

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Clerk's Office

AGENDA DATE: May 23, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: City Clerk's Office, Laura D. Prine, (915) 212-0049

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.8 – Support transparent and inclusive government

SUBJECT:

A Resolution ordering the adoption of City Charter Amendments approved by the voters at the May 2023 City Special Election.

BACKGROUND / DISCUSSION:

A Special Election for the City of El Paso was held on May 6, 2023, for the purpose of determining whether certain amendments to the City Charter should be adopted. The canvassing of the votes from the Special Election took place during a Special City Council meeting on May 16, 2023.

In accordance with Section 9.007 of the Texas Local Government Code the City Manager shall certify to the Secretary of State an authenticated copy of the Charter as amended under the City's seal showing the approval of the voters of the City and the City Clerk shall record these adopted amendments in the book kept for this purpose in accordance with Section 9.008 of the Texas Local Government Code.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Not applicable.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Laura D. Prine 5/16/2023

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

**RESOLUTION ORDERING THE ADOPTION OF CITY CHARTER
AMENDMENTS PASSED AT THE MAY 2023 CITY SPECIAL ELECTION**

WHEREAS, the City Council of the City of El Paso ordered a special election to be held in said City on May 6, 2023, for the purpose of determining whether certain amendments to the City Charter should be adopted; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. (a) That the City Council officially finds, determines, and declares the result of said Special Election for the submission of City Charter Amendments and that the following **City Charter Amendments by propositions C, D, E, I, and J** did receive a majority vote and therefore did carry.

(b) That the City Council declares, in accordance with the provisions of Section 9.005 of the Texas Local Government Code, that the **City Charter Amendments passed by propositions C, D, E, I, and J**, the full text of which are attached hereto as Exhibit A are adopted, and that this Resolution shall constitute the entry of an order in the records of the City declaring that such amendments to the City Charter are adopted.

(c) That the City Council declares that the following adopted **City Charter Amendments passed by propositions C, D, E, I, and J** are effective immediately upon the adoption of this Resolution.

2. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2023 City Special Election showing the number of votes cast in each precinct for the Special Election.

3. That this Resolution is adopted subject to the right of any person to contest such election in any way provided by law.

4. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

5. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the Charter Amendments so adopted in the separate book kept in her office for such purpose. The City Manager shall certify to the Secretary of State an authenticated copy of the Charter as amended under the City's seal showing the approval of the voters of the City in accordance with Section 9.007 of the Texas Local Government Code and the City Clerk shall record these adopted amendments in the book kept for this purpose in accordance with Section 9.008 of the Texas Local Government Code.

ADOPTED this _____ day of May 2023.

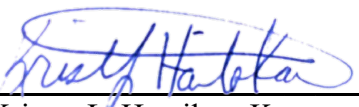
THE CITY OF EL PASO

ATTEST

Oscar Leeser, Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Senior Assistant City Attorney

EXHIBIT A

AMENDMENT C
Text of Amendment

Amending Section 3.5 of the City Charter, relating to City Council Procedures and Rules, to read in pertinent part as follows:

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. Regular meetings of the Council shall be held in Council chambers no less than once every other week at such times as may be prescribed by resolution, except that Council may reschedule meetings by resolution to allow for City holidays, but must have no less than two regular meetings per month. The Mayor may cancel a meeting if necessary due to a Federal, State or Local declared emergency.

Ballot Proposition

FOR () Should section 3.5A of the City Charter be amended to allow Council to reschedule meetings by resolution to allow for City holidays but shall hold no less than two regular meetings per month.

AGAINST ()

AMENDMENT D
Text of Amendment

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. Regular meetings of the Council shall be held in Council chambers no less than once every other week at such times as may be prescribed by resolution, except that Council may reschedule meetings by resolution to allow for City holidays, but must have no less than two regular meetings per month. The Mayor may cancel a meeting if necessary due to a Federal, State or Local declared emergency.

Ballot Proposition

FOR () Should section 3.5A of the City Charter be amended to allow the Mayor to cancel a meeting if necessary due to a Federal, State, or Local declared emergency?

AGAINST ()

AMENDMENT E
Text of Amendment

Amending Sections 3.9B relating to Ordinances, 3.10B relating to emergency ordinances, 6.1-12 relating to civil service hearing officers to read in pertinent part as follows:

Section 3.9 ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a website at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

Section 3.10B EMERGENCY ORDINANCES.

Procedures. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one-hour public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Council members present shall be required for adoption.

Section 6.1-12 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

The hearing officers will serve at the Commission's pleasure, and will be procured through the City's procurement process.

Ballot Proposition

FOR () Shall Sections 3.9B, 3.10B, 6.1-12 of the City Charter be amended to eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references, and update terminology to current legal usage?

AGAINST ()

AMENDMENT I

Text of Amendment

Amending Section 6.13-11D of the City Charter, relating to pensions plans to read in pertinent part as follows:

Section 6.13-11D PENSION PLANS.

Firemen and Policemen Pension Fund of El Paso. The City shall continue to augment the Firemen and Policemen Pension Fund of El Paso in a manner consistent with the laws of Texas. To augment the Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after May 2023, appropriate no less than eighteen percent of the total amount expended for wages of the participants, and may increase this contribution rate as allowed by the relevant state law requirements based on a qualified actuary's report; provided, however, that in the event age limits for participation in the pension fund, or any division of the fund, are increased as permitted by law and the raising of the age limits causes an increase in funding costs as determined by an actuary, the City shall appropriate an amount equal to such cost increase notwithstanding that such increased appropriation may exceed the otherwise determined percent of the total amount expended for wages of the participants. Notwithstanding the foregoing, if the City elects to pick up participant contributions to the Firemen and Policemen Pension Fund of El Paso under Section 414(h) of the Internal Revenue Code of 1986, as amended (the "Code"), then the participant contributions picked up by the City shall be derived from a corresponding reduction in participant cash salaries and treated as a contribution by the City solely for determining tax treatment of such contributions under the Code. The picked up contributions by the City shall not be considered a contribution or required contribution by the City for any other purpose, including the limitations for the total amount expended for salaries of the participants designated in this Section 6.13-11.D. Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make a one time contribution (either in lump sum or installments) to the Firemen and Policemen Pension Fund solely for an underfunded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan

documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

Ballot Proposition

FOR () Should section 6.13-11D relating to the police and fire pension fund be amended to establish that the City of El Paso shall contribute to the El Paso Policemen and Firemen Pension Fund no less than eighteen percent of the total amount expended for wages of the participants, and any increase to the contribution rate shall be as allowed by state law?

AGAINST ()

AMENDMENT J
Text of Amendment

Amending Section 3.20B of the City Charter, relating to the Chief Internal Auditor to read in pertinent part as follows:

Section 3.20B Internal Audit Function

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.
4. The Financial Oversight and Audit Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by, and report to the Council. The Chairman of the Financial Oversight and Audit Committee shall maintain operational oversight over the internal audit function. The City Manager shall be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

Ballot Proposition

FOR () Should Section 3.20B of the El Paso City Charter be amended to change the reporting structure of the Chief Internal Auditor so the position reports directly to City Council?

AGAINST ()