



2022 Charter Amendment Process

**Goal 6. Set the Standard for Sound
Governance and Fiscal Management**

City Attorney Karla M. Nieman

Purpose | Charter Amendments



- **Focus on Sound Governance** deploying resources more efficiently and reducing cost of doing business
- **Align** with current high performing operational model of our organization
- **Streamline processes** and eliminate roadblocks to future progress – time is money



Presentation | Overview



Commence Charter Amendment Process

- History and Home Rule City Overview
- Charter Amendment Process
- City Charter Outline
- Proposed 2022 Charter Amendments
- **Next Steps**



History | City of El Paso



- Incorporated on **May 17, 1873** under special law of the legislature
 - S.B. No. 254 = a special legislative charter
- Inefficient for State to manage all city charters
- Texas – Home rule amendment to Texas Constitution in 1912
- El Paso's first local charter was adopted in 1917

Home Rule City Overview



- Cities of > 5,000 may adopt or amend a home rule charter by majority vote of its citizens.
- No city charter can be altered, amended, or repealed more often than every two years.
- No provision allowed if inconsistent with the Texas Constitution or state law.

*Texas Constitution,
Article XI,
Section 5*

“Home Rule Amendment” of 1912

Limitations on home rule authority (examples)

- Council vacancy must be filled by election if term is more than two years (Tx. Constitution)
- Elections for governing body must be on uniform election date (except to fill a vacancy required by Constitution)
- All Council meetings must be open to the public except as allowed by the Open Meetings Act
- State law establishes a municipal court in every municipality of the state
- Municipal finances are heavily regulated by state law

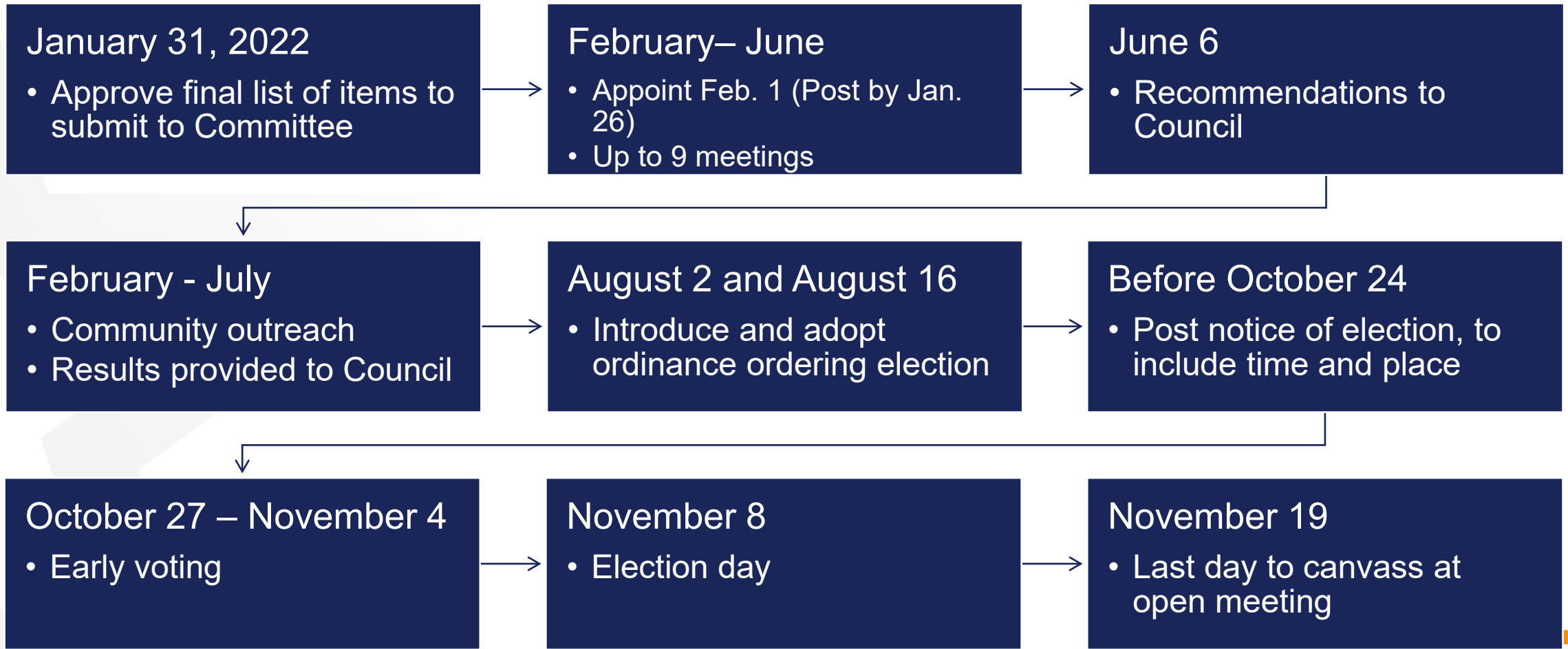
Inherent powers of home rule cities (examples)

- Municipal organization and structure
- Annexation of adjacent unincorporated areas, if authorized by charter
- Initiative, referendum, and recall, if authorized by charter

Benefits of Home Rule

- Allows direct governing of a city by its citizens
- Establishes powers to enable municipalities to meet demands for services
- Avoids interference in local government by state legislature
- Gives cities the opportunity to reflect their own cultures, traditions and other preferences

Overview | Amendment Process



Overview | Current Charter



- **Our Charter** defines the organization, powers, functions and essential procedures of the City government
- **General Structure of Charter**
 - Incorporation and Powers
 - Nominations and Elections
 - City Council
 - Mayor
 - City Manager
 - Civil Service
 - Public Finance
 - Adoption and Transition
- **Last Amended** in 2018 to adjust Members of Council's annual base salaries



Benchmarking | Texas Cities



- Fort Worth
- Plano
- Corpus Christi
- San Antonio
- Dallas
- Houston
- Austin
- Arlington
- Laredo



Proposed Amendments

1. Regular Council Meeting Schedule
2. Emergency Ordinance Requirements
3. Clean-up regarding printed copies of City Ordinances
4. Members of Council Salaries
5. Civil Service Review
6. Real Estate

*There is no legal prohibition against any of these amendments

Regular Council Meeting Schedule

Article 3.5A

Provide flexibility to adjust for emergency or holiday

- Current: Must meet every two weeks
- Amend to allow Council to adjust for emergency or City holidays

Allow Special City Council meetings to be called by Mayor or less than a majority of council

- Current: Only Mayor or Majority of Council may call special meetings.
- Concerns regarding Texas Open Meetings law
- Amend to allow less than a majority to call special meetings

Notice for Emergency Ordinance



Article 3.10B

Current	Requires 2 hours
State Law	Requires 1 hour
Amend	Align to State Law



Printing of Ordinances

Article 3.9B

Current

Clerk must make a reasonable number of copies of all ordinances available

Amend

Make available electronically

Council Member Salary

Article 3.2

Current

Tied to El Paso County Median Household Income according to HUD

Amend

Prevent decrease in income and provide across the board increases

Civil Service Commission Member Qualifications

Article 6.1-4

Current

Language is broad in the selection criteria of eligible appointees

Amend

Add clarification for professional or managerial qualifications to expand eligible appointees

Civil Service Hearing Officers

Article 6.1-12

Current

Process is not clearly defined

Amend

Clarify solicitation process through city procurement

Civil Service – Division of City Services



Article 6.2

Current

Unclassified employees are defined in charter by job title

Amend

Clarify definition and positions considered unclassified and align to best practices



Civil Service – Examinations/Promotions

Article 6.7-1; 6.8-1

Current

Examinations are currently required for every classified position

Amend

- Streamline process to be competitive in the market.
- Remove examinations requirement to align with best practices.

PD/FD Pension Cap | Article 6 Continued

Section 6.13-11

Current

City's contribution to Police and Fire pension is capped at 18%

Amendment

Eliminate the cap

Goal

Align to State Statute establishing fund/allow for changes to City contribution in accordance with State Law

Civil Service Commission Summary



- Priority Focus Recruitment – Process Improvements
- Will ensure fairness and consistency for employees
- Protections will be maintained and improved upon to ensure consistency



Real Estate

Article 3.8

Current

Ownership and control of city property is inalienable except by ordinance

Amend

Make it more transparent, identifying which real estate transactions are by resolution, such as easement under \$50,000, certain leases and review any other transactions that are allowed

Communications | Outreach Plan Summary



- Dedicated Website
- Press Releases
- Social Media
 - Postings
 - Geographic ads (paid)
- Traditional Media
 - Interviews
 - Story Pitches
- Communities of Excellence Partners
- City TV
 - Your City in 5
 - Fact Friday
- Neighborhood Associations
- Community Meetings
- TV / Radio PSAs
- Council Newsletters

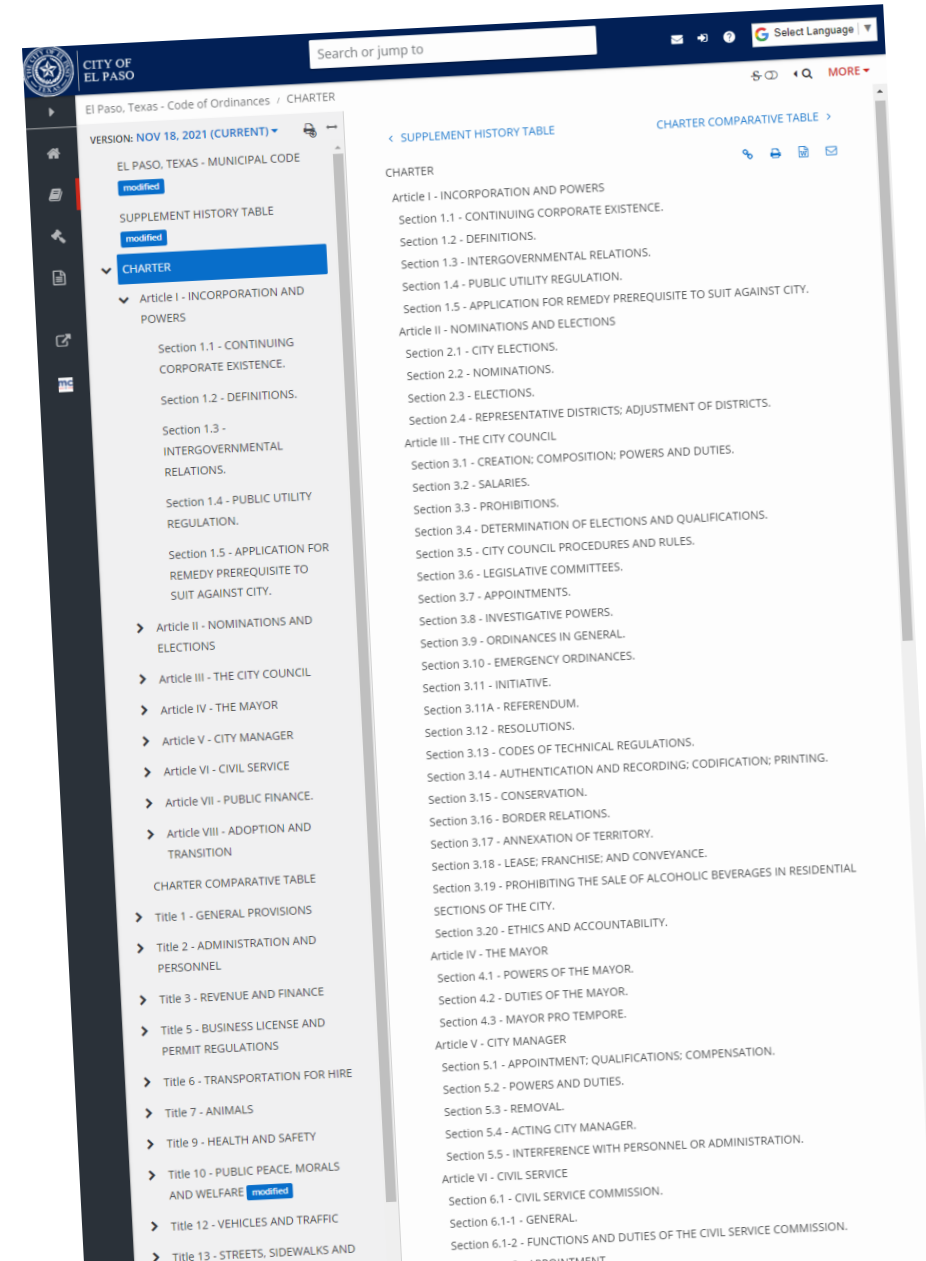


Communications | Charter Amendments Website



What the website will include:

- About the Charter
- About the Charter Ad Hoc Committee
- Calendar of Meetings
- Timeline
- Announcements
- Establishing Resolution
- How to Review Proposed Amendments
- How to Propose Amendments
- Contact Us



Council discussion and feedback

- Questions on staff proposals
- Council members' recommended Charter amendments
- Action on Charter provisions and proposed amendments to submit to committee

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,
Accountability, **P**eople