



# **Direction to City Attorney Regarding Contract Awards Involving Litigation**

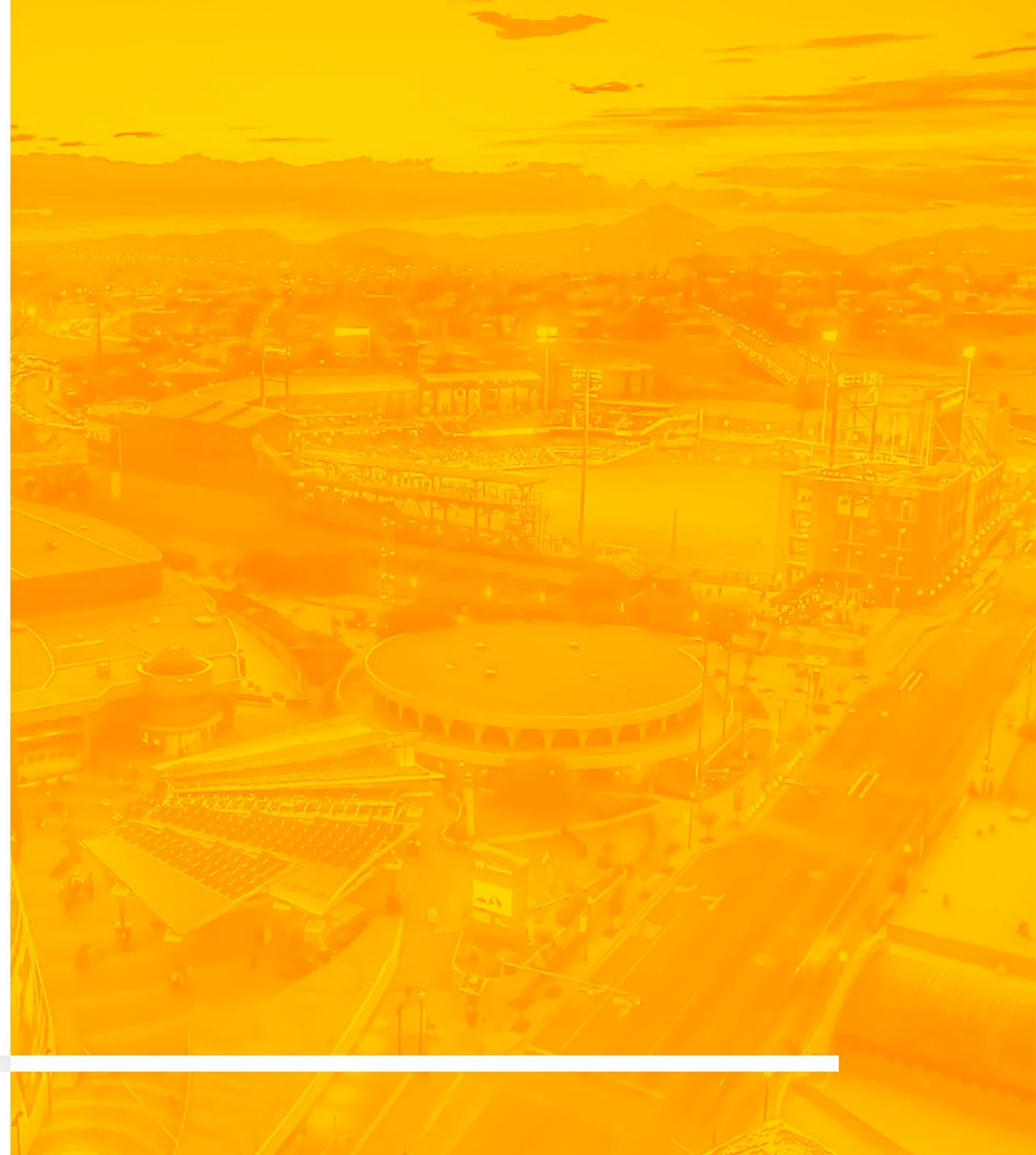
*Mayor Pro Tempore Alejandra Chavez*

*February 3, 2026*

# Strategic Goal

**Goal 6:** *Set the  
Standard for  
Governance and  
Fiscal Management*

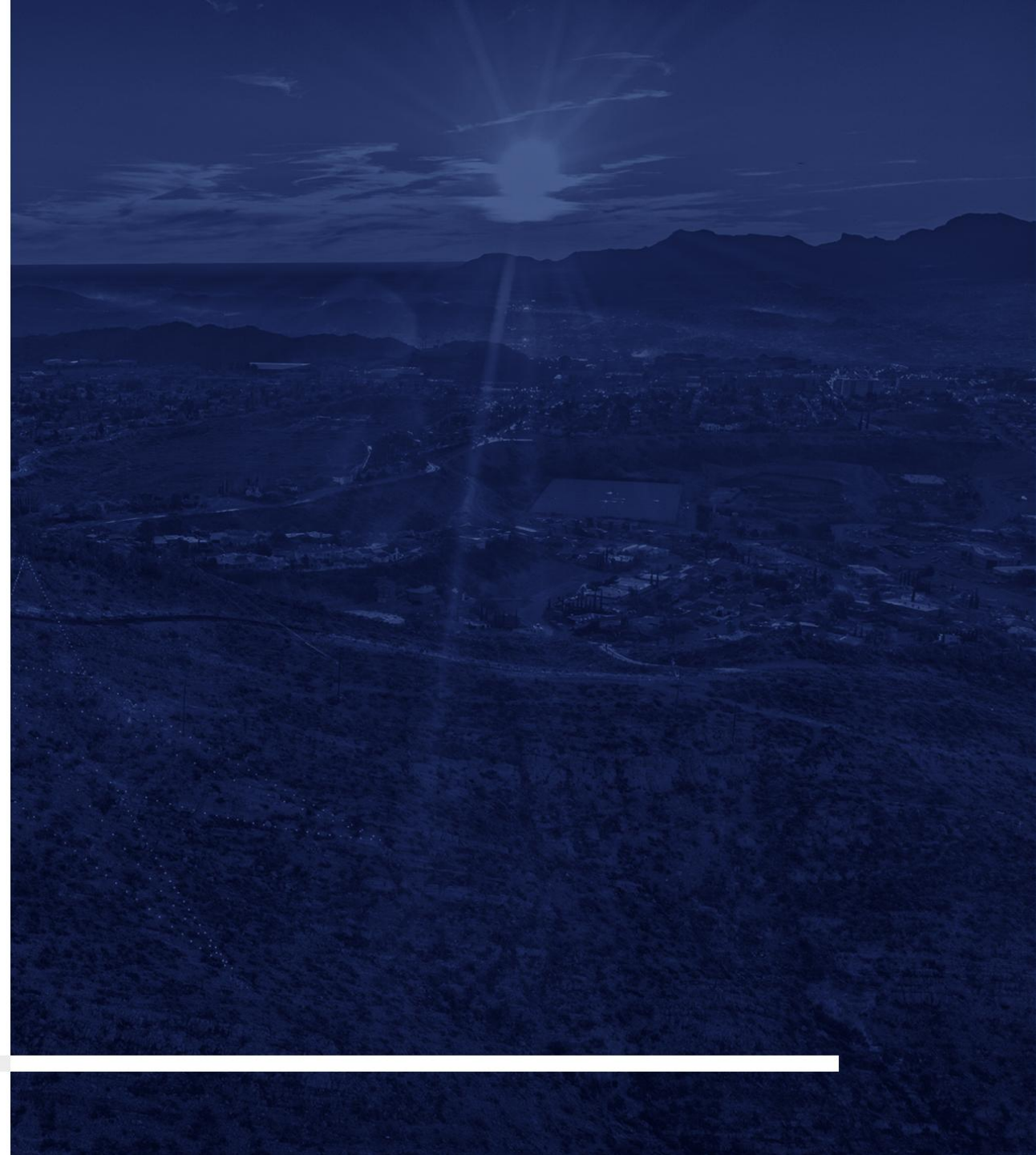
**Subgoal 6.10:**  
*Enhance the quality of  
decision making with  
legal representation  
and support*





# Requested Action

*Discussion and Action to direct the City Attorney- that prior to the award of any City contract where the proposed awardee has been involved in prior or active litigation with the City- to brief City Council on the background and context of such litigation and any other related legal considerations relevant to the proposed contract, with such briefing to occur in executive session.*



# Background & Context

## Purpose

- City Council has a duty to protect City's legal, financial, and operational interests
- Contracts are funded by taxpayer dollars and require careful oversight

## Need for Legal Context

- When a proposed contract awardee has been involved in litigation with the City:
  - Council should understand the background and context
  - Helps assess potential risks or considerations





# Background & Context

## Consistent Process

- Establishes a uniform requirement for a legal briefing when:
  - A recommended contract awardee is or has been involved in litigation with the City
- Briefing will provide:
  - Factual Background
  - Context of Litigation
  - Relevant Legal Considerations

## Executive Session Briefing

- Legal briefing will occur in Executive Session
- Protects the City's attorney-client privilege

# Background & Context

## No Presumption on Contract Awards

- Does NOT prohibit awarding contract to any vendor
- Does NOT create a presumption for or against any awardee
- Does NOT promote retaliation

## Transparency & Compliance

- Final Action on All Contracts will occur in Open Session
- Fully Compliant with the Texas Open Meetings Act



# City of El Paso Ethics Ordinance Compliance *2.92.070(C)(3)*

*It shall be unlawful for any person who is an adverse party in any pending litigation against the City, or who has an ownership interest of 10% or more in any entity that is an adverse party to the City in any pending litigation to contribute or donate any funds to any candidate for City office if the litigation seeks recovery of an unspecified amount or of an amount in excess of twenty-five thousand dollars, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing a person or entity in pending litigation against the City. **It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in this section. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.***



# City of El Paso Ethics Ordinance Compliance

## 2.92.070(C)(3)



### Candidate Ethics Requirement

Prohibition of contributions by litigants. It shall be unlawful for any person who is an adverse party in any pending litigation against the city, or who has an ownership interest of ten percent or more in any entity that is an adverse party to the city in any pending litigation to contribute or donate any funds to any candidate for city office if the litigation seeks recovery of an unspecified amount or of an amount in excess of twenty-five thousand dollars, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing a person or entity in pending litigation against the city. It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in this section. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation. – Section 2.92.100 (C)(3)

### Litigation Reports

• January 2025	• February 2025	• March 2025	• April 2025	• May 2025	• June 2025
• July 2025	• August 2025	• September 2025	• October 2025	• November 2025	• December 2025
• January 2024	• February 2024	• March 2024	• April 2024	• May 2024	• June 2024
• July 2024	• August 2024	• September 2024	• October 2024	• November 2024	• December 2024



# Texas Local Government Code *§252.043*

Sec. 252.043. AWARD OF CONTRACT. (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality, **the municipality may consider:**

(1) the purchase price;

(2) the reputation of the bidder and of the bidder's goods or services;

(3) the quality of the bidder's goods or services;

(4) the extent to which the goods or services meet the municipality's needs;

(5) the bidder's past relationship with the municipality;

(6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;

(7) the total long-term cost to the municipality to acquire the bidder's goods or services; and

(8) any relevant criteria specifically listed in the request for bids or proposals.

# Texas Local Government Code *§252.043*

Sec. 252.043. **AWARD OF CONTRACT.** (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

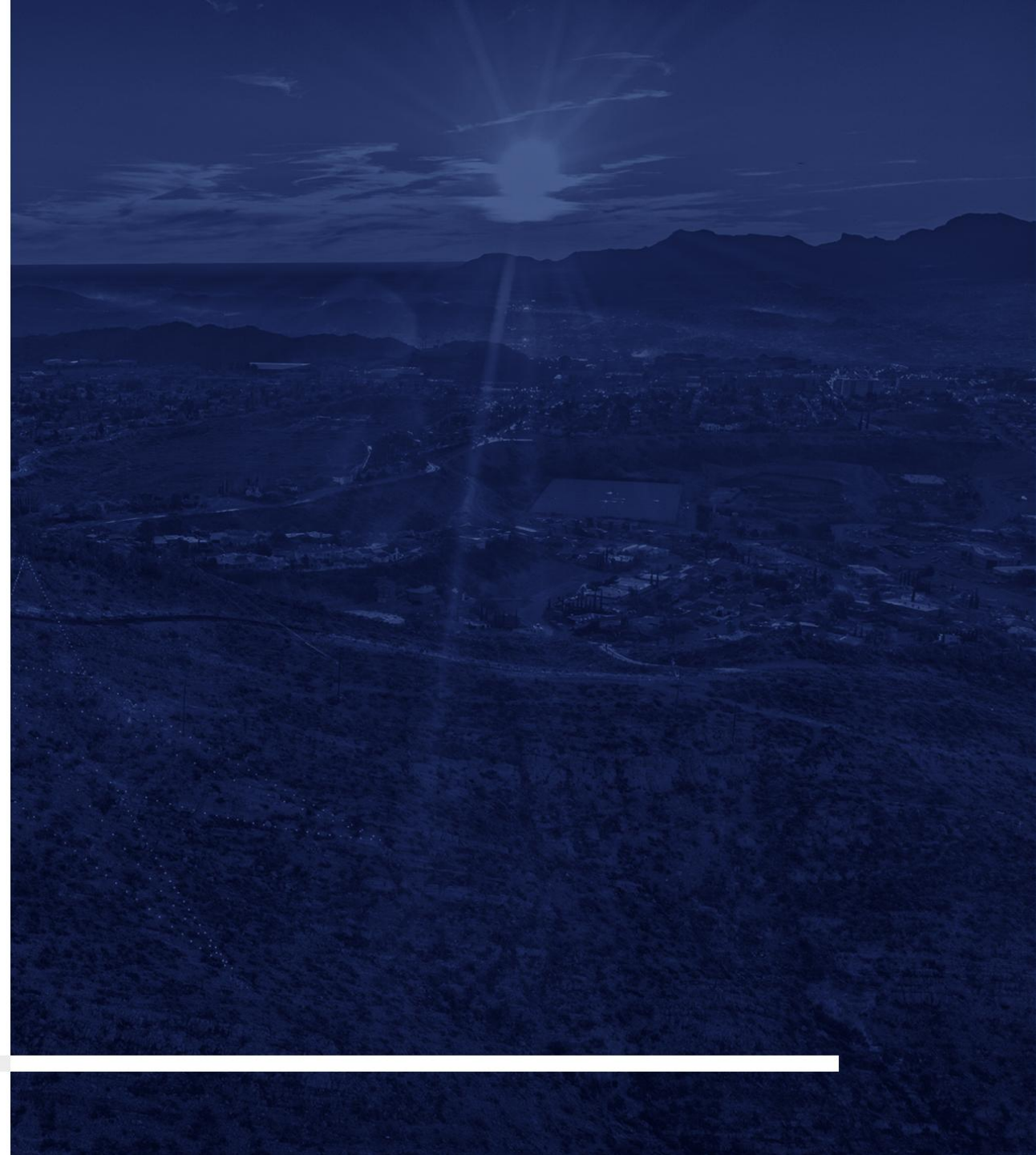
(b) In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.



# Requested Action

*Discussion and Action to direct the City Attorney- that prior to the award of any City contract where the proposed awardee has been involved in prior or active litigation with the City- to brief City Council on the background and context of such litigation and any other related legal considerations relevant to the proposed contract, with such briefing to occur in executive session.*



## MISSION



Deliver exceptional services to support a high quality of life and place for our community.

## VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.



## VALUES

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople



## MISIÓN



Brindar servicios excepcionales  
para respaldar una vida y un  
lugar de alta calidad para  
nuestra comunidad

## VISIÓN



Desarrollar una economía regional  
vibrante, vecindarios seguros y  
hermosos y oportunidades  
recreativas, culturales y educativas  
excepcionales impulsadas por un  
gobierno de alto desempeño



## VALORES

Integridad, Respeto, Excelencia,  
Responsabilidad, Personas