

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

DEPARTMENT: Communications and Public Affairs

AGENDA DATE: January 31, 2023

PUBLIC HEARING DATE: February 7, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Laura Cruz-Acosta, (915) 212-1061

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:

An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments to Section 3.1 to allow District Representatives to appoint and remove District Office Staff; 3.18 to allow City Council to authorize leases for 40 years or less by Resolution or Ordinance; Section 3.5A to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to Declared Emergency; Section 3.9B, 3.10B, and 6.1-12 to align to State law and update obsolete references; Section 3.11 to remove the requirement for a second petition in initiatives, and provide a procedure for citizens to Initiate City Ordinances; Section 6.1-4 to authorize the City to create a policy regarding membership on the Civil Service Commission to reflect the community and City Workforce; Section 6.7-1 and 6.8-1 to allow the City to establish more flexible policies in hiring employees; Section 6.13-11D to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution; Section 3.20B to change the reporting structure for the Chief Internal Auditor to report directly to City Council; such election to be held within the City, on May 6, 2023; making provisions for the conduct of the election; and authorizing a contract with El Paso County to furnish election services and equipment; providing for severability and setting an effective date.

BACKGROUND / DISCUSSION:

On January 18, 2022, City Council approved a Resolution creating the Ad Hoc Charter Advisory Committee with the purpose of reviewing proposed Charter amendments by a majority vote of the City Council. The Committee's final recommendations were presented on July 18, 2022. An Ordinance calling for the election was postponed for 12 weeks by Council on August 8, 2022 and deleted from the agenda on October 25, 2022. An overview presentation of the Charter Amendments took place on January 14, 2023, at which time the final amendments were approved. City Council is moving forward with changes to sections as listed in the ordinance.

PRIOR COUNCIL ACTION:

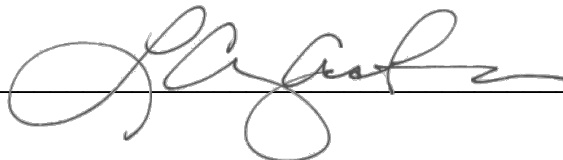
Last Ordinance ordering a Special Election to amend the charter was approved on July 10, 2018.

AMOUNT AND SOURCE OF FUNDING:

111-1000-11020-522030 Election Contracts

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO SECTION 3.1 TO ALLOW DISTRICT REPRESENTATIVES TO APPOINT AND REMOVE DISTRICT OFFICE STAFF; 3.18 TO ALLOW CITY COUNCIL TO AUTHORIZE LEASES FOR 40 YEARS OR LESS BY RESOLUTION OR ORDINANCE; SECTION 3.5A TO ALLOW COUNCIL TO RESCHEDULE MEETINGS FOR HOLIDAYS AND ALLOW THE MAYOR TO CANCEL A COUNCIL MEETING IF REQUIRED DUE TO DECLARED EMERGENCY; SECTION 3.9B, 3.10B, AND 6.1-12 TO ALIGN TO STATE LAW AND UPDATE OBSOLETE REFERENCES; SECTION 3.11 TO REMOVE THE REQUIREMENT FOR A SECOND PETITION IN INITIATIVES, AND PROVIDE A PROCEDURE FOR CITIZENS TO INITIATE CITY ORDINANCES; SECTION 6.1-4 TO AUTHORIZE THE CITY TO CREATE A POLICY REGARDING MEMBERSHIP ON THE CIVIL SERVICE COMMISSION TO REFLECT THE COMMUNITY AND CITY WORKFORCE; SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; SECTION 6.13-11D TO ESTABLISH THE CITY CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF NO LESS THAN 18% OF THE WAGES OF THE PARTICIPANTS, AND REMOVE THE LIMIT ON THE CITY'S CONTRIBUTION; SECTION 3.20B TO CHANGE THE REPORTING STRUCTURE FOR THE CHIEF INTERNAL AUDITOR TO REPORT DIRECTLY TO CITY COUNCIL; SUCH ELECTION TO BE HELD WITHIN THE CITY, ON MAY 6, 2023; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a nine (9) member Ad Hoc Charter Advisory Committee in January 2022 to assist in the review and to make recommendations on potential charter amendments; and

WHEREAS, the Ad Hoc Charter Advisory Committee reviewed proposed Charter Amendments approved by a majority of the City Council and the Committee met from February 2022 through May 2022 to review the City Charter and in May 2022, the Committee finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the City Council has reviewed the proposed Amendments by the Committee, made amendments to such recommendations, and the City Council of the City of El Paso, Texas has determined it appropriate to submit the proposed amendments to the existing City Charter of the City of El Paso to the qualified voters of the City for their adoption or rejection thereof pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held; and

WHEREAS, Section 41.001 of the Texas Election Code establishes May 6, 2023, as a uniform election date for the purposes of conducting an election; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, during public meetings held on August 2, 2022, on January 31, 2023 and a public hearing to be held on February 7, 2023, the City Council considered and approved for public vote, in the form of a ballot proposition, the following Charter amendments after considering recommendations by the 2022 Ad Hoc Charter Advisory Committee; and

WHEREAS, the City Council of the City of El Paso, Texas, hereby directs City staff to publish notice of the special charter election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the May 6, 2023 election, in compliance with Section 9.004(c) of the Texas Local Government Code and to carry out other requirements related to such election.

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

SECTION 1 – CHARTER AMENDMENT ELECTION CALLED

The El Paso City Council does hereby order an election to submit to the voters of the City of El Paso proposed amendments to the City Charter, to be held on Saturday, May 6, 2023. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

That at such election, the following amendments to the Charter of the City of El Paso ("Measures") shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the proposed amendment, and with such ballot language ("Proposition") to be expressed substantially as follows:

CITY OF EL PASO MEASURE A

Text of Amendment

Amending Section 3.1 of the City Charter, relating to the creation; composition; powers and duties of City Council, to read in pertinent part as follows:

Section 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter. Each Representative shall have the discretion and sole authority to appoint and remove district office staff.

City of El Paso Special Election for Charter Amendment Ballot Proposition A

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?

YES ()

NO ()

CITY OF EL PASO MEASURE B

Text of Amendment

Amending Section 3.18 of the City Charter, relating to the use of ordinances, to read in pertinent part as follows:

Section 3.18 LEASE; FRANCHISE, AND CONVEYANCE.

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 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 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 for a lease or franchise must provide that the City may revoke it if necessary to secure efficiency of public service at a reasonable rate, and must assure that the property is maintained in good condition throughout the life of the lease or franchise.

City of El Paso Special Election for Charter Amendment
Ballot Proposition B

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?

YES ()

NO ()

CITY OF EL PASO MEASURE C

Text of Amendment

Amending Section 3.5 of the City Charter, relating to City Council Procedures and Rules, to read in pertinent part as follows:

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition C

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?

YES ()

NO ()

CITY OF EL PASO MEASURE D

Text of Amendment

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment **Ballot Proposition D**

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?

YES ()

NO ()

CITY OF EL PASO MEASURE E

Text of Amendment

Amending Sections 3.9B relating to Ordinances, 3.10B relating to emergency ordinances, 6.1-12 relating to civil service hearing officers to read in pertinent part as follows:

Section 3.9 ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a website at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and

may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

Section 3.10B EMERGENCY ORDINANCES.

Procedures. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one-hour 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 present shall be required for adoption.

Section 6.1-12 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

The hearing officers will serve at the Commission’s pleasure, and will be procured through the City's procurement process.

City of El Paso Special Election for Charter Amendment
Ballot Proposition E

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

YES ()

NO ()

CITY OF EL PASO MEASURE F

Text of Amendment

Amending Section 3.11 of the City Charter, relating to Initiatives to read in pertinent part as follows:

Section 3.11 INITIATIVE.

Any registered voter or group of 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 appropriating or allocating 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 statement 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 calendar 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 original signature, printed name, residence address and date of birth or voter registration of a number of registered voters equal to at least five percent of the voters who voted in the last general City election, or 10,000, whichever number is smaller. The petition must set forth the precise content of the ordinance desired by the petitioners.

The City Clerk shall review the petition without delay, but no more than 60 City Clerk office working days, to verify if 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.

If Council does not adopt, or adopts the proposed ordinance in an amended form, the City Council thereafter must place the proposed ordinance on the ballot at a uniform election no later than the next citywide general election specified in State law meeting all deadlines. If the proposal receives the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance. 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 an initiative may be amended or repealed by the Council within one year of adoption.

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.

City of El Paso Special Election for Charter Amendment **Ballot Proposition F**

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, and to clarify that no ordinance may be initiated through this process appropriating or allocating City funds, zoning or rezoning, levy of taxes, setting utility rates, purchase or sale of an interest in real property, or granting a franchise?

YES ()

NO ()

CITY OF EL PASO MEASURE G

Text of Amendment

Amending Section 6.1-4 of the City Charter, relating to Civil Service qualifications to read in pertinent part as follows:

Section 6.1-4 QUALIFICATIONS.

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. No Commissioner shall be related in any manner described in Article III, Section 3.3 B to any employee of the City, the Public Service Board, or any entity that has a contract with the City to operate or manage any City facility or department, nor hold any salaried public office or other employment compensated by the City, and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition G

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

YES ()

NO ()

CITY OF EL PASO MEASURE H

Text of Amendment

Amending Section 6.7-1 and 6.8-1 of the City Charter, relating to penalty for deceit in examinations, examinations and eligibility to read in pertinent part as follows:

Section 6.7-1

(Reserved.)

Section 6.8-1 EXAMINATION AND ELIGIBILITY

The Human Resources Director shall establish administrative policies and procedures for the promotion process, and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws.

City of El Paso Special Election for Charter Amendment
Ballot Proposition H

Should Section 6.7-1 be deleted and 6.8-1 relating to Examinations of the City Charter be amended to remove the requirement for examinations and allow the City to establish Civil Service Rules, policies and procedures for the promotion of City employees?

YES ()

NO ()

CITY OF EL PASO MEASURE I

Text of Amendment

Amending Section 6.13-11D of the City Charter, relating to pensions plans to read in pertinent part as follows:

Section 6.13-11D PENSION PLANS.

Firemen 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 Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after May 2023, 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; provided, 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 percent of the total amount expended for wages of the participants. Notwithstanding the foregoing, if the City elects to pick up participant contributions to the Firemen and Policemen Pension Fund of El Paso under Section 414(h) of the Internal Revenue Code of 1986, as amended (the "Code"), then the participant contributions picked up by the City shall be derived from a corresponding reduction in participant cash salaries and treated as a contribution by the City solely for determining tax treatment of such contributions under the Code. The picked up contributions by the City shall not be considered a contribution or required contribution by the City for any other purpose, including the limitations for the total amount expended for salaries of the participants designated in this Section 6.13-11.D. Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make a one-time contribution (either in lump sum or installments) to the Firemen and Policemen Pension

Fund solely for an underfunded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

City of El Paso Special Election for Charter Amendment
Ballot Proposition I

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?

YES ()

NO ()

CITY OF EL PASO MEASURE J

Text of Amendment

Amending Section 3.20B of the City Charter, relating to the Chief Internal Auditor to read in pertinent part as follows:

Section 3.20B Internal Audit Function

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor. City employees in such positions shall be protected by the Civil Service System rights and processes that are afforded to classified employees, even if considered unclassified by other sections of this Charter or the City's Civil Service System.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.
4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.

5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by, and report to the Council. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

City of El Paso Special Election for Charter Amendment
Ballot Proposition J

Should Section 3.20B of the El Paso City Charter be amended to change the reporting structure of the Chief Internal Auditor so the position reports directly to City Council, and to provide Civil Service protections to employees in positions that report to the Chief Internal Auditor.

SECTION 2 – BALLOTS

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" on the proposition, with the ballots to contain such provisions, markings and language as required by law, and with the proposition to be expressed substantially as set forth in section 1, above.

SECTION 3 – EARLY VOTING CLERK

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be **received** no later than the close of business on April 25, 2023, sent to this address.

SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A," which may be amended.

In addition, mobile voting stations may be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – NOTICE OF ELECTION

The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in El Paso on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendment.

The City Clerk shall deliver notice of this election to the County Clerk and voter registrar of El Paso County no later than Tuesday, March 7, 2023, or as otherwise required by law.

SECTION 6 – ELECTION SERVICES CONTRACT AND PROCEDURAL MATTERS

The City Manager is hereby authorized to execute the necessary contract(s) and agreements, joint or otherwise, with the El Paso County Elections Administrator, or any other public entity, for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

The election services contract with the County shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election.

Matters contained in this ordinance relating to discretionary, procedural matters may be amended by approval of the City Manager, and procedural matters not established by this ordinance will be established by resolution of City Council.

SECTION 7 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 8 – OTHER ACTION AND COMPLIANCE WITH APPLICABLE LAWS

The City Manager and City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 9 – SEVERABILITY

That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

APPROVED this ____ day of February, 2023.

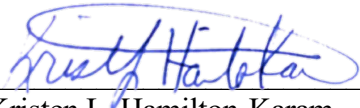
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Senior Assistant City Attorney

EXHIBIT A

May 2023 Uniform Election

#govoteep



EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

(Main Early Voting Location)		Monday, Apr. 24 - Friday, Apr. 28	8am - 5pm
1. Enrique Moreno County Courthouse Third Floor, Back Lobby	500 E. San Antonio Ave. 79901	Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	12pm - 5pm 8am - 5pm
2. Arlington Park Shelter T.B.A.	10350 Pasadena Cir.79924	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
3. Bassett Place T.B.A.	6101 Gateway West 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 7pm
4. Bowling Family YMCA T.B.A.	5509 Will Ruth Ave. 79924	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
5. Canutillo ISD Administration Facility T.B.A.	7965 Artcraft Rd. 79932	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
6. Chayo Apodaca Community Center T.B.A.	341 N. Moon Rd. 79927	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit epcountylvotes.com or call (915) 546-2154.

EXHIBIT A

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

7. Clint ISD Early College Academy T.B.A.	13100 Alameda Ave. 79836	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
8. Commissioner's Corner T.B.A.	10700 Montana Ave. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
9. Eastlake High School T.B.A.	13000 Emeral Pass Ave. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
10. El Paso County Coliseum T.B.A.	4100 E. Paisano Dr. 79905	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
11. El Paso County Eastside Annex T.B.A.	2350 George Dieter Dr. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 6pm 12pm - 5pm 8am - 6pm
12. El Paso County Northwest Annex T.B.A.	435 Vinton Rd. 79821	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 6pm 12pm - 5pm 8am - 6pm
13. El Paso County Self-Help Center T.B.A.	15371 Kentwood Ave. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 7pm
14. EPCC Administrative Services Center T.B.A.	9050 Viscount Blvd. 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit epcountyvotes.com or call (915) 546-2154.

EXHIBIT A

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

15. Esperanza Acosta Moreno Library T.B.A.	12480 Pebble Hills Blvd. 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 7pm
16. Gary Del Palacio Recreation Center T.B.A.	3001 Parkwood St. 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
17. Gonzalez Place T.B.A.	4101 Rich Beem Blvd. 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
18. Marty Robbins Recreation Center T.B.A.	11620 Vista Del Sol Dr. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
19. Medano Heights T.B.A.	7801 Medano Dr, 79912	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 7pm
20. Mountain View-Rae Gilmore Recreation Center T.B.A.	8501 Diana Dr. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 6pm
21. Nations Tobin Sports Center T.B.A.	8831 Railroad Dr. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
22. Officer David Ortiz Recreation Center T.B.A.	563 N. Carolina Dr. 79915	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm

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EXHIBIT A

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

23. Oz Glaze Senior Center T.B.A.	13969 Veny Webb St. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	10am - 7pm 12pm - 5pm 10am - 7pm
24. Pebble Hills High School T.B.A.	14400 Pebble Hills Blvd. 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
25. Rogelio Sanchez Center T.B.A.	1331 N. Fabens St. 79838	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
26. San Elizario Fire Rescue T.B.A.	1415 San Antonio St. 79849	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
27. South El Paso Senior Community Center T.B.A.	600 S. Ochoa St. 79901	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
28. Sunland Park Mall T.B.A.	750 Sunland Park Dr. 79912	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	9am - 6pm 12pm - 5pm 9am - 6pm
29. UTEP - Union Building East T.B.A.	351 W. University Ave. 79968	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm
30. Wellington Chew Senior Center T.B.A.	4430 Maxwell Ave. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	8am - 5pm 12pm - 5pm 8am - 5pm

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EXHIBIT A
EARLY VOTING PERIOD: April 24 - May 2
EARLY VOTING LOCATIONS

31. <u>W.E. Neill Community Center</u> T.B.A.	19210 Cobb Ave. 79853	Monday, Apr. 24 - Friday, Apr. 28 8am - 5pm Saturday, Apr. 29 - Sunday, Apr.30 12pm - 5pm Monday, May 1 - Tuesday, May 2 8am - 5pm
32. <u>Ysleta Community Learning Center</u> T.B.A.	121 Padres Dr. 79907	Monday, Apr. 24 - Friday, Apr. 28 9am - 6pm Saturday, Apr. 29 - Sunday, Apr.30 12pm - 5pm Monday, May 1 - Tuesday, May 2 9am - 6pm
33. <u>YWCA - West</u> T.B.A.	313 Bartlett Dr. 79912	Monday, Apr. 24 - Friday, Apr. 28 8am - 6pm Saturday, Apr. 29 - Sunday, Apr.30 12pm - 5pm Monday, May 1 - Tuesday, May 2 8am - 6pm

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May 2023 Uniform Election

Elección Uniforme de Mayo de 2023



Election Day: Saturday, May 6, 2023
Día de Elección: Sábado, 6 de Mayo de 2023
7:00 a.m. - 7:00 p.m.

You can now vote at any Vote Center on Election Day.
Ahora puede votar en cualquier Centro de Votación el Día de la Elección .

Vote Center	Address
Centro de Votación	Dirección
Anthony Town Hall	401 Wildcat Dr. 79821
El Paso County Northwest Annex	435 E. Vinton Rd. 79821
Canutillo Middle School	7311 Bosque Rd. 79835
Canutillo Elementary School	651 Canutillo Ave. 79835
Clint ISD Early College Academy	13100 Alameda Ave. 79836
Rio Valle Woman's Club	521 Mike Maros St. 79838
San Elizario Fire Rescue	1415 San Antonio St. 79849
W.E. Neill Community Center	19210 Cobb Ave. 79853
Enrique Moreno County Courthouse	500 E. San Antonio Ave. 79901
South El Paso Senior Citizens Center	600 S. Ochoa St. 79901
El Paso Community College-Rio Grande Campus	906 El Paso St. 79902
Fire Station #3	721 E. Rio Grande Ave. 79902
Lamar Elementary School	1440 E. Cliff Dr. 79902
Mesita Elementary School	3307 N. Stanton St. 79902
El Paso Tennis Club	2510 N. St. Vrain St. 79902
UTEP - Union Building East	351 W. University Ave. 79968
Fire Station #7	3200 Pershing Dr. 79903

Vote Center	Address
Centro de Votación	Dirección
Cross of Grace Church	4700 Leeds Ave. 79903
Safety and Health Outreach Center	5415 Trowbridge Dr. 79903
Magoffin Middle School	4931 Hercules Ave. 79904
Nations Tobin Sports Center	8831 Railroad Dr. 79904
Logan Elementary School	3200 Ellerthorpe Ave. 79904
Park Elementary School	3601 Edgar Park Ave. 79904
Fire Station #16	3828 Hercules Ave. 79904
Bowie High School	801 S. San Marcial St. 79905
El Paso County Coliseum	4100 E. Paisano Dr. 79905
Hawkins Elementary School	5816 Stephenson Ave. 79905
Dr. Josefina Villamil Tinajero Pk-8 School	301 Lisbon St. 79905
**Formerly Henderson School	
El Paso County Ascarate Annex	301 Manny Martinez Dr. 79905
Loma Terrace Elementary School	8200 Ryland Dr. 79907
YWCA-Lower Valley	115 Davis Dr. 79907
Ysleta Community Learning Center	121 Padres Dr. 79907
Lancaster Elementary School	9230 Elgin Dr. 79907
Alicia R. Chacon International School	920 Burgundy Dr. 79907
**Formerly LeBarron Park Elementary School	
Congressman Silvestre & Carolina Reyes School	7440 Northern Pass Dr. 79911
Sunland Park Mall	750 Sunland Park Dr. 79912
Brown Middle School	7820 Helen of Troy Dr. 79912
Medano Heights	7801 Medano Dr. 79912
Tippin Elementary School	6541 Bear Ridge Dr. 79912
Fire Station #27	6767 Ojo De Agua Dr. 79912
Rosa Guerrero Elementary School	7530 Lakehurst Rd. 79912
YWCA - West	313 Bartlett Dr. 79912
Carlos Rivera Elementary School	6445 Escondido Dr. 79912
Western Hills U.M.C.-Stewart Family Life Center A	524 Thunderbird Dr. 79912
Dr. Green Elementary School	5430 Buckley Dr. 79912
Putnam Elementary School	6508 Fiesta Dr. 79912
Polk Elementary School	940 Belvidere St. 79912
El Paso Community College-Valle Verde	919 Hunter Dr. 79915

Vote Center Centro de Votación	Address Dirección
Del Norte Heights Elementary School	1800 Winslow Rd. 79915
Ramona Elementary School	351 Nichols Rd. 79915
Riverside High School	301 Midway Dr. 79915
Ysleta Pre-K Center	7940 Craddock Ave. 79915
Bel Air Middle School	7909 Ranchland Dr. 79915
Officer David Ortiz Recreation Center	563 N. Carolina Dr. 79915
Transition To Life Career Center	7988 Alameda Ave. 79915
Fire Station #15	115 Shorty Ln. 79922
Zach White Elementary School	4256 Roxbury Dr. 79922
Desertaire Elementary School	6301 Tiger Eye Dr. 79924
Bowling Family YMCA	5509 Will Ruth Ave. 79924
Dr. Joseph E. Torres Elementary School	10700 Rushing Rd. 79924
**Formerly Bradley Elementary School	
H.E. Charles Middle School	4909 Trojan Dr. 79924
Arlington Park Shelter	10350 Pasadena Cir. 79924
Newman Elementary School	10275 Alcan St. 79924
Parkland High School	5932 Quail Ave. 79924
Whitaker Elementary School	4700 Rutherford Dr. 79924
Coach Archie Duran Elementary School	5249 Bastille Ave. 79924
**Formerly Dowell Elementary School	
Fire Station #20	8301 Edgemere Blvd. 79925
Cielo Vista Elementary School	9000 Basil Ct. 79925
Edgemere Elementary School	10300 Edgemere Blvd. 79925
Eastwood High School	2430 McRae Blvd. 79925
YISD Central Office	9600 Sims Dr. 79925
Eastwood Heights Elementary School	10530 Janway Dr. 79925
Gary Del Palacio Recreation Center	3001 Parkwood St. 79925
Ross Middle School	6101 Hughey Cir. 79925
Bassett Place	6101 Gateway West 79925
Western Technical College	9624 Plaza Cir. 79927
El Paso Community College-Mission Del Paso	10700 Gateway Blvd E. 79927
H.D. Hilley Elementary School	693 N. Rio. Vista Rd. 79927
Chayo Apodaca Community Center	341 N. Moon Rd. 79927

Vote Center Centro de Votación	Address Dirección
Robert R. Rojas Elementary School	500 Bauman Rd. 79927
Escontrias Elementary School	205 Buford Rd. 79927
Campestre Elementary School	11399 Socorro Rd. 79927
KEYS Academy	12380 Pine Springs Dr. 79928
Desert Hills Elementary School	300 N. Kenazo Dr. 79928
Desert Wind K-8 School	1100 Colina De Paz Dr. 79928
Horizon Heights Elementary School	13601 Ryderwood Ave. 79928
Dr. Sue A Shook Elementary School	13777 Paseo Del Este Blvd. 79928
Eastlake High School	13000 Emerald Pass Ave. 79928
El Paso Self-Help Center	15371 Kentwood Ave. 79928
Carroll T. Welch Elementary School	14510 Mc Mahon Ave. 79928
Center for Career and Technology Education	1170 N. Walnut St. 79930
Travis Elementary School	5000 N. Stevens St. 79930
Paul C. Moreno Elementary School	2300 San Diego Ave. 79930
Memorial Park Senior Citizen Center	1800 Byron St. 79930
Austin High School	3500 Memphis Ave. 79930
Fire Station #2	111 E. Borderland Rd. 79932
Community Connections Center	5300 Warriors Dr. 79932
Dr. Nixon Elementary School	11141 Loma Roja Dr. 79934
Fred & Maria Loya Family YMCA	2044 Trawood Dr. 79935
Pebble Hills Elementary School	11145 Edgemere Blvd. 79936
El Paso County Eastside Annex	2350 George Dieter Dr. 79936
Hanks High School	2001 Lee Trevino Dr. 79936
Tierra Del Sol Elementary School	1832 Tommy Aaron Dr. 79936
Hanks Middle School	11201 Pebble Hills Blvd. 79936
**Indian Ridge Middle School	
ESC Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr. 79936
Jane Hambric K-8 School	3535 Nolan Richardson Dr. 79936
Bill Sybert K-8 School	11530 Edgemere Blvd. 79936
Benito Martinez Elementary School	2640 Robert Wynn St. 79936
Helen Ball Elementary School	1950 Firehouse Dr. 79936
O'Shea Keleher Elementary School	1800 Leroy Bonse Dr. 79936
Marty Robbins Recreation Center	11620 Vista Del Sol Dr. 79936

Vote Center Centro de Votación	Address Dirección
Sierra Vista Elementary School	1501 Bob Hope Dr. 79936
Hurshel Antwine Elementary School	3830 Rich Beem Blvd. 79938
Esperanza Acosta Moreno Library	12480 Pebble Hills Blvd. 79938
Lujan-Chavez Elementary School	2200 Sun Country Dr. 79938
Pebble Hills High School	14400 Pebble Hills Blvd. 79938
Red Sands Elementary School	4250 O'Shea Rd. 79938
Montana Vista Elementary School	3550 Mark Jason Dr. 79938

Note: Vote Centers are subject to change at any time. Click on an address for directions via Google Maps or click on a location name to view a picture to that specific site. For more election information visit epcountyvotes.com or call **(915) 546-2154**.

*Nota: Centros de Votación están sujetos a cambio en cualquier momento. Para ver mapa del lugar, presione en la dirección del Lugar de Votación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre del Centro de Votación de su preferencia. Para más información visite es.epcountyvotes.com o llame al **(915) 546-2154**.*

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO ~~SECTION 2.2C TO ALLOW PERSONS TO SERVE TWO FULL TERMS AS MAYOR OR DISTRICT REPRESENTATIVE IF SUCH PERSON CARRIED OUT AN UNEXPIRED TERM;~~ SECTION 3.18 TO ALLOW CITY COUNCIL TO AUTHORIZE LEASES FOR 40 YEARS OR LESS BY RESOLUTION OR ORDINANCE; SECTION 3.5A TO ALLOW COUNCIL TO RESCHEDULE MEETINGS FOR HOLIDAYS AND ALLOW THE MAYOR TO CANCEL A COUNCIL MEETING IF REQUIRED DUE TO DECLARED EMERGENCY; SECTION 3.9B, 3.10B, AND 6.1-12 TO ALIGN TO STATE LAW AND UPDATE OBSOLETE REFERENCES; SECTION 3.11 TO REMOVE THE REQUIREMENT FOR A SECOND PETITION IN INITIATIVES, AND PROVIDE A PROCEDURE FOR CITIZENS TO INITIATE CITY ORDINANCES; ~~SECTION 1.2, 3.5E, 3.6, 4.1B, 4.3 AND 7.3 TO AUTHORIZE THE MAYOR TO VOTE ON ALL COUNCIL ITEMS, REMOVING THE THE BREAKING AND VETO CAPACITY;~~ SECTION 6.1-4 TO AUTHORIZE THE CITY TO CREATE A POLICY REGARDING MEMBERSHIP ON THE CIVIL SERVICE COMMISSION TO REFLECT THE COMMUNITY AND CITY WORKFORCE; ~~SECTIONS 6.2-2 AND 6.2-3 TO ALIGN THE EMPLOYEE SERVING AS CIVIL SERVICE COMMISSION RECORDER WITH OTHER EMPLOYEES CARRYING OUT SIMILAR DUTIES;~~ SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; SECTION 6.13-11D TO ESTABLISH THE CITY CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF NO LESS THAN 18% OF THE WAGES OF THE PARTICIPANTS, AND REMOVE THE LIMIT ON THE CITY'S CONTRIBUTION; ~~SECTION 3.20B TO CHANGE THE REPORTING STRUCTURE FOR THE CHIEF INTERNAL AUDITOR TO REPORT DIRECTLY TO CITY COUNCIL;~~ SUCH ELECTION TO BE HELD WITHIN THE CITY, ON ~~NOVEMBER 8, 2022~~ MAY 6, 2023; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a nine (9) member Ad Hoc Charter Advisory Committee in January 2022 to assist in the review and to make recommendations on potential charter amendments; and

WHEREAS, the Ad Hoc Charter Advisory Committee reviewed proposed Charter Amendments approved by a majority of the City Council and the Committee met from February 2022 through May 2022 to review the City Charter and in May 2022, the Committee finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the City Council has reviewed the proposed Amendments by the Committee, [made amendments to such recommendations](#), and the City Council of the City of El Paso, Texas has determined it appropriate to submit the proposed amendments to the existing City Charter of the City of El Paso to the qualified voters of the City for their adoption or rejection thereof pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, Section 9.004(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held; and

WHEREAS, Section 41.001 of the Texas Election Code establishes ~~November 8, 2022~~[May 6, 2023](#), as a uniform election date for the purposes of conducting an election; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, during ~~a~~ public meetings held on August 2, 2022, [on January 31, 2023 and a public hearing to be held on February 7, 2023](#), the City Council considered and approved for public vote, in the form of a ballot proposition, the following Charter amendments after considering recommendations by the 2022 Ad Hoc Charter Advisory Committee; and

WHEREAS, the City Council of the City of El Paso, Texas, hereby directs City staff to publish notice of the special charter election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the ~~November 8~~[May 6, 2023](#) election, in compliance with Section 9.004(c) of the Texas Local Government Code [and to carry out other requirements related to such election](#).

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

SECTION 1 – CHARTER AMENDMENT ELECTION CALLED

The El Paso City Council does hereby order an election to submit to the voters of the City of El Paso proposed amendments to the City Charter, to be held on ~~Tuesday~~[Saturday](#), ~~November 8~~[May 6, 2023](#). That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

That at such election, the following amendments to the Charter of the City of El Paso ("Measures") shall be submitted to the qualified voters of the City and official ballots for the

election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the proposed amendment, and with such proposition to be expressed substantially as follows:

CITY OF EL PASO PROPOSITION A

Text of Amendment

~~Amending Section 2.2C of the City Charter, relating to term limits for the Mayor and District Representatives, to read in pertinent part as follows:~~

~~**Section 2.2C LIMITATION.**~~

~~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 Mayor or Representative'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.~~

**City of El Paso Special Election for Charter Amendment
Ballot Proposition A**

~~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 Mayor or Representative's vacancy be allowed to serve two full four year terms, regardless of whether it results in more than a total of ten years served throughout their lifetime?~~

YES (→)

NO (←)

CITY OF EL PASO MEASURE BA

Text of Amendment

Amending Section 3.1 of the City Charter, relating to the creation; composition; powers and duties of City Council, to read in pertinent part as follows:

Section 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter. Each Representative shall have the discretion and sole authority to appoint and remove district office staff.

City of El Paso Special Election for Charter Amendment

Ballot Proposition BA

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?

YES ()

NO ()

CITY OF EL PASO MEASURE CB

Text of Amendment

Amending Section 3.18 of the City Charter, relating to the use of ordinances, to read in pertinent part as follows:

Section 3.18 LEASE; FRANCHISE, AND CONVEYANCE.

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 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 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 for a lease or franchise must provide that the City may revoke it if necessary to secure efficiency of public service at a reasonable rate, and must assure that the property is maintained in good condition throughout the life of the lease or franchise.

City of El Paso Special Election for Charter Amendment

Ballot Proposition CB

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?

YES ()

NO ()

CITY OF EL PASO MEASURE ~~DC~~

Text of Amendment

Amending Section 3.5 of the City Charter, relating to City Council Procedures and Rules, to read in pertinent part as follows:

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~DC~~

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?

YES ()

NO ()

CITY OF EL PASO MEASURE ~~ED~~

Text of Amendment

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~ED~~

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?

YES ()

NO ()

CITY OF EL PASO MEASURE ~~FE~~

Text of Amendment

Amending Sections 3.9B relating to Ordinances, 3.10B relating to emergency ordinances, 6.1-12 relating to civil service hearing officers to read in pertinent part as follows:

Section 3.9 ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a website at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

Section 3.10B EMERGENCY ORDINANCES.

Procedures. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one-hour 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 present shall be required for adoption.

Section 6.1-12 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

The hearing officers will serve at the Commission's pleasure, and will be procured through the City's procurement process.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~FE~~

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

YES ()

NO ()

CITY OF EL PASO MEASURE ~~GF~~

Text of Amendment

Amending Section 3.11 of the City Charter, relating to Initiatives to read in pertinent part as follows:

Section 3.11 INITIATIVE.

Any ~~five~~ registered voter or group of 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~~ regarding ~~appropriation~~ appropriation or ~~allocation~~ allocation 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 statement 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 calendar 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 original signature, printed name, residence address and date of birth or voter registration of a number of registered voters equal to at least five percent of the voters who voted in the last general City election, or 10,000, whichever number is smaller. The petition must set forth the precise content of the ordinance desired by the petitioners.

Within thirty working days, ~~t~~he City Clerk shall review the petition without delay, but no more than 60 City Clerk office working days, to verify if 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.

If Council does not adopt, or adopts the proposed ordinance in an amended form, the ~~City Clerk~~ City Council thereafter must place the proposed ordinance on the ballot at a uniform election no later than the next citywide general election specified in State law meeting all deadlines. If the proposal receives the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance. 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 an initiative may be amended or repealed by the Council within one year of adoption.

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.

**City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~GF~~**

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, and to clarify that no ordinance may be initiated through this process appropriating or allocating City funds, zoning or rezoning, levy of taxes, setting utility rates, purchase or sale of an interest in real property, or granting a franchise?

YES ()

NO ()

CITY OF EL PASO PROPOSITION H

Text of Amendment

~~Amending Section 1.2 relating to Definitions, 3.5E relating to City Council Procedures and Rules, 3.6 relating to Legislative Committees, 4.1B Power of the Mayor, 4.3 relating to Mayor Pro Tempore and 7.3 relating to budget procedures of the City Charter effective the first City Council meeting January of 2025, to read in pertinent part as follows:~~

Section 1.2 – DEFINITIONS

~~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 voting member of Council; and "department" shall mean any City agency, office, bureau or other organizational unit.~~

Section 3.5 E CITY COUNCIL PROCEDURES AND RULES

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~~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 shall either fail to sign 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.~~

~~Section 3.6 LEGISLATIVE COMMITTEES~~

~~A. The 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.~~

~~Section 4.1B POWERS OF THE MAYOR~~

~~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 intragovernmental and intergovernmental relationships; 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, convene the Council in special session and perform other duties specified by the Council.~~

~~Section 4.3 MAYOR PRO TEMPORE~~

~~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.~~

~~Section 7.3 BUDGET PROCEDURES~~

~~The procedures here stated shall govern adoption of the annual budget and the appropriations of monies pursuant thereto.~~

~~D. Adoption. The budget shall be adopted by resolution, 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.~~

City of El Paso Special Election for Charter Amendment Ballot Proposition H

~~Should section 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 effective the first City Council meeting of January 2025?~~

~~YES ()~~

~~NO ()~~

CITY OF EL PASO MEASURE ~~I~~G

Text of Amendment

Amending Section 6.1-4 of the City Charter, relating to Civil Service qualifications to read in pertinent part as follows:

Section 6.1-4 QUALIFICATIONS.

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. No Commissioner shall be related in any manner described in Article III, Section 3.3 B to any employee of the City, the Public Service Board, or any entity that has a contract with the City to operate or manage any City facility or department, nor hold any salaried public office or other employment compensated by the City, and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. 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.

City of El Paso Special Election for Charter Amendment

Ballot Proposition ~~I~~G

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

YES ()

NO ()

CITY OF EL PASO PROPOSITION J

Text of Amendment

~~Amending Section 6.2-2 of the City Charter, relating to the unclassified services and 6.2-3B, relating to appointment and removal of unclassified personnel to read in pertinent part as follows:~~

~~Section 6.2.2 UNCLASSIFIED SERVICES.~~

~~The unclassified services shall include only the following positions:~~

- ~~A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;~~
- ~~B. The Mayor's executive secretary(s) and Executive Assistant(s);~~
- ~~C. All elected officials;~~
- ~~D. Members of all City boards, commissions, and committees who serve without compensation;~~
- ~~E. Employees hired by contract, and short term or limited funding grant funded employees as designated by the City Manager and hired on or after the effective date of this amendment;~~
- ~~F. The City Manager;~~
- ~~G. All executive level employees, and executive staff or salaried professional employees reporting directly to the City Manager;~~
- ~~H. Employees hired on or after May 18, 2007 who work at the Metropolitan Planning Organization; and~~
- ~~I. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.~~
- ~~J. A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.~~

~~Section 6.2.3 APPOINTMENT AND REMOVAL OF UNCLASSIFIED PERSONNEL~~

~~B. 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.~~

City of El Paso Special Election for Charter Amendment
Ballot Proposition J

~~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?~~

YES (→)

NO (→)

CITY OF EL PASO MEASURE ~~K~~H

Text of Amendment

Amending Section 6.7-1 and 6.8-1 of the City Charter, relating to penalty for deceit in examinations, examinations and eligibility to read in pertinent part as follows:

Section 6.7-1 ~~PENALTY FOR DECEIT IN EXAMINATION.~~

(Reserved.)

Section 6.8-1 EXAMINATION AND ELIGIBILITY

The Human Resources Director shall establish administrative policies and procedures for the promotion process, and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~K~~H

Should Section 6.7-1 be deleted and 6.8-1 relating to Examinations of the City Charter be amended to remove the requirement for examinations and allow the City to establish Civil Service Rules, policies and procedures for the promotion of City employees?

YES ()

NO ()

CITY OF EL PASO MEASURE ~~H~~I

Text of Amendment

Amending Section 6.13-11D of the City Charter, relating to pensions plans to read in pertinent part as follows:

Section 6.13-11D PENSION PLANS.

Firemen 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 Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after ~~November-May 2023~~, 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; provided, 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 percent of the total amount expended for wages of the participants.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~1-1~~

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?

YES ()

NO ()

CITY OF EL PASO MEASURE J

Text of Amendment

Amending Section 3.20B of the City Charter, relating to the Chief Internal Auditor to read in pertinent part as follows:

Section 3.20B Internal Audit Function

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor. City employees in such positions shall be protected by the Civil Service System rights and processes that are afforded to classified employees, even if considered unclassified by other sections of this Charter or the City's Civil Service System.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.

4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.

5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by, and report to the ~~City Manager subject to the approval of the~~ Council. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

City of El Paso Special Election for Charter Amendment
Ballot Proposition ~~L~~J

Should Section 3.20B of the El Paso City Charter be amended to change the reporting structure of the Chief Internal Auditor so the position reports directly to City Council, and to provide Civil Service protections to employees in positions that report to the Chief Internal Auditor.

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SECTION 2 – BALLOTS

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" on the proposition, with the ballots to contain such provisions, markings and language as required by law, and with the proposition to be expressed substantially as set forth in section 1, above.

SECTION 3 – EARLY VOTING CLERK

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be **received** no later than the close of business on ~~October 28, 2022~~April 25, 2023, sent to this address.

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SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A," which may be amended.

In addition, mobile voting stations may be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as

set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – NOTICE OF ELECTION

The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in El Paso on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendment.

The City Clerk shall deliver notice of this election to the County Clerk and voter registrar of El Paso County no later than ~~Monday~~~~Tuesday, October 24, 2022~~March 7, 2023, or as otherwise required by law.

SECTION 6 – ELECTION SERVICES CONTRACT AND PROCEDURAL MATTERS

The City Manager is hereby authorized to execute the necessary contract(s) and agreements, joint or otherwise, with the El Paso County Elections Administrator, or any other public entity, for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

The election services contract with the County shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election.

Matters contained in this ordinance relating to discretionary, procedural matters may be amended by approval of the City Manager, and procedural matters not established by this ordinance will be established by resolution of City Council.

SECTION 7 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 8 – OTHER ACTION AND COMPLIANCE WITH APPLICABLE LAWS

The City Manager and City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 9 – SEVERABILITY

That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

APPROVED this ____ day of ~~August~~February, ~~2022~~2023.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Kristen L. Hamilton-Karam
Senior Assistant City Attorney

REDLINE AS OF AUGUST 2, 2022

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO SECTION 2.2C TO ALLOW PERSONS TO SERVE TWO FULL TERMS AS MAYOR OR DISTRICT REPRESENTATIVE IF SUCH PERSON CARRIED OUT AN UNEXPIRED TERM; SECTION 3.18 TO ALLOW CITY COUNCIL TO AUTHORIZE LEASES FOR 40 YEARS OR LESS BY RESOLUTION OR ORDINANCE; SECTION 3.5A TO ALLOW COUNCIL TO RESCHEDULE MEETINGS FOR HOLIDAYS AND ALLOW THE MAYOR TO CANCEL A COUNCIL MEETING IF REQUIRED DUE TO DECLARED EMERGENCY; SECTION 3.9B, 3.10B, AND 6.1-12 TO ALIGN TO STATE LAW AND UPDATE OBSOLETE REFERENCES; SECTION 3.11 TO REMOVE THE REQUIREMENT FOR A SECOND PETITION IN INITIATIVES, AND PROVIDE A PROCEDURE FOR CITIZENS TO INITIATE CITY ORDINANCES; SECTION 1.2, 3.5E, 3.6, 4.1B, 4.3 AND 7.3 TO AUTHORIZE THE MAYOR TO VOTE ON ALL COUNCIL ITEMS, REMOVING THE TIE-BREAKING AND VETO CAPACITY; SECTION 6.1-4 TO AUTHORIZE THE CITY TO CREATE A POLICY REGARDING MEMBERSHIP ON THE CIVIL SERVICE COMMISSION TO REFLECT THE COMMUNITY AND CITY WORKFORCE; SECTIONS 6.2-2 AND 6.2-3 TO ALIGN THE EMPLOYEE SERVING AS CIVIL SERVICE COMMISSION RECORDER WITH OTHER EMPLOYEES CARRYING OUT SIMILAR DUTIES; SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; SECTION 6.13-11D TO ESTABLISH THE CITY CONTRIBUTION TO THE POLICE AND FIRE PENSION FUND OF NO LESS THAN 18% OF THE WAGES OF THE PARTICIPANTS, AND REMOVE THE LIMIT ON THE CITY'S CONTRIBUTION; SUCH ELECTION TO BE HELD WITHIN THE CITY, ON NOVEMBER 8, 2022; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a nine (9) member Ad Hoc Charter Advisory Committee in January 2022 to assist in the review and to make recommendations on potential charter amendments; and

WHEREAS, the Ad Hoc Charter Advisory Committee reviewed proposed Charter Amendments approved by a majority of the City Council and the Committee met from February 2022 through May 2022 to review the City Charter and in May 2022, the Committee finalized its report of its findings in writing, and presented its proposed amendments to the City Council; and

WHEREAS, the City Council has reviewed the proposed Amendments by the Committee and the City Council of the City of El Paso, Texas has determined it appropriate to

submit a proposed amendment to the existing City Charter of the City of El Paso to the qualified voters of the City for their adoption or rejection thereof pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, Section 9.04(b) of the Texas Local Government Code requires that an ordinance be approved ordering said election to be held on the first authorized uniform election date prescribed by the Texas Election Code and establishing the procedure to be followed in said election; and

WHEREAS, Section 41.001 of the Texas Election Code establishes November 8, 2022, as a uniform election date for the purposes of conducting an election; and

WHEREAS, pursuant to Texas Local Government Code Section 9.004(e), more than one amendment may be combined in one ballot proposition as long as the amendments contain only one subject; and

WHEREAS, pursuant to the Texas Local Government Code Section 9.004 a ballot for proposed charter amendments shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments; and

WHEREAS, during a public meeting held on August 2, 2022, the City Council considered and approved for public vote, in the form of a ballot proposition, the following Charter amendments after considering recommendations by the 2022 Ad Hoc Charter Advisory Committee; and

WHEREAS, the City Council of the City of El Paso, Texas, hereby directs City staff to publish notice of the special charter election in a newspaper of general circulation in the City on the same day in each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days prior to the date of the November 8, 2022 election, in compliance with Section 9.004(c) of the Texas Local Government Code.

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

SECTION 1 – CHARTER AMENDMENT ELECTION CALLED

The El Paso City Council does hereby order an election to submit to the voters of the City of El Paso proposed amendments to the City Charter, to be held on Tuesday, November 8, 2022. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

That at such election, the following amendments to the Charter of the City of El Paso ("Propositions") shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the

electors to vote for or against the proposed amendment, and with such proposition to be expressed substantially as follows:

CITY OF EL PASO PROPOSITION A

Text of Amendment

Amending Section 2.2C of the City Charter, relating to term limits for the Mayor and District Representatives, to read in pertinent part as follows:

Section 2.2C LIMITATION.

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 Mayor or Representative'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.

**City of El Paso Special Election for Charter Amendment
Ballot Proposition A**

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 Mayor or Representative's vacancy be allowed to serve two full four-year terms, regardless of whether it results in more than a total of ten years served throughout their lifetime?

YES ()

NO ()

CITY OF EL PASO PROPOSITION B

Text of Amendment

Amending Section 3.1 of the City Charter, relating to the creation; composition; powers and duties of City Council, to read in pertinent part as follows:

Section 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter. Each Representative shall have the discretion and sole authority to appoint and remove ~~a legislative aide~~ district office staff.

**City of El Paso Special Election for Charter Amendment
Ballot Proposition B**

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION C

Text of Amendment

Amending Section 3.18 of the City Charter, relating to the use of ordinances, to read in pertinent part as follows:

Section 3.18 LEASE; FRANCHISE, AND CONVEYANCE.

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 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~~ revoked ~~it 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.

City of El Paso Special Election for Charter Amendment **Ballot Proposition C**

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION D

Text of Amendment

Amending Section 3.5 of the City Charter, relating to City Council Procedures and Rules, to read in pertinent part as follows:

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition D

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION E

Text of Amendment

Section 3.5 A CITY COUNCIL PROCEDURES AND RULES

Meetings. 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition E

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION F

Text of Amendment

Amending Sections 3.9B relating to Ordinances, 3.10B relating to emergency ordinances, 6.1-12 relating to civil service hearing officers to read in pertinent part as follows:

Section 3.9 ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. ~~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.~~ No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a website at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

Section 3.10B EMERGENCY ORDINANCES.

Procedures. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on ~~one two~~ one 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~~ Council members present, ~~and the consent of the Mayor,~~ shall be required for adoption.

Section 6.1-12 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

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.~~

City of El Paso Special Election for Charter Amendment
Ballot Proposition F

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

YES ()

NO ()

CITY OF EL PASO PROPOSITION G

Text of Amendment

Amending Section 3.11 of the City Charter, relating to Initiatives to read in pertinent part as follows:

Section 3.11 INITIATIVE.

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 appropriation or allocation 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 statement 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 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 setting ~~forth~~ the precise content of ~~an the~~ ordinance desired by the ~~petitioners, signers,~~

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 re proposed ordinance on the ballot at the next citywide general election specified in State law, if the proposal receives ~~d~~ 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition G

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION H

Text of Amendment

Amending Section 1.2 relating to Definitions, 3.5E relating to City Council Procedures

and Rules, 3.6 relating to Legislative Committees, 4.1B Power of the Mayor, 4.3 relating to Mayor Pro Tempore and 7.3 relating to budget procedures of the City Charter effective the first City Council meeting January of 2025, to read in pertinent part as follows:

Section 1.2 - DEFINITIONS

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.

Section 3.5 E CITY COUNCIL PROCEDURES AND RULES

~~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.

Section 3.6 LEGISLATIVE COMMITTEES

A. 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 those rules except upon grounds of illegality.~~

Section 4.1B POWERS OF THE MAYOR

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; 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, veto 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.

Section 4.3 – MAYOR PRO TEMPORE

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.~~

Section 7.3 – BUDGET PROCEDURES

The procedures here stated shall govern adoption of the annual budget and the appropriations of monies pursuant thereto.

D. 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.

**City of El Paso Special Election for Charter Amendment
Ballot Proposition H**

Should section 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 effective the first City Council meeting of January 2025?

YES ()

NO ()

CITY OF EL PASO PROPOSITION I

Text of Amendment

Amending Section 6.1-4 of the City Charter, relating to Civil Service qualifications to read in pertinent part as follows:

Section 6.1-4 QUALIFICATIONS.

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. No Commissioner shall be related in any manner described in Article III, Section 3.3 B to any employee of the City, the Public Service Board, or any entity that has a contract with the City to operate or manage any City facility or department, nor hold any salaried public office or other employment compensated by the City, and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. ~~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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition I

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

YES ()

NO ()

CITY OF EL PASO PROPOSITION J

Text of Amendment

Amending Section 6.2-2 of the City Charter, relating to the unclassified services and 6.2-3B, relating to appointment and removal of unclassified personnel to read in pertinent part as follows:

Section 6.2-2 UNCLASSIFIED SERVICES.

The unclassified services shall include only the following positions:

A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;

B. The Mayor's executive secretary(s) and Executive Assistant(s);

~~C. Hearing officer(s) and the Commission Recorder;~~

~~D. C. All elected officials;~~

~~E. D. Members of all City boards, commissions, and committees who serve without compensation;~~

~~F. E. Employees hired by contract, and short-term or limited-funding grant-funded employees as designated by the City Manager and hired on or after the effective date of this amendment;~~

~~G. F. The City Manager;~~

~~H. G All executive level employees, and executive staff or salaried professional employees reporting directly to the City Manager;~~

I. H Employees hired on or after May 18, 2007 who work at the Metropolitan Planning Organization; and

J. I. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.

K. J. A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.

Section 6.2-3 – APPOINTMENT AND REMOVAL OF UNCLASSIFIED PERSONNEL

B. 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.~~

City of El Paso Special Election for Charter Amendment **Ballot Proposition J**

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION K

Text of Amendment

Amending Section 6.7-1 and 6.8-1 of the City Charter, relating to penalty for deceit in examinations, examinations and eligibility to read in pertinent part as follows:

Section 6.7-1 PENALTY FOR DECEIT IN EXAMINATION.

~~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.~~
(Reserved.)

Section 6.8-1 EXAMINATION AND ELIGIBILITY

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.~~

City of El Paso Special Election for Charter Amendment
Ballot Proposition K

Should Section 6.7-1 be deleted and 6.8-1 relating to Examinations of the City Charter be amended to allow the City to establish Civil Service Rules, policies and procedures for the promotion of City employees?

YES ()

NO ()

CITY OF EL PASO PROPOSITION L

Text of Amendment

Amending Section 6.13-11D of the City Charter, relating to pensions plans to read in pertinent part as follows:

Section 6.13-11D PENSION PLANS.

Firemen 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 Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after ~~February, 1968,~~ November 2022, 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.;~~ 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; 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~~ 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.

City of El Paso Special Election for Charter Amendment
Ballot Proposition L

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 ?

YES ()

NO ()

SECTION 2 – BALLOTS

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" on the proposition, with the ballots to contain such provisions, markings and language as required by law, and with the proposition to be expressed substantially as set forth in section 1, above.

SECTION 3 – EARLY VOTING CLERK

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be received no later than the close of business on October 28, 2022, sent to this address.

SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A," which may be amended.

In addition, mobile voting stations may be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – NOTICE OF ELECTION

The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in El Paso on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendment.

The City Clerk shall deliver notice of this election to the County Clerk and voter registrar of El Paso County no later than Monday, October 24, 2022, or as otherwise required by law.

SECTION 6 – ELECTION SERVICES CONTRACT AND PROCEDURAL MATTERS

The City Manager is hereby authorized to execute the necessary contract(s) and agreements, joint or otherwise, with the El Paso County Elections Administrator, or any other public entity, for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

The election services contract with the County shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election.

Matters contained in this ordinance relating to discretionary, procedural matters may be amended by approval of the City Manager, and procedural matters not established by this ordinance will be established by resolution of City Council.

SECTION 7 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 8 – OTHER ACTION AND COMPLIANCE WITH APPLICABLE LAWS

The City Manager and City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any additional action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 9 – SEVERABILITY

That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

APPROVED this ____ day of August, 2022.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Kristen L. Hamilton-Karam
Senior Assistant City Attorney