

Oscar Leeser  
Mayor

Tommy Gonzalez  
City Manager



CITY COUNCIL  
Brian Kennedy, District 1  
Alexandra Anello, District 2  
Cassandra Hernandez, District 3  
Joe Molinar, District 4  
Isabel Salcido, District 5  
Art Fierro, District 6  
Henry Rivera, District 7  
Chris Canales, District 8

## **AGENDA FOR THE REGULAR COUNCIL MEETING NOTICE OF SPECIAL MEETING OF THE EL PASO CITY COUNCIL**

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**January 24, 2023**

**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY  
9:00 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF  
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

**Teleconference phone number 1-915-213-4096**

**Toll free number: 1-833-664-9267**

**Conference ID: 737-724-409#**

Notice is hereby given that a Special Meeting of the City Council of the City of El Paso will be conducted on January 24, 2023 at 9:00 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

**At the prompt please enter Conference ID 737-724-409#**

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormItem>

**The following member of City Council will be present via video conference:**

**Representative Chris Canales**

**A quorum of City Council must participate in the meeting.**

## **AGENDA**

1. Discussion and action on the Charter Election and amendments. [23-98](#)

### **All Districts**

Communications and Public Affairs, Laura Cruz-Acosta, (915) 212-1071

2. Discussion and action on the Petition received for amendments to the City Charter entitled "Climate Charter for the City of El Paso." [23-100](#)

### **All Districts**

City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033  
Capital Improvement Department, Sam Rodriguez, (915) 212-7301

3. Discussion and action on a Resolution in conformity with Section 3.5A of the City Charter to schedule a Regular City Council Meeting for Tuesday, February 7, 2023 due to El Paso Days in Austin the week of February 13, 2023 creating a lack of quorum. [23-101](#)

### **All Districts**

Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

## **EXECUTIVE SESSION**

**The following member of City Council will be present via video conference:**

**Representative Chris Canales**

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
Section 551.089	DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

## **ADJOURN**

**NOTICE TO THE PUBLIC:**

If you need Spanish Translation Services, please email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) at least 72 hours in advance of the meeting.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING HERE: <http://www.elpasotexas.gov/>**



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-98, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

Communications and Public Affairs, Laura Cruz-Acosta, (915) 212-1071

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on the Charter Election and amendments.

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

**DEPARTMENT:** Communications and Public Affairs

**AGENDA DATE:** January 24, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** Laura Cruz-Acosta, (915) 212-1071

**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:**

Discussion and action on the Charter Election and amendments.

**BACKGROUND / DISCUSSION:**

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

On January 18, 2022 a Resolution creating the 2022 Ad Hoc Charter Advisory Committee was approved by City Council. The Committee reviewed recommendations submitted by City Council and considered public input regarding potential amendments to the City Charter.

On July 18, 2022, the City Council reviewed the recommendations from the Ad Hoc Charter Advisory Committee and approved several amendments which were presented as an ordinance introduction on August 2, 2022 ordering Special Election. This resulted in a 12 week postponement of the ordinance and it was ultimately deleted at the October 25, 2022 Regular City Council meeting.

**PRIOR COUNCIL ACTION:**

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

- July 18, 2022, Work Session Council members were presented with similar information.
- January 17, 2023, the previously approved amendments were brought back to City Council as part of a Work Session where Council directed staff to provide individual briefings to all Council members prior to consideration at a January 24, 2023 Special City Council meeting.

**AMOUNT AND SOURCE OF FUNDING:**

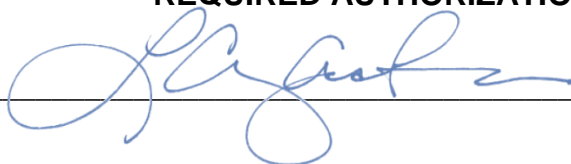
**How will this item be funded? Has the item been budgeted? If so, identify the funding source by account numbers and description of the account. Does it require a budget transfer?**

Not applicable at this time.

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

**DEPARTMENT HEAD:**

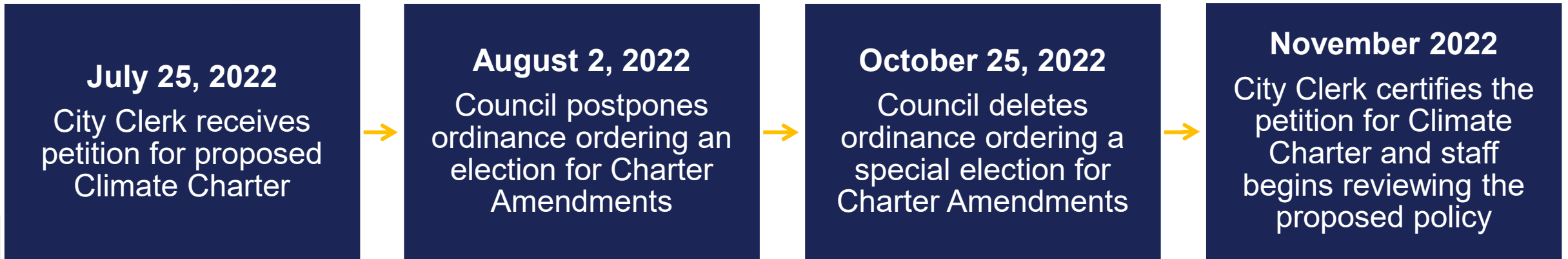




# Proposed Charter Amendments

City Council Update  
January 24, 2023

# Overview | Summary Review



# Council Approved Amendment #1

**ARTICLE II SECTION 2.2C – TERM LIMIT:** to amend the 10-year limit by stating that the cap is not impacted when a Council member is filling an unexpired term—members may serve two full terms.

## **PROPOSED BALLOT LANGUAGE:**

- Should section 2.2C of the City Charter, relating to term limits, be amended to provide that a person who serves an unexpired term due to a council member vacancy be allowed to serve two full four-year terms, regardless of whether it results in more than ten years?



# Council Approved Amendment #2

**ARTICLE III SECTION 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES:** to allow each Representative the discretion and full authority to employ 2 full-time employees.

**ARTICLE III SECTION 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES:** Each Representative shall have the discretion and sole authority to appoint and remove a Legislative Aide or Chief of Staff.

## **PROPOSED BALLOT LANGUAGE:**

- Should section 3.1 of the City Charter, relating to creation, composition; powers and duties of Council be amended to allow City Council Representatives to appoint and remove district office staff?

# Council Approved Amendment #3

**ARTICLE III SECTION 3.5 A – CITY COUNCIL MEETINGS:** to allow Council to adjust for emergencies or City holidays and allow less than a majority to call special meetings.

## **PROPOSED BALLOT LANGUAGE:**

- 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?
- 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?

# Council Approved Amendment #4

**ARTICLE III SECTION 3.11 INITIATIVE:** review the initiative petition process for benchmarking purposes.

## **PROPOSED BALLOT LANGUAGE:**

- Should section 3.11 relating to the initiative petition of the City Charter be amended to remove the requirement for a second petition, and institute a process for the public to initiate a City ordinance?

# Council Approved Amendments #4

## ARTICLE III SECTION 3.11 INITIATIVE

### PROPOSED AMENDED LANGUAGE:

Any five registered voters, referred to in this section as the committee, may initiate an ordinance that complies with federal, state, and local law by filing with the City Clerk a statement that they intend to circulate a petition, however, no ordinance may be initiated through this process regarding **required** allocation or appropriation of City funds, zoning or rezoning, levy of taxes, setting utility rates, purchase or sale of an interest in real property, or granting a franchise. Such statements must include the names and addresses of the committee members, the full text of the proposed ordinance, and the designated lead committee member.

The City Clerk shall place the proposed Ordinance on the City Council Agenda for introduction within thirty days after receiving the statement, followed by a public hearing at the second reading. If City Council fails to adopt the ordinance or adopts it with amendments, the City Clerk will notify the committee through the lead committee member.

If the committee still wishes to seek adoption of the ordinance after Council fails to adopt, or does not agree to Council's amendments, it will then have 180 calendar days after notice from the City Clerk to complete the petition by gathering signatures in the form required by state law, including but not limited to the original signature, printed name, residence address and date of birth or voter registration of ~~Whenever~~ a number of registered voters equal to at least five percent of the voters who voted in the last general City election. ~~sign a~~ The petition must set forth the precise content of ~~an the~~ ordinance desired by the petitioners. ~~signers.~~

# Council Approved Amendment #4 cont.

## ARTICLE III SECTION 3.11 INITIATIVE

### PROPOSED AMENDED LANGUAGE:

Within thirty working days, the City Clerk shall review the petition to verify if it meets all requirements, and if authenticated with the required number of signatures, ~~the Council~~ must place that ordinance on the agenda of a Council meeting to be held within thirty working days of the ~~receipt,~~ **authentication** by the City Clerk, of the petition bearing the authenticated names and addresses of the petitioners. Such an item shall be treated by the Council exactly as any other proposed ordinance.

~~Should an ordinance proposed by such petition not be enacted by the~~ If Council does not adopt, or ~~should it be enacted~~ **adopts the proposed ordinance** in an amended form, ~~a second petition, signed by a number of registered voters equal to at least five percent of the voters who voted in the last general City election, may be submitted to the City Clerk and that official shall have twenty working days in which to authenticate the signatures and~~ thereafter must place the ~~reproposed~~ ordinance on the ballot at the next **citywide** general election specified in State law. If the proposal **receives** the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance.

The Council is not obliged to consider the same ordinance initiated by petition, or one that is substantially the same, more often than once in two years.

# Initiative Petition Limitations

- Appropriating or allocating City Funds
  - Austin, Corpus Christi, San Antonio
  - Protects budget and contracts
- Zoning or Rezoning
  - San Antonio/withdrawn from the field
- Levy Tax
  - San Antonio, Corpus Christi, Austin
- Set Utility Rates
  - San Antonio/withdrawn from the field
- Grant Franchise
  - San Antonio/Power specifically granted to Council in Charter
- Purchase or sell real property
  - Withdrawn from the field – Requires procedural steps

# Additional Council Feedback

## Recommended Amendments Initiative Petitions 3.11

1. Ordering the election by the governing body – Tx. Elections Code Ann. Sec. 3.004(a)(3) (West).
2. Remove the required number of days for the City Clerk to authenticate signatures.
3. Allow the Council to amend ordinances adopted after a year.

Note: Benchmark Texas cities – Various timeframes

# City Charter 3.11 Ordering and Election

- If Council does not adopt, or adopts the proposed ordinance in an amended form, **the governing body** will order an election and submit the ordinance to a vote at a regular or special election to be held on the next allowable election date authorized by state law after the certification to the council. If the proposal receives the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance.



# City Charter 3.11

## Remove the required number of days for City Clerk

- The City Clerk shall place the proposed Ordinance on the City Council Agenda for introduction, followed by a public hearing at the second reading. If City Council fails to adopt the ordinance or adopts it with amendments, the City Clerk will notify the committee through the lead committee member.
- The City Clerk shall review the petition **without delay but no more than 90 City Clerk working days,** to verify it meets all requirements, and if authenticated with the required number of signatures, must place that ordinance on the agenda of a Council meeting to be held within thirty working days of the authentication by the City Clerk, of the petition bearing the authenticated names and addresses of the petitioners. Such an item shall be treated by the Council exactly as any other proposed ordinance.

# City Charter 3.11 Amending or Repealing of Initiative Ordinances

- Initiative ordinances adopted or approved by the electors shall be published and may be amended or repealed by the council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under the initiative shall be amended or repealed by the council within one year of adoption.

# Council Approved Amendment #5

**ARTICLE III SECTION 3.9 B – ORDINANCES IN GENERAL:** to have copies of all ordinances available electronically.

**ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES:** to align to State Law that requires 1-hour notice for the introduction of Emergency Ordinances.

**ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION:** to clarify the process for hearing officers to serve on behalf of the Commission and align to the regular process.

## **PROPOSED BALLOT LANGUAGE:**

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

# Council Approved Amendment #6

**ARTICLE VI SECTION 6.13-11 D – CIVIL SERVICE COMMISSION:** to eliminate the Police/Fire Department Pension Cap in order to align to State Statute.

## **PROPOSED BALLOT LANGUAGE:**

- 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?

# Council Approved Amendment #7

**ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE:** to make it more transparent, identify which real estate transactions are by resolution, such as easement under \$50,000, certain leases, and review any other transactions that are allowed.

## **PROPOSED BALLOT LANGUAGE:**

- Should section 3.18 of the City Charter relating to Leases, Franchises, and Conveyances be amended to authorize Council to lease City-owned property for 40 years or less by Council resolution or ordinance?

# Council Approved Amendment #8

**ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR:** to clarify the role of intergovernmental relationships, and review “break tie votes” to allow the Mayor to vote on all matters before the City Council.

## **PROPOSED BALLOT LANGUAGE:**

- Should sections 1.2, 3.5E, 3.6, 4.1B, 4.3, and 7.3 of the City Charter be amended to authorize the Mayor to vote on all City Council agenda items and remove the Mayor’s tie-breaking and veto capacity beginning with the first meeting in 2025?

# Council Approved Amendment #9

**ARTICLE VI SECTION 6.1-4 – CIVIL SERVICE COMMISSION:** to clarify language for appointment to the commission and align to best practices.

## **PROPOSED BALLOT LANGUAGE:**

- Should 6.1-4 be amended by the City to allow for the appointment of Civil Service Commissioners that reflect the diversity of the community and City workforce?

# Council Approved Amendment #10

**ARTICLE VI SECTION 6.2 – DIVISION OF THE CITY SERVICE:** to clarify definitions and positions considered unclassified and align to best practices.

**PROPOSED BALLOT LANGUAGE:**

Should Section 6.2-2 relating to Unclassified Services and 6.2-3 relating to appointment and removal of unclassified personnel be amended to align the person carrying out the role of civil service commission recorder with all other unclassified City employees who may be removed by the City Manager or designee in accordance with the City Charter?





# Council Approved Amendment #11

**ARTICLE VI SECTION 6.7-1 and 6.8-1 – CIVIL SERVICE COMMISSION:**  
to streamline processes and be competitive in recruitment and promotion.

**PROPOSED BALLOT LANGUAGE:**

- Should Sections 6.7-1 and 6.8-1 be amended to establish policies and procedures for the promotion of City employees?

# Next Steps

## January 31

Introduction of an Ordinance Ordering the Special Election. Ballot language must be finalized.

## February 14

Deadline for City Council to Adopt an Ordinance Ordering the Special Election

## February to April

Community Meetings/Information Sessions About Proposed Amendments

## April 24 to May 2

Early Voting

## May 6

Election Day

# Options

## May Election

- Council must identify funds for the special election
- Council must adopt the ordinance on Feb 14 (the date cannot be moved back)

## November Election

- Election costs identified within the budget process
- Council can stand up Advisory Committee to review existing and new amendments

Note: Charter Amendments can only be brought to a ballot once every two years.

## 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

# Council Approved Amendments #1, #2, & #3

## ARTICLE II SECTION 2.2C – LIMITATION

### PROPOSED AMENDED LANGUAGE:

No Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime, *however, a person who serves an unexpired term due to a council member's resignation will be allowed to serve two full four-year terms, regardless of whether it results in more than a total of ten years.*

## ARTICLE III SECTION 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES

## ARTICLE III SECTION 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES

### PROPOSED AMENDED LANGUAGE:

Each Representative shall have the discretion and sole authority to appoint and remove ~~a legislative aide or Chief of Staff~~ **district office staff.**

## ARTICLE III SECTION 3.5 A – CITY COUNCIL MEETINGS

### PROPOSED AMENDED LANGUAGE:

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.**

# Council Approved Amendment #5

## ARTICLE III SECTION 3.9 – ORDINANCES IN GENERAL

**PROPOSED AMENDED LANGUAGE:** ~~A reasonable number of copies shall be available in the office of the City Clerk, and at such other public places as the Council may designate, for examination by interested persons.~~

## ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES

**PROPOSED AMENDED LANGUAGE:** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one ~~two~~ hours' 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 ~~Representatives~~ present, and the consent of the Mayor, shall be required for adoption.

## ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION

**PROPOSED AMENDED LANGUAGE:** The hearing officers will serve at the Commission's pleasure, and ~~will not be classified.~~ ~~Reasonable compensation shall be paid by the City.~~ will be procured through the City's procurement process.

# Council Approved Amendment #6

## ARTICLE VI SECTION 6.13-11 D – CIVIL SERVICE COMMISSION

**PROPOSED AMENDED LANGUAGE:** Fireman 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 Fireman and Policemen Pension Fund, the Council shall in each fiscal year beginning after November 2022, ~~February, 1968~~ 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; ~~an amount equal to three times the amount paid into the fund by the participants therein; provided that the amount contributed by the City shall not exceed eighteen percent of the total amount expended for salaries of the participants.; provided further, 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 ~~eighteen percent of the total amount expended for salaries of the participants, but such increased appropriation shall in no case exceed eighteen and one-half percent of the total amount expended for~~ **wages** ~~salaries~~ of the participants.~~

# Council Approved Amendment #7

## ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE

**PROPOSED AMENDED LANGUAGE:** The right of control, ownership, and use of streets, alleys, parks, and public places of the City is declared to be inalienable except as provided by an ordinance passed by the Council and except for uses of less than thirty days which may have a separate approval process as established by ordinance.

Any authorization ordinance providing for the conveyance, lease, or grant of a franchise regarding the property of the City shall provide for payment to the City of a reasonable fee as consideration for that conveyance, lease, or franchise.

Any sale of City-owned property in fee simple, franchise, or lease for an initial term longer than forty years shall be approved by ordinance.

In addition, any authorization ordinance providing for ~~a~~ the lease or franchise ~~shall~~ must provide that: ~~1. At the termination of the lease or franchise, the property involved, together with any improvements thereto, made or erected during the term of the lease or franchise, shall (either without further compensation or upon payment of a fair valuation therefore as determined by the terms of the ordinance), become the property of the City; and 2. Every lease or franchise the City may be revoke~~ it ~~d by the City~~ if necessary to secure efficiency of public service at a reasonable rate, ~~or to~~ and must assure that the property is maintained in good ~~order~~ condition throughout the life of the lease or franchise grant.



# Council Approved Amendment #8

## ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

### PROPOSED AMENDED LANGUAGE (Sec. 4.1B):

The Mayor shall be a voting member of City Council and preside over the City Council meetings, having the power to propose legislation; represent the City in ~~intra-governmental and~~ intergovernmental relationships as established by City Council legislative priorities; appoint with the consent of the Council the members of citizen advisory boards and commissions; make appointments and perform duties pursuant to federal and state law; present an annual state of the City message, ~~break tie votes, vote legislation except for any City Council action which removes the City Manager or the City Attorney~~ convene the Council in special session and perform other duties specified by the Council.

## ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

### PROPOSED AMENDED LANGUAGE (Sec. 1.2):

As used in this Charter, the term “laws of Texas” shall include the Constitution and statutes of the State of Texas, the common law as it exists in the State of Texas, and appropriate case law. As used herein, “State” shall mean the State of Texas; “City” shall mean the City of El Paso; “City Council” or “Council” shall mean the Mayor and Representatives of the City of El Paso, with the Mayor being a ~~non~~-voting member of Council; ~~provided, however, the Mayor shall not be considered a member of Council for items and matters requiring a super-majority vote of all members of the governing body~~; and “department” shall mean any City agency, office, bureau or other organizational unit.

# Council Approved Amendment #8

## ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

**PROPOSED AMENDED LANGUAGE (Sec. 3.5E):** ~~Veto~~Effective Date. Ordinances and resolutions finally adopted by the Council shall be filed in the office of the City Clerk and signed by the Mayor before they take effect. ~~If the Mayor vetoes the ordinance or resolution, reasons shall be set forth by the Mayor in writing, and the ordinance or resolution with those reasons shall be returned to the Council. However, the Mayor shall not have any veto power over any City Council action which removes the City Manager or the City Attorney. To override the Mayor's veto, three fourths of all of the Representatives must vote in favor of the returned ordinance or resolution, in which event the adopted ordinance or resolution shall become law.~~ If the Mayor shall either fail to ~~approve or object in writing~~ sign to any adopted ordinance or resolution within five days after it has been filed with the City Clerk, exclusive of the day of filing, it shall become law.

**PROPOSED AMENDED LANGUAGE (Sec. 3.6):** The ~~Representatives~~ members of Council may resolve themselves into committees, both standing and special, when this is convenient for the conduct of legislative business, including the investigative powers described in Section 3.8. Rules governing the organization and procedures of these committees shall be made by the Council, ~~and the Mayor shall have no power to veto any of these rules except upon grounds of illegality.~~

# Council Approved Amendment #8

## ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

**PROPOSED AMENDED LANGUAGE (Sec. 4.3):** A. At the first meeting upon the start of new terms of office following each general election, the Council shall elect from among the Representatives a Mayor Pro Tempore, who shall hold that office for a two-year term. Should the office of Mayor Pro Tempore become vacant, the Council shall elect a new Mayor Pro Tempore. B. During the absence or disability of the Mayor, the Mayor Pro Tempore shall act as Mayor, ~~but shall vote as a Representative, and shall have no veto power.~~

**PROPOSED AMENDED LANGUAGE (Sec. 7.3D):** Adoption. The budget shall be adopted by resolution, ~~subject to the Mayor's veto,~~ not later than the day before the first day of the City's fiscal and budget year; but, in the event the budget is not adopted, the appropriation for personnel and essential operating supplies made in the previous year shall be extended until the new budget is adopted.

# Council Approved Amendment #9 & #10

## ARTICLE VI SECTION 6.1-4 – CIVIL SERVICE COMMISSION

**PROPOSED AMENDED LANGUAGE:** ~~At least two Commissioners must hold or have retired from positions other than managerial or professional.~~ The City should adopt rules that reflect the diversity of the community and City workforce. No more than three Commissioners may be former city employees, and any such Commissioners are not eligible for appointment until two years following separation from the City. Any commissioner may be either actively employed or retired.

## ARTICLE VI SECTION 6.2 – DIVISION OF THE CITY SERVICE

**PROPOSED AMENDED LANGUAGE:** Except as otherwise provided by law or in this Charter, unclassified personnel may be removed by the City Manager or designee, who may establish written procedures for removal, except for hearing officers ~~and the Commission Recorder~~, who may be removed only by a majority vote of the commissioners.

# Council Approved Amendment #11

## ARTICLE VI SECTION 6.7-1 and 6.8-1 – CIVIL SERVICE COMMISSION

### PROPOSED AMENDED LANGUAGE (Sec. 6.7-1):

~~EXAMINATIONS. An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules or policies and procedures.~~

**PROPOSED AMENDED LANGUAGE (Sec. 6.8-1):** The Human Resources Director shall establish administrative policies and procedures for the promotion process, ~~including examination~~ and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws. ~~Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.~~



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-100, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033  
Capital Improvement Department, Sam Rodriguez, (915) 212-7301

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on the Petition received for amendments to the City Charter entitled "Climate Charter for the City of El Paso."

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

**AGENDA DATE:** January 24, 2023

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** Sam Rodriguez, Aviation Director (915) 212-7301

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOALS 1:** Create an Environment Conducive to Strong, Sustainable Economic Development

**SUBJECT:**

Discussion and action on the Petition received for amendments to the City Charter entitled "Climate Charter for the City of El Paso."

**BACKGROUND / DISCUSSION:**

The City staff will review the proposed ballot language associated with the Petition received for amendments to the City Charter entitled "Climate Charter for the City of El Paso".

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Aviation

**SECONDARY DEPARTMENT:** N/A

---

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

**DEPARTMENT HEAD:**



**Samuel Rodriguez, P.E., Aviation Director**



# City Clerk

**MAYOR**  
Oscar Leaser

## RECEIPT OF PETITION

**CITY COUNCIL**

District 1  
Peter Svazbein

District 2  
Alexandra Anello

District 3  
Cassandra Hernandez

District 4  
Joe Molinar

District 5  
Isabel Salcido

District 6  
Claudia L. Rodriguez

District 7  
Henry Rivera

District 8  
Cissy Lizarraga

**CITY MANAGER**  
Tommy Gonzalez

DATE AND TIME RECEIVED: 7/25/2022 11:02 a.m.

RECEIVED FROM: Ben Deatricks thru Mike Siegel

ORGANIZATION NAME: Ground Game Texas

EMAIL ADDRESS: ben@groundgametexas.org

RECEIVED BY: Laura D Prine  
NAME  
Laura D. Prine  
SIGNATURE

Laura D. Prine – City Clerk  
City Clerk’s Office | 300 N. Campbell | El Paso, TX 79901  
O: (915) 212-0049 | cityclerk@elpasotexas.gov





## Petition for a City of El Paso Charter Election

A petition to amend the City Charter of El Paso to adopt a climate policy that would create jobs, conserve water, encourage solar power generation, and reduce the City's contribution to climate change. Full text of proposed charter amendment attached. By signing, you agree to receive an updated voter registration form if your registration is not current.

**FOR REGISTERED EL PASO VOTERS ONLY**

Date Signed	Printed Name: John Doe Signature: John Doe	Where you're registered to vote	County	Birthdate or Voter Registration No.	Email: (optional) Phone: (optional)
2/10 2022	Printed Name: Felix Arenas Signature: [Signature]	Street Address: [Redacted] El Paso, TX Zip: 79903	El Paso	[Redacted] or Voter #: _____	Phone: [Redacted] Email: [Redacted]
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:
___/___ 2022	Printed Name: Signature:	Street Address: El Paso, TX Zip:	El Paso	___/___/___ or Voter #: _____	Phone: Email:

Return to: Ground Game Texas, P.O. Box 920716, El Paso, TX 79902

Questions: [Luis@GroundGameTexas.org](mailto:Luis@GroundGameTexas.org)

## Number of Unique Valid Signatures on El Paso Climate Change Petition is Estimated to be 21,686

The City of El Paso has determined that the Climate Change petition meets the requirement for the minimum number of signatures of valid voters if the required minimum is 20,000. 36,360 lines of names were submitted on the petition. A random sample of 9,091 of the submitted lines was checked. 3,267 of the sample lines were disqualified on account of being duplicate signatures of registered voters who signed more than once (150), or for other reasons (3,117). The remaining 5,824 sample lines were validated as bearing unique signatures of qualified voters.

Furthermore, using the random sample, the City estimates that there are 21,686 unique valid signatures on the Climate Change petition. The City is 95% confident that the true number of unique valid signatures on the entire petition exceeds 22,048 and is also 95% confident that the true number is less than 21,323. Furthermore, the City is nearly 100% confident that the true number of unique valid signatures exceeds 20,000.



Dear Clerk Prine,

Enclosed are the petitions for a proposed change to the El Paso City Charter. The goal of this change is to provide a better environmental future for the City of El Paso.

A copy of the full language of the proposed change is attached.

We're including 5,236 pages of signed petitions. In our own pre-verification process, we've already identified at least 20,930 registered City of El Paso voters. A list of these voters has been included.

Additionally, please keep the following in mind:

- All signatures for this campaign were collected in the last 180 days. Our collection period started in late January 2022.
- Each petition has a page number at the top of the page. These numbers should run from page 1 to page 5,236.
- Each petition contains room for 8 signatures. While the signature slots are not numbered, we're considering the first signature on the page to be signature 1 and the last signature to be signature 8. In our list of valid signers, you'll find a corresponding page number, signature number, Voter ID number, and name for each valid signer we identified. So, for example, page 47, signature 1 would be the first signature on page 47, and page 47, signature 8 would be the last.
- Our pre-verification process is not complete. All signatures through page 4,050 have been pre-verified, but we currently have 4,000 more signatures left to go through in pages 4,051 to 5,236. We'll be using our own copy of the petitions to finish those as soon as possible. My plan is to get you an additional list of valid signers from these pages by August 1st.
- Our enclosed list of valid signers is intended as a reference to show validated voters, but we may have missed valid petition signers contained in the petitions. We ask that you please check every signature.

I will serve as staff support for this initiative. Please do not hesitate to contact me with any questions or concerns. Additionally, please alert me when your verification process is complete. Thanks so much for your help, and I look forward to hearing the results of your work!

Ben Deatruck

Ground Game Texas

[ben@groundgametexas.org](mailto:ben@groundgametexas.org)

(512) 791-8691

## CLIMATE CHARTER FOR THE CITY OF EL PASO

### **BE IT ORDAINED BY THE VOTERS OF THE CITY OF EL PASO:**

Article IX of the Charter of the City of El Paso is hereby created, to be titled "Climate Policy" and to read as follows:

#### **ARTICLE IX — CLIMATE POLICY**

##### **Section 9.1 - CLIMATE POLICY**

It is the policy of the City of El Paso to use all available resources and authority to accomplish three goals of paramount importance: first, to reduce the City's contribution to climate change; second, to invest in an environmentally sustainable future; and third, to advance the cause of climate justice.

##### **Section 9.2 - DEFINITIONS**

- A. Climate change: a phenomenon that includes both (1) the ongoing increase in the overall temperature of the earth's atmosphere, attributed to the greenhouse effect caused by increased levels of carbon dioxide, chlorofluorocarbons, and other pollutants; and (2) the side-effects of that temperature increase, including melting glaciers, heavier rainstorms, and more frequent drought.
- B. Climate jobs: jobs that advance one or more of the City's policy objectives of (1) reducing the City's contribution to climate change, (2) investing in an environmentally sustainable future, and (3) advancing the cause of climate justice.
- C. Climate justice: ensuring that historically underserved communities do not bear a disproportionate share of the negative impacts of climate change, while at the same time investing in those same communities as part of the work to respond to climate change, mitigate its impacts, and build an environmentally sustainable society. For purposes of this analysis, "historically underserved communities" include Black, Indigenous, and people of color; people with disabilities; and people living at or below the poverty line.
- D. Climate impact statement: a statement of how major City decisions impact the City's climate policy. The statement is to be prepared by the Climate Department under the supervision of the Climate Director. The elements of the climate impact statement shall include, at a minimum, the following elements: (1) a statement of how the proposed action fulfills the three aims of the City's climate policy; (2) an analysis of fossil fuel emissions and other climate change impacts of the proposed action; (3) a statement of any climate jobs that will be created by the proposed project; (4) a statement of whether the proposed action will negatively impact any historically underserved communities; and (5) a consideration of alternatives, if any, that would better advance the City's climate policy.
- E. Fossil fuel industry: the companies involved in the fossil fuel economy, including (a) companies that extract fossil fuel products including coal, oil, and natural gas from the earth; (b) companies that transport fossil fuel products; (c) companies that turn fossil fuel products into sellable products, including companies that operate refineries and other fossil fuel production facilities; (d) companies that convert fossil fuel energy into electricity by methods such as burning coal, oil, and natural gas; (e) companies that sell electricity generated by the burning of fossil fuel products; (f) companies that provide services to assist companies that conduct any of the activities described under (a), (b), (c), (d), or (e); and (g) companies that finance fossil fuel activities such as those described above. El Paso Electric shall be considered part of the fossil fuel industry for purposes of this climate policy.

F. Clean renewable energy: energy generated without burning carbon or releasing greenhouse gases. Includes renewable energy sources such as solar, wind, hydroelectric, and geothermal. Includes hydrogen energy that is produced by splitting water by electrolysis (“green” hydrogen) or hydrogen produced by solar-driven processes, but does not include hydrogen energy produced using natural gas (“blue” or “grey” hydrogen) or nuclear (“pink” hydrogen).

## **Section 9.3 - CLIMATE DIRECTOR**

### **Section 9.3-1 — Appointment; Qualifications.**

The City Council, including the Mayor and District Representatives, shall appoint a Climate Director to serve as the lead City representative charged with fulfilling the Climate Policy. Such appointment shall occur at a publicly noticed meeting subject to the Texas Open Meetings Act. The City Council shall fix the Climate Director’s compensation.

The Climate Director shall be appointed on the basis of qualifications to fulfill the City’s climate mandates of (1) reducing the City’s contribution to climate change, (2) investing in an environmentally-sustainable future, and (3) advancing the cause of climate justice. No person shall be eligible for appointment as Climate Director if they have worked in the fossil fuel industry.

### **Section 9.3-2 — Disclosure of investments.**

Prior to taking action to appoint a Climate Director, the City shall request and publish a Personal Financial Statement Report from the candidate, to include all fields included in Form PFS-TEC of the Texas Ethics Commission and to cover both the current calendar year and the prior calendar year.

### **Section 9.3-3 — Accountability; Removal.**

The Climate Director shall report directly to the City Council. The Director may be removed by resolution approved by the majority of the total membership of the City Council, with or without cause.

### **Section 9.3-4 — Representative of the City of El Paso.**

Under the guidance and direction of the City Council and City Manager, the Climate Director shall serve as the City’s representative in local, state, and federal proceedings impacting the City of El Paso and its climate policy, including but not limited to proceedings under the Texas Commission on Environmental Quality, the Texas Public Utilities Commission, the Texas Railroad Commission, the New Mexico Public Regulatory Commission, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Energy, and the Federal Energy Regulatory Commission.

## **Section 9.4 - CLIMATE DEPARTMENT**

The City shall establish a Climate Department to be led by the Climate Director and provided with sufficient personnel and resources to carry out the Climate Policy and related duties and responsibilities herein described.

The Climate Director shall be the chief executive officer of the Climate Department.



## **Section 9.5 - CLIMATE IMPACT OF CITY DECISIONS**

The Climate Director shall provide the City Council with a climate impact statement prior to any City Council vote affecting the City's Climate Policy. Decisions that require a climate impact statement shall include, but not be limited to: adoption of the City budget and any amendments thereto; zoning decisions; right-of-way permits; new or expanded streets, road, highways, bridges and other significant infrastructure; capital improvement projects including proposed capital improvements put to the public in the form of bond issues; new subdivision approvals; and procurement decisions.

In addition, the City Manager shall collaborate with the Climate Director to prepare an annual climate impact statement for City activities, with specific analysis of the climate impact of each City department. The City Manager shall ensure that the Climate Director has access to City information on an ongoing basis to allow for ongoing monitoring and analysis of the City's climate impact.

## **Section 9.6 - TRACKING CLIMATE EMISSIONS**

The Climate Director shall prepare an annual report on climate impacts for the City of El Paso, to include all emissions generated within the City limits.

The Climate Director shall be authorized to collaborate with outside research institutions and consultants to develop and prepare the annual emissions report.

## **Section 9.7 - CLIMATE JOBS**

### **Section 9.7-1 — Annual goal for climate jobs.**

The City Manager shall collaborate with the Climate Director to create an annual goal for the creation of climate jobs, including specific goals for each City department. This goal shall be announced when the City Manager proposes the City's annual budget.

### **Section 9.7-2 — Preference for climate jobs when new funding becomes available.**

Whenever the City becomes eligible for new funding, including new funding due to tax increases, grants from the Texas government, grants from the United States government, grants from private entities, contracts, or other funding opportunities, the City Manager shall ensure that such funds are used to create climate jobs and associated training programs, whenever such jobs are consistent with funding requirements, City needs, and available resources.

### **Section 9.7-3 — Transitioning current City employees to climate work.**

As part of the City Manager's annual goal for climate jobs, pursuant to Section 9.7.1, the City Manager shall identify opportunities to transition current City employees into positions that would qualify as climate jobs. This requirement shall not be construed to encourage elimination of any existing City employee; rather, the City Manager shall identify opportunities to transition existing personnel into new positions, with equal or superior pay and benefits, that would advance the City's climate policy.

### **Section 9.7-4 — Preference for contractors who advance the City's climate policy.**

The City Manager shall adopt and implement a policy, subject to City Council approval, that will provide a preference for contractors who are able to advance the City's climate policy, so long as

such contractors can provide services in a manner that is consistent with City needs and available resources.

## **Section 9.8 - SOLAR ENERGY**

### **Section 9.8-1 — Solar Power Generation Plan.**

The Climate Director shall create an annual Solar Power Generation Plan for the City of El Paso. This plan shall include a feasibility analysis to describe how the City can develop internal capacity to generate energy for the City through solar power.

### **Section 9.8-2 — Rooftop solar power generation.**

The City Manager shall establish and maintain policies that encourage the development of rooftop solar power generation capacity within the City of El Paso. These policies shall encourage development of rooftop solar power generation using existing City facilities and require both new buildings and retrofitted buildings to include solar power generation capacity whenever feasible.

## **Section 9.9 — RENEWABLE ENERGY GOALS**

The City of El Paso shall employ all available methods to require that energy used within the City is generated by clean renewable energy, with the goals of requiring (1) 80% clean renewable energy by 2030 and (2) 100% clean renewable energy by 2045.

Within one year of the adoption of this Climate Policy, the City Manager and Climate Director shall produce a plan for the City to achieve its renewable energy goals. In developing this plan, the City shall include consideration of public transportation, solar power generation at City facilities, and energy efficiency of City buildings.

The City Manager and Climate Director shall provide a joint, annual report to the City Council to chart progress toward these goals.

## **Section 9.10 — MUNICIPALIZATION OF EL PASO ELECTRIC**

The City of El Paso shall employ all available efforts to convert El Paso Electric to municipal ownership.

In consultation with the Climate Director, the City Manager shall provide the City Council with an annual report to describe the feasibility of converting El Paso Electric into a municipal electric company, including any actions required to advance this objective.

## **Section 9.11 - CLIMATE DISASTER MITIGATION, PREPAREDNESS AND RESPONSE**

The City of El Paso shall undertake all necessary efforts to prepare city infrastructure to withstand extreme weather conditions and ensure uninterrupted provision of basic services and utilities to City residents.

In consultation with the Climate Director, the City Manager shall create an annual Climate Disaster Mitigation and Preparedness plan. This report shall include provisions to protect water quality and quantity, create a resilient electric grid, and protect residents during extreme weather events.



## **Section 9.12 - WATER CONSERVATION**

### **Section 9.12-1 — Ban on using City water for fossil fuel industry activities outside of the city limits.**

The City of El Paso shall not sell or transfer any water for purposes of fossil fuel industry activities outside of the city limits, or otherwise allow any City water to be used for such purposes, except as provided in Section 9.12-2.

### **Section 9.12-2 — Cancellation of City contracts subject to the ban.**

To the extent that any contracts to sell or transfer City water for fossil fuel industry activities outside of the city limits were enacted prior to adoption of this charter provision, the City Manager shall prepare a report to the City Council, within three months of the adoption of this charter amendment, identifying the relevant contracts and presenting all available methods for cancelling such contracts. To coincide with the presentation required by this section, the City Manager shall schedule a public vote by the City Council to consider cancellation of each applicable contract.

This section shall not be read to permit the City to extend or renew any existing contracts subject to this provision.

## **Section 9.13 - ELIMINATION OF IMPEDIMENTS TO RENEWABLE ENERGY**

The City shall not impose any fees, fines, or other financial or nonfinancial burdens that limit the purchase, use, or generation of renewable energy. Any such fees, fines, or other burdens in existence at the time this charter amendment takes effect are hereby null and void, including but not limited to interconnection fees.

## **Section 9.14 - CLIMATE COMMISSION**

### **Section 9.14-1 — General.**

The Climate Commission exists for the purposes of overseeing the implementation and fulfillment of the City's Climate Policy and related provisions of this article. The Commission shall establish its own procedures within the framework of this charter to carry out these functions.

### **Section 9.14-2 — Functions and duties of the Climate Commission.**

Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to: (1) Recommend to the Council adoption of legislation and policy that will advance the City's Climate Policy and related charter provisions; and (2) Investigate matters concerning the City's implementation and fulfillment of the Climate Policy and related charter provisions.

### **Section 9.14-3 — Appointment.**

The Commission shall consist of nine persons appointed by the Council. Each City Council member, including the Mayor, shall nominate one person to the Commission. Appointments shall be for three-year terms. All terms shall commence on February 1st.

As part of the appointment process, each City Council member who nominates a person for appointment shall provide a written statement in support of the nominee's qualifications to serve on the Commission.

If a Commissioner resigns their commission or otherwise ceases to serve on the Commission, the City Council member representing that district shall nominate a replacement in a manner consistent with this charter to complete the remainder of the replaced Commissioner's term.

**Section 9.14-4 — Qualifications.**

Commission members shall be members of the El Paso community who have specific expertise and experience that will help the City advance its Climate Policy, with a preference for residents who have been negatively impacted by climate change or who represent communities that have been negatively impacted by climate change. No person who worked in the fossil fuel industry shall be appointed to the Commission.

Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. Commission members must reside in the District represented by that City Council member who appointed them.

**Section 9.15-5 — Compensation.**

Members of the Commission shall serve without salary.

**Section 9.15-6 — Staff.**

The Climate Director shall be responsible for providing staff support to the Climate Commission.

**Section 9.15-7 — Organization.**

The Commission shall elect from its members a Chairman and a Vice-Chairman, each for a term of one year. The Chairman may not be re-elected for successive terms.

**Section 9.15-8 — Removal.**

Members of the Commission will not be removed from office except for incompetence or nonfeasance, misfeasance or malfeasance in office, such as neglect of duty or refusal to perform the duties imposed by this Charter. Action may be initiated in writing by any member of the Council or Commission. Any removal will require an affirmative vote of two-thirds of the Council.

**Section 9.16 - SEVERABILITY**

If any portion of this Article shall be deemed unlawful by a court of law, that portion shall be severed from the Charter and the rest shall continue in force.



# Petition to Amend City Charter

CLIMATE CHARTER FOR THE CITY OF EL PASO

January 24, 2023

# PETITION TO AMEND CITY CHARTER TO ADOPT CLIMATE POLICY

## CHRONOLOGY

**July 25, 2022** - Petition was submitted by Ground Game Texas to amend the City Charter to adopt a climate policy

**November 4, 2022** – City Clerk’s Office certifies the petition.

*By state law, the petition must be placed, by ordinance, on an election ballot no later than November 2024.*

*Key dates for the May 6, 2023 election:*

*January 31, 2023: Ordinance Introduction*

*February 7, 2023: Ordinance Public Hearing*







# OVERVIEW

## PETITION TO AMEND CITY CHARTER

### GOVERNANCE

- Creation of a Climate Director
- Creation of a Climate Department
- Creation of a Climate Commission

### ENVIRONMENTAL AREAS OF INTEREST

- Rooftop solar power generation
- Water conservation that bans using city water for fossil fuel industry
- Cancellation and ban of fossil fuel-related contracts
- Climate disaster, mitigation, and preparedness plan
- Make El Paso Electric a Municipal entity

*Petition attached as part of the agenda backup*

# Recommended Ballot Language

PROPOSITIONS & PETITION LANGUAGE



*Measure A shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION A**

Shall the City Charter be amended, as proposed by a petition, to require the City Council to employ a climate director, who shall be appointed and removed by City Council and report directly to City Council; to create a climate policy requiring City Council to use all available resources and authority to accomplish and reduce the City's contribution to climate change, invest in an environmentally sustainable future, and advance the cause of climate justice; and to require the creation of a climate department to be directly overseen by the climate director.

## MEASURE A

### Section 9.1 CLIMATE POLICY

It is the policy of the City of El Paso to use all available resources and authority to accomplish three goals of paramount importance: first, to reduce the City's contribution to climate change; second, to invest in an environmentally sustainable future; and third, to advance the cause of climate justice.

### Section 9.2 – DEFINITIONS

Climate change: a phenomenon that includes both (1) the ongoing increase in the overall temperature of the earth's atmosphere, attributed to the greenhouse effect caused by increased levels of carbon dioxide, chlorofluorocarbons, and other pollutants; and (2) the side-effects of that temperature increase, including melting glaciers, heavier rainstorms, and more frequent drought.

Climate jobs: jobs that advance one or more of the City's policy objectives of (1) reducing the City's contribution to climate change, (2) investing in an environmentally sustainable future, and (3) advancing the cause of climate justice.

Climate justice; ensuring that historically underserved communities do not bear a disproportionate share of the negative impacts of climate change, while at the same time investing in those same communities as part of the work to respond to climate change, mitigate its impacts, and build an environmentally sustainable society. For purposes of this analysis, "historically underserved communities" include Black, Indigenous, and people of color; people with disabilities; and people living at or below the poverty line.



Climate impact statement: a statement of how major City decisions impact the City's climate policy. The statement is to be prepared by the Climate Department under the supervision of the Climate Director. The elements of the climate impact statement shall include, at a minimum, the following elements: (1) a statement of how the proposed action fulfills the three aims of the City's climate policy; (2) an analysis of fossil fuel emissions and other climate change impacts of the proposed action; (3) a statement of any climate jobs that will be created by the proposed project; (4) a statement of whether the proposed action will negatively impact any historically underserved communities; and (5) a consideration of alternatives, if any, that would better advance the City's climate policy.

Fossil fuel industry: the companies involved in the fossil fuel economy, including (a) companies that extract fossil fuel products including coal, oil, and natural gas from the earth; (b) companies that transport fossil fuel products; (c) companies that turn fossil fuel products into sellable products, including companies that operate refineries and other fossil fuel production facilities; (d) companies that convert fossil fuel energy into electricity by methods such as burning coal, oil, and natural gas; (e) companies that sell electricity generated by the burning of fossil fuel products; (f) companies that provide services to assist companies that conduct any of the activities described under (a), (b), (c), (d), or (e); and (g) companies that finance fossil fuel activities such as those described above. El Paso Electric shall be considered part of the fossil fuel industry for purposes of this climate policy.

Clean renewable energy: energy generated without burning carbon or releasing greenhouse gases. Includes renewable energy sources such as solar, wind, hydroelectric, and geothermal. Includes hydrogen energy that is produced by splitting water by electrolysis (“green” hydrogen) or hydrogen produced by solar-driven processes, but does not include hydrogen energy produced using natural gas (“blue” or “grey” hydrogen) or nuclear (“pink” hydrogen).

## Section 9.3 - CLIMATE DIRECTOR

### Section 9.3.1 — Appointment; Qualifications.

The City Council, including the Mayor and District Representatives, shall appoint a Climate Director to serve as the lead City representative charged with fulfilling the Climate Policy. Such appointment shall occur at a publicly noticed meeting subject to the Texas Open Meetings Act. The City Council shall fix the Climate Director’s compensation.

The Climate Director shall be appointed on the basis of qualifications to fulfill the City’s climate mandates of (1) reducing the City’s contribution to climate change, (2) investing in an environmentally-sustainable future, and (3) advancing the cause of climate justice. No person shall be eligible for appointment as Climate Director if they have worked in the fossil fuel industry.

### **Section 9.3.2 Disclosure of investments.**

Prior to taking action to appoint a Climate Director, the City shall request and publish a Personal Financial Statement Report from the candidate, to include all fields included in Form PFS-TEC of the Texas Ethics Commission and to cover both the current calendar year and the prior calendar year.

### **Section 9.3.3 — Accountability; Removal.**

The Climate Director shall report directly to the City Council. The Director may be removed by resolution approved by the majority of the total membership of the City Council, with or without cause.

### **Section 9.3.4 — Representative of the City of El Paso.**

Under the guidance and direction of the City Council and City Manager, the Climate Director shall serve as the City's representative in local, state, and federal proceedings impacting the City of El Paso and its climate policy, including but not limited to proceedings under the Texas Commission on Environmental Quality, the Texas Public Utilities Commission, the Texas Railroad Commission, the New Mexico Public Regulatory Commission, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Energy, and the Federal Energy Regulatory Commission.

## Section 9.4 - CLIMATE DEPARTMENT

The City shall establish a Climate Department to be led by the Climate Director and provided with sufficient personnel and resources to carry out the Climate Policy and related duties and responsibilities herein described.

The Climate Director shall be the chief executive officer of the Climate Department.

## Section 9.5 - CLIMATE IMPACT OF CITY DECISIONS

The Climate Director shall provide the City Council with a climate impact statement prior to any City Council vote affecting the City's Climate Policy. Decisions that require a climate impact statement shall include, but not be limited to: adoption of the City budget and any amendments thereto; zoning decisions; right-of-way permits; new or expanded streets, road, highways, bridges and other significant infrastructure; capital improvement projects including proposed capital improvements put to the public in the form of bond issues; new subdivision approvals; and procurement decisions.

In addition, the City Manager shall collaborate with the Climate Director to prepare an annual climate impact statement for City activities, with specific analysis of the climate impact of each City department. The City Manager shall ensure that the Climate Director has access to City information on an ongoing basis to allow for ongoing monitoring and analysis of the City's climate impact.

## **Section 9.6 - TRACKING CLIMATE EMISSIONS**

The Climate Director shall prepare an annual report on climate impacts for the City of El Paso, to include all emissions generated within the City limits.

The Climate Director shall be authorized to collaborate with outside research institutions and consultants to develop and prepare the annual emissions report.

*Measure B shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION B**

Shall the City Charter be amended, as proposed by a petition, to require the creation of a nine (9) member climate commission, with recommending and investigative powers, for the purposes of overseeing the implementation and fulfillment of a city climate policy; the climate commission to be appointed by city council with removal of individual members only for incompetence or nonfeasance, misfeasance or malfeasance in office.

## MEASURE B

### Section 9.14 - CLIMATE COMMISSION

#### Section 9.14.1 — General.

The Climate Commission exists for the purposes of overseeing the implementation and fulfillment of the City's Climate Policy and related provisions of this article. The Commission shall establish its own procedures within the framework of this charter to carry out these functions.

#### Section 9.14-2 — Functions and duties of the Climate Commission.

Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to: (1) Recommend to the Council adoption of legislation and policy that will advance the City's Climate Policy and related charter provisions; and (2) Investigate matters concerning the City's implementation and fulfillment of the Climate Policy and related charter provisions.

#### Section 9.14-3 — Appointment.

The Commission shall consist of nine persons appointed by the Council. Each City Council member, including the Mayor, shall nominate one person to the Commission. Appointments shall be for three-year terms. All terms shall commence on February 1<sup>st</sup>.

As part of the appointment process, each City Council member who nominates a person for appointment shall provide a written statement in support of the nominee's qualifications to serve on the Commission.

If a Commissioner resigns their commission or otherwise ceases to serve on the Commission, the City Council member representing that district shall nominate a replacement in a manner consistent with this charter to complete the remainder of the replaced Commissioner's term.

#### **Section 9.14-4 — Qualifications.**

Commission members shall be members of the El Paso community who have specific expertise and experience that will help the City advance its Climate Policy, with a preference for residents who have been negatively impacted by climate change or who represent communities that have been negatively impacted by climate change. No person who worked in the fossil fuel industry shall be appointed to the Commission.

Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. Commission members must reside in the District represented by that City Council member who appointed them.

#### **Section 9.14-5 — Compensation.**

Members of the Commission shall serve without salary.



### **Section 9.14-6 — Staff.**

The Climate Director shall be responsible for providing staff support to the Climate Commission.

### **Section 9.14-7 — Organization.**

The Commission shall elect from its members a Chairman and a Vice-Chairman, each for a term of one year. The Chairman may not be re-elected for successive terms.

### **Section 9.14-8 — Removal.**

Members of the Commission will not be removed from office except for incompetence or nonfeasance, misfeasance or malfeasance in office, such as neglect of duty or refusal to perform the duties imposed by this Charter. Action may be initiated in writing by any member of the Council or Commission. Any removal will require an affirmative vote of two-thirds of the Council.

*Measure C shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION C**

Shall the City Charter be amended, as proposed by a petition, to require the creation of an annual goal for climate jobs and the adoption and implementation of a policy, that will provide a preference for contractors who are able to advance the City's climate policy.

## MEASURE C

### Section 9.7 – CLIMATE JOBS

#### Section 9.7-1 — Annual goal for climate jobs.

The City Manager shall collaborate with the Climate Director to create an annual goal for the creation of climate jobs, including specific goals for each City department. This goal shall be announced when the City Manager proposes the City's annual budget.

#### Section 9.7-2 — Preference for climate jobs when new funding becomes available.

Whenever the City becomes eligible for new funding, including new funding due to tax increases, grants from the Texas government, grants from the United States government, grants from private entities, contracts, or other funding opportunities, the City Manager shall ensure that such funds are used to create climate jobs and associated training programs, whenever such jobs are consistent with funding requirements, City needs, and available resources.

**Section 9.7-3 — Transitioning current City employees to climate work.**

As part of the City Manager’s annual goal for climate jobs, pursuant to Section 9.7.1, the City Manager shall identify opportunities to transition current City employees into positions that would qualify as climate jobs. This requirement shall not be construed to encourage elimination of any existing City employee; rather, the City Manager shall identify opportunities to transition existing personnel into new positions, with equal or superior pay and benefits, that would advance the City’s climate policy.

**Section 9.7-4 — Preference for contractors who advance the City’s climate policy.**

The City Manager shall adopt and implement a policy, subject to City Council approval, that will provide a preference for contractors who are able to advance the City’s climate policy, so long as such contractors can provide services in a manner that is consistent with City needs and available resources.

*Measure D shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION D**

Shall the City Charter be amended, as proposed by a petition, to require the creation of an annual Solar Power Generation Plan for the City of El Paso and to require the City Manager to establish and maintain policies that encourage the development of rooftop solar power generation capacity within the City of El Paso using existing City facilities and require both new buildings and retrofitted buildings to include solar power generation capacity.

## MEASURE D

### Section 9.8 – SOLAR ENERGY

#### Section 9.8-1 — Solar Power Generation Plan.

The Climate Director shall create an annual Solar Power Generation Plan for the City of El Paso. This plan shall include a feasibility analysis to describe how the City can develop internal capacity to generate energy for the City through solar power.

#### Section 9.8-2 — Rooftop solar power generation.

The City Manager shall establish and maintain policies that encourage the development of rooftop solar power generation capacity within the City of El Paso. These policies shall encourage development of rooftop solar power generation using existing City facilities and require both new buildings and retrofitted buildings to include solar power generation capacity whenever feasible.

*Measure E shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION E**

Shall the City Charter be amended, as proposed by a petition, to require the employment of all available methods so that all energy used within the City is generated by clean renewable energy, with the goals of requiring (1) 80% clean renewable energy by 2030 and (2) 100% clean renewable energy by 2045.

## MEASURE E

### Section 9.9 — RENEWABLE ENERGY GOALS

The City of El Paso shall employ all available methods to require that energy used within the City is generated by clean renewable energy, with the goals of requiring (1) 80% clean renewable energy by 2030 and (2) 100% clean renewable energy by 2045.

Within one year of the adoption of this Climate Policy, the City Manager and Climate Director shall produce a plan for the City to achieve its renewable energy goals. In developing this plan, the City shall include consideration of public transportation, solar power generation at City facilities, and energy efficiency of City buildings.

The City Manager and Climate Director shall provide a joint, annual report to the City Council to chart progress toward these goals.



*Measure F shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION F**

Shall the City Charter be amended, as proposed by a petition, to require the City of El Paso to employ all available efforts to convert El Paso Electric to municipal ownership.

## MEASURE F

### Section 9.10 — MUNICIPALIZATION OF EL PASO ELECTRIC

The City of El Paso shall employ all available efforts to convert El Paso Electric to municipal ownership. In consultation with the Climate Director, the City Manager shall provide the City Council with an annual report to describe the feasibility of converting El Paso Electric into a municipal electric company, including any actions required to advance this objective.

*Measure G shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION G**

Shall the City Charter be amended, as proposed by a petition, to require the City of El Paso to undertake all necessary efforts to prepare city infrastructure to withstand extreme weather conditions and ensure uninterrupted provision of basic services and utilities to City residents.

## MEASURE G

### **Section 9.11- CLIMATE DISASTER MITIGATION, PREPAREDNESS AND RESPONSE**

The City of El Paso shall undertake all necessary efforts to prepare city infrastructure to withstand extreme weather conditions and ensure uninterrupted provision of basic services and utilities to City residents.

In consultation with the Climate Director, the City Manager shall create an annual Climate Disaster Mitigation and Preparedness plan. This report shall include provisions to protect water quality and quantity, create a resilient electric grid, and protect residents during extreme weather events.

*Measure H shall be placed on the ballot in the form of the following proposition:*

## **PROPOSITION H**

Shall the City Charter be amended, as proposed by a petition, to require the City of El Paso to ban the use of City water for fossil fuel industry activities, defined to include El Paso Electric Company, outside of the city limits and prohibit the City of El Paso from selling or transferring any water for purposes of fossil fuel industry activities outside of the city limits, or otherwise allow any City water to be used for such purposes.

## MEASURE H

### Section 9.12 - WATER CONSERVATION

#### Section 9.12-1 — Ban on using City water for fossil fuel industry activities outside of the city limits.

The City of El Paso shall not sell or transfer any water for purposes of fossil fuel industry activities outside of the city limits, or otherwise allow any City water to be used for such purposes, except as provided in Section 9.12-2.

#### Section 9.12-2 — Cancellation of City contracts subject to the ban.

To the extent that any contracts to sell or transfer City water for fossil fuel industry activities outside of the city limits were enacted prior to adoption of this charter provision, the City Manager shall prepare a report to the City Council, within three months of the adoption of this charter amendment, identifying the relevant contracts and presenting all available methods for cancelling such contracts. To coincide with the presentation required by this section, the City Manager shall schedule a public vote by the City Council to consider cancellation of each applicable contract.

This section shall not be read to permit the City to extend or renew any existing contracts subject to this provision.

# NEXT STEPS

## CITY COUNCIL ACTION:

Jan 31: Introduce ordinance calling election

Feb 7: Public hearing and approve final ordinance with ballot language

Feb 15: Start public information campaign

City to prepare cost estimates and impacts to operations analysis for each proposition.

Information will be presented at a future City Council meeting and shared with the public.

## PUBLIC INFORMATION CAMPAIGN

- Dedicated Microsite (on City's website)
- Social Media Posts
- Your City in 5
- City TV
- Fact Friday
- Press Releases
- Media Interviews
- Outreach to Business Groups, Neighborhood Associations, and other Civic Organizations
- Community Meetings



# DISCUSSION







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**File #: 23-101, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on a Resolution in conformity with Section 3.5A of the City Charter to schedule a Regular City Council Meeting for Tuesday, February 7, 2023 due to El Paso Days in Austin the week of February 13, 2023 creating a lack of quorum.

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

**DEPARTMENT:** Members of the City Council

**AGENDA DATE:** January 24, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** Mayor Oscar Leeser, (915) 212-0021

**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:**

Discussion and action on a Resolution in conformity with Section 3.5A of the City Charter to schedule a Regular City Council Meeting for Tuesday, February 7, 2023 due to El Paso Days in Austin the week of February 13, 2023 creating a lack of quorum.

**BACKGROUND / DISCUSSION:**

In conformity with Section 3.5A of the City Charter 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.

**PRIOR COUNCIL ACTION:**

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

On October 25, 2022 Council approved a Resolution rescheduling the December 20, 2022 meeting to December 13, 2022.

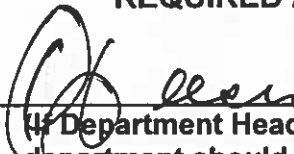
**AMOUNT AND SOURCE OF FUNDING:**

No budgetary impact.

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

**DEPARTMENT HEAD:**



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

**RESOLUTION**

**WHEREAS**, pursuant to the City’s 2023 calendar year City Council regular meeting schedule, City Council is scheduled to meet on Tuesday, February 14, 2023; and

**WHEREAS**, Due to “El Paso Days” being held in Austin the week of February 13, 2023 and several Council Members planned participation in such event, the City Council desires to reschedule the February 14, 2023 meeting to Tuesday, February 7, 2023; and

**WHEREAS**, the City will resume its regular meetings of the City Council for the 2023 calendar year on Tuesday, February 28, 2023, with Agenda Review and Work Session on Monday, February 27, 2023.

**NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS;**

That in conformity with Section 3.5A of the City Charter, the regular City Council meeting scheduled on February 14, 2023 is hereby cancelled due to lack of quorum, and reset for Tuesday, February 7, 2023, and that the regular meetings of the City Council for the 2023 calendar year will resume on February 28, 2023 with the Agenda Review and Work Session on February 27, 2023.

All City Council Rules and Procedures not expressly modified herein remain in full force and effect.

Passed and Approved this \_\_\_\_\_ day of January, 2023.

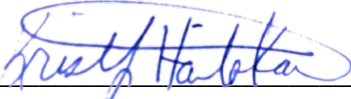
CITY OF EL PASO

\_\_\_\_\_  
Oscar Leaser, Mayor

ATTEST:

\_\_\_\_\_  
Laura D. Prine  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Senior Assistant City Attorney