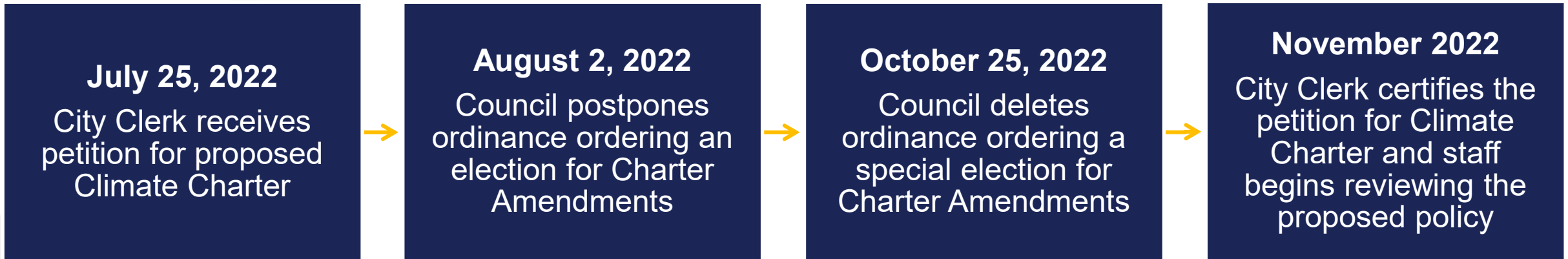




Proposed Charter Amendments

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,
Accountability, **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.~~