

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

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: July 5, 2022

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Aleksandra Annello, 915-212-0002

City Representative Henry Rivera, 915-212-0007

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: (Goal 2 - Set the Standard for a Safe and Secure City)
(Goal 8 - Nurture and Promote a Healthy, Sustainable Community)

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and Action to direct the City Manager and City Attorney to create the appropriate Ordinance and/or City Policy which honors and protects the right of pregnant women/individuals, to include the following:

1. Taxpayer Dollars will not be used frivolously for programs or efforts to criminalize women/individuals who seek abortion.
2. City funds will not be used to solicit, catalog, report, or investigate reports of abortion.
3. Police should make investigating abortion their lowest priority.

BACKGROUND / DISCUSSION:

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

N/A

PRIOR COUNCIL ACTION:

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

N/A

AMOUNT AND SOURCE OF FUNDING:

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

N/A

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

Discussion and Action to direct the City Manager and City Attorney to create the appropriate Ordinance and/or City Policy which honors and protects the right of pregnant women/individuals, to include the following:

1. Taxpayer Dollars will not be used frivolously for programs or efforts to criminalize women/individuals who seek abortion.
2. City funds will not be used to solicit, catalog, report, or investigate reports of abortion.
3. Police should make investigating abortion their lowest priority.

It is the policy of the City that, except to the extent otherwise required by state or federal law, City resources, including, for example, funds, personnel, or hardware, will not be used to:

- Create any record of any information related to an individual seeking abortion, miscarriage, or any other event that could be prosecuted as a violation of state law criminalizing or creating civil liability for pregnancy outcomes.
- Provide information to any other governmental body or agency about pregnancy outcomes, unless such information is provided to defend the patient's right to reproductive care, including abortion care, or the healthcare provider's right to provide such care; and
- Conduct surveillance or use any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle

that is equipped with an electronic surveillance device, hardware, or software for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution.

It is the intention of the City of El Paso that this policy will not apply in cases of conduct that is criminally negligent to the health of the pregnant person seeking care or where coercion or force is used against the pregnant person.

It is the further policy of the City of El Paso that investigation of or support for the prosecution of any allegation, charge, or information relating to a pregnancy outcome or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases of conduct that is criminally negligent to the health of the pregnant person seeking care, where coercion or force is used against the pregnant person, or where the pregnancy outcome is not the crime being investigated but evidence of another crime, such as sexual assault.

The City Manager is directed to take appropriate steps to create, implement, and to provide an oral presentation and written report to Council on the passage of this item, including changes to policies and procedures, within 60 days, and to provide a written report to Council on the implementation of this item by September 1, 2022. The City Manager may return to the council for authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this item.