

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
AGENDA SUMMARY FORM**

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** 10/26/2021 (Regular Agenda)

**CONTACT PERSON NAME AND PHONE NUMBER:**

Rep. Isabel Salcido, 915-212-0005

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:**

Goal 6 - Set the Standard for Sound Governance and Fiscal Management

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action to direct the City Attorney to drop the litigation related to the mandated use of masks and facial coverings (currently in the Eighth Court of Appeals), and to cease all staff work related to said litigation, in order to better prioritize staff time and taxpayer funds toward efforts more likely to be successful.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

In the time since the filing of this lawsuit, the City of El Paso announced that it had reached herd immunity from COVID-19. It is important to find a balance in the strategies we employ as we continue to fight COVID-19 but also work to jumpstart our economy as we emerge from the pandemic. Masks are an important tool in curtailing the spread of the virus, and we should continue to encourage El Pasoans to wear masks. Given that the City was not granted emergency relief, it seems very unlikely that there will be a ruling in the City's favor, so continuing the lawsuit seems to be a waste of staff time and funds. Given that there are other Texas counties, municipalities, ISDs, etc. who are continuing with their active litigation on the same question, it seems that our legal action is, at this point, redundant and no longer necessary. For those reasons, it makes sense to drop the litigation related to the mandated use of masks and facial coverings (currently in the Eighth Court of Appeals), and to cease all staff work related to said litigation, in order to better prioritize staff time and taxpayer funds toward efforts more likely to be successful.

**PRIOR COUNCIL ACTION:**

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

The City Council voted to proceed with the lawsuit in a Special City Council Meeting on Monday, August 16, 2021.

**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?**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*