

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

AGENDA DATE: January 31, 2022
PUBLIC HEARING DATE: January 31, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, Fire Chief (915) 212-5605

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 an Emergency Ordinance re-enacting and amending Emergency Ordinance No. 019036 instituting emergency measures, to include that boards and commissions may meet by videoconference if not required to meet in person under state law, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191 and 019278; penalty as provided in Section 8.

BACKGROUND / DISCUSSION:

The City Council desires to implement additional protections for City Employees and appointees of boards, commissions and committees in light of a recent spike in COVID-19 cases by enabling as many meetings as possible to take place remotely and desires to re-enact; and desires to amend Emergency Ordinance No. 019036, as amended, which shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

PRIOR COUNCIL ACTION:

Since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021 and with the most recent re-enactment taking place on January 4, 2022.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: Department of Public Health

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN EMERGENCY ORDINANCE RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY MEASURES, TO INCLUDE THAT BOARDS AND COMMISSIONS MAY MEET BY VIDEOCONFERENCE IF NOT REQUIRED TO MEET IN PERSON UNDER STATE LAW, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 AND 019278; PENALTY AS PROVIDED IN SECTION 8

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021 and with the most recent re-enactment taking place on January 4, 2022; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to implement additional protections for City Employees and appointees of boards, commissions and committees in light of a recent spike in COVID-19 cases by enabling as many meetings as possible to take place remotely; and

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as amended, which shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:

1. That Section 2 of Emergency Ordinance No. 019036 as previously re-enacted, restated and amended, is hereby amended to read as follows:

2. CITY BOARDS AND COMMISSIONS

- a) Unless required by State law to abide by all provisions of the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq. ("TOMA"), all City of El Paso boards, commissions

Ordinance No. _____

and committees may meet by videoconference while this ordinance is in effect, suspending only the in-person requirement in any provision in the establishing ordinance, resolution or bylaws that require such board, commission or committee to abide by TOMA.

- b) Any board, commission or committee that must abide by TOMA pursuant to State law must meet in accordance with Texas law, and shall abide by all relevant City requirements to ensure the safety of those in attendance.
2. All other provisions of **Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169 and 019191**, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this ____ day of January, 2022.

THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Fire Chief
El Paso Fire Department

Ordinance No. _____