chief of Police**. ~~All nonofficer employees are hired by the chief.~~ All employees serve at the will of the Village and may be discharged from employment and/or removed from office with the village, with or without cause. Nothing in the manual or this article, creates a property interest in an employee or an expectation in continuing their employment with the village.
- (b) **Officers and non-officer employees** may be discharged **with or** without cause by the Chief, which requires no notice to the employee, nor opportunity to be heard. ~~Nonofficer employees may also be discharged for cause, in which event the procedures of subsection (d) of this section shall be followed.~~
- (c) ~~Officers may only be removed from office by the city council or by the chief. If the removal from office is without cause, the removal becomes effective upon the vote of two-thirds of the elected councilmembers of the city council in favor of a resolution declaring a lack of confidence in the officer, and no notice to the officer or opportunity to be heard by the officer is required. The removal is also effective~~

~~upon the officer's receipt of written notice from the chief. Officers may also be discharged for cause, in which event the procedures of subsection (d) of this section shall be followed.~~

- ~~(d) In the event that an employee is guilty of incompetency, corruption, misconduct, or malfeasance in their employment with the village, the employee, before being discharged or removed from office shall be provided with due notice and an opportunity to be heard as set forth herein. Any violation of the manual constitutes incompetency, corruption, misconduct, and/or malfeasance. Before any action is taken with respect to removal from office, the employee will be given at least 72 hours notice of the charges against him before a hearing is held. Any hearings will be private unless the employee requests a public hearing, in which event the hearing will be public. At such hearing, the employee may be represented by an attorney of their choice, and may cross-examine any witnesses, call witnesses, present statements, and present any other evidence on his own behalf. The city council may remove the officer upon simple majority vote of those present and voting. The decision of the city council is final.~~
- ~~(e) Nothing herein shall be construed as preventing the chief from taking other disciplinary action short of removal from office as specified in the manual, including, but not limited to, suspension, with or without pay, if warranted.~~
- ~~(f) In the event that an employee believes that his liberty interests have been violated, the employee may request in writing a name-clearing hearing before the city council within five days of any such violation. The city council will then hold a hearing to permit the employee to address any such violations of the employee's liberty interests. In the event that an employee does not request such hearing in writing to the city council within five days of the alleged violation of the liberty interest, then the employee will have waived any right of hearing on such interest by the city council.~~
- ~~(g) Nothing herein shall limit the right of the city council in overriding any employment or disciplinary decision made by the chief of police. However, in the event that an employee does not appeal any such decision in writing to the city council within five days of the decision, then the employee will have waived any right of review by the city council.~~

**THIRD**, This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

**FOURTH**, If any section, subsection, sentence, clause, or phrase, of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

**FIFTH**, All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

**READ, PASSED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
**GREGG BISSO, MAYOR**  
**VILLAGE OF SURFSIDE BEACH, TEXAS**

**ATTEST: \_\_\_\_\_**  
**AMANDA DAVENPORT**  
**CITY SECRETARY**



## ORDINANCE 2023-03-14B

**AN ORDINANCE AMENDING CHAPTER 46, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, TO PROVIDE FOR THE HOURS OF OPERATION AND REGULATION OF OPERATION OF GOLF CARTS ON PUBLIC ROADWAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

**WHEREAS**, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

**FIRST**, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

**SECOND**, That Chapter 46, Article IV, of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby adopted to read as follows:

**Sec. 46-171. - Designated areas and times for golf cart and utility vehicle operation.**

- (a) Golf carts and utility vehicles may be operated on all streets and the south easement of Bluewater Highway (CR257), except as set forth in subsection (b) of this section.
- (b) Golf carts and utility vehicles shall not be operated on Surfside Bridge, Bluewater Highway (CR257), and Fort Velasco Boulevard, except to cross such streets at an intersection.
- (c) Golf carts and utility vehicles shall not be operated on the pedestrian beach, except for persons with a disability that conspicuously displays a disabled parking placard issued by any State of the United States of America.
- ~~(d) Golf carts may be operated from 7 A.M. to 9 P.M.~~

**Sec. 46-172. - Requirements to operate a golf cart or utility vehicle.**

- (a) Golf carts and utility vehicles shall display a slow-moving-vehicle reflective emblem on the back of the cart.
- (b) Golf carts and utility vehicles shall be operated by a driver holding a valid driver's license.
- (c) Golf carts and utility vehicles shall be equipped with:
  - (1) Headlamps;
  - (2) Taillamps;
  - (3) Reflectors;
  - (4) Parking brake;

- (5) Mirrors; and
- (6) Golf Cart License Plate, or motor vehicle plate (off-road plates are not acceptable)
- (d) Any person or entity that allows another to use a golf cart or utility vehicle for pay shall maintain financial responsibility on such golf cart or utility vehicle.
- (e) Golf carts and utility vehicles shall not have tires with elongated treads or paddle tires designed for deep sand operations.
- (f) Golf cart and utility vehicles shall not be modified to an excessive height as prescribed by the Texas Transportation Code.

**Secs. 46-173—46-199. - Reserved.**

**THIRD,** This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

**FOURTH,** If any section, subsection, sentence, clause, or phrase, of this Ordinances is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

**FIFTH,** All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

**SIXTH,** Any violation of this Ordinance can be enjoined by a suit filed in the name of the Village of Surfside Beach in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the Village of Surfside Beach.

**SEVENTH,** This Ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in The Facts Newspaper.

**READ, PASSED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

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**GREGG BISSO, MAYOR**  
**VILLAGE OF SURFSIDE BEACH, TEXAS**

**ATTEST:** \_\_\_\_\_  
**AMANDA DAVENPORT**  
**CITY SECRETARY**

2023-03-14C



February 22, 2023

Amanda Davenport  
City Secretary  
City of Surfside Beach  
1304 Monument Drive  
Surfside Beach, TX 77541

Via Email

Re: Restricted Prior Service Credit

Dear Ms. Davenport,

Thank you for your interest in offering your city employees Restricted Prior Service Credit (RPSC) with TMRS.

RPSC is an optional TMRS benefit that you can offer to your employees that allows them to use previous full-time employment at another public employer to satisfy length of service requirements for TMRS retirement eligibility.

Full-time employment for any of the following entities may qualify:

- A public authority or agency created by the United States;
- Any state or territory of the United States;
- Any political subdivision of any state of the United States;
- Any public agency or authority created by a state or territory of the United States;
- Previously forfeited service with TMRS or one of the following retirement systems: Texas County and District Retirement System, Teacher Retirement System of Texas, Employees Retirement System of Texas, and Judicial Retirement System of Texas; or
- Any institution of higher education at which the person was commissioned as a campus security personnel employee.

The city's contribution rate will reflect the cost of RPSC as employees qualify for the credit.

Enclosed for your information is a TMRS RPSC model ordinance that would have to be adopted by the city council in order to provide RPSC.

When the ordinance is adopted, please send a copy to Veronica Escobedo at [vescobedo@tmrs.com](mailto:vescobedo@tmrs.com).

If you have any questions about the ordinance or anything else, please contact me at 512-225-3760.

Sincerely,

A handwritten signature in blue ink that reads 'Leslee S. Hardy'.

Leslee S. Hardy, ASA, FCA, EA, MAAA  
Director of Plan Design & Funding

ORDINANCE NO. 2023-D3-14C

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SURFSIDE BEACH, TEXAS:

**Section 1. Authorization of Restricted Prior Service Credit.**

(a) On the terms and conditions set out in Sections 853.305 of Subtitle G of Title 8, Texas Government Code, as amended (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who is now or who hereafter becomes an employee of this City shall receive restricted prior service credit for service previously performed as an employee of any of the entities described in said Section 853.305 provided that (1) the person does not otherwise have credited service in the System for that service, and (2) the service meets the requirements of said Section 853.305.

(b) The service credit hereby granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of Updated Service Credits.

(c) A member seeking to establish restricted prior service credit under this ordinance must take the action required under said Section 853.305 while still an employee of this City.

**Section 2.** This ordinance shall become effective on the first day of \_\_\_\_\_, 20\_\_\_\_\_.

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
City Secretary or Clerk

\_\_\_\_\_  
Mayor