

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

DEPARTMENT: City Attorney's Office

AGENDA DATE: April 9, 2024

PUBLIC HEARING DATE: April 23, 2024

CONTACT PERSON NAME AND PHONE NUMBER: Karla M. Nieman (915) 212-1115

DISTRICT(S) AFFECTED: All District

STRATEGIC GOAL: Goal 6

SUBGOAL: 6.8 Support Transparent and Inclusive Government

SUBJECT:

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

Approval of an ordinance amendment to Chapter 2.92 Ethics to clarify the definition of a candidate and to require candidates to provide notice of contributions of \$500 or more for notation on the City Council agenda in the same manner as members of the City Council.

BACKGROUND / DISCUSSION:

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

The current definition of Candidate is too narrow and needs to include the various methods and means by which persons can become a municipal candidate. Council directed the City Attorney to amend the ethics ordinance to require candidates who are not currently on Council to also report campaign contributions via notation on City Council agendas.

PRIOR COUNCIL ACTION:

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

February 13, 2024 Item 27

AMOUNT AND SOURCE OF FUNDING:

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

N/A

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

DEPARTMENT HEAD:



Karla M. Nieman City Attorney

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), TO AMEND SECTION 2.92.020 DEFINITION OF CANDIDATE AND 2.92.080(E) TO INCLUDE A REQUIREMENT FOR CANDIDATES TO PROVIDE NOTICE OF CONTRIBUTIONS OF \$500 OR MORE FOR NOTATION ON THE CITY COUNCIL AGENDA IN THE SAME MANNER AS MEMBERS OF CITY COUNCIL

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

SECTION 1. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.020 (Definitions), Subsection 2.92.020(3) be amended to clarify the definition of Candidate to read as follow:

3. “Candidate” means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election for an elected office of the City of El Paso. Examples of affirmative action include:

(A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for the purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;

(B) the filing of an application for a place on the ballot;

(C) the filing of a declaration of intent to become a candidate or a declaration of write-in candidacy;

(D) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;

(E) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;

(F) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure;

ORDINANCE NO. _____

All references to candidate shall include the candidate's principal campaign committee, whether or not the candidate acts as treasurer for reporting purposes. Candidate shall not include a city official or employee who is a candidate for any other elected office.

SECTION 2. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.080(E) (Disclosure of Campaign Contributions and Donations) is hereby amended to read as follows:

2.92.080 - Disclosure of campaign contributions and donations

E. A member of the city council, or any candidate accepts a campaign contribution from a contributor of five hundred dollars or more, shall report the amount and the donor by an item for notation on the consent agenda of a city council meeting within thirty days of the date of such contribution by submitting a memo to the City Clerk no later than noon on the Wednesday one week prior to the relevant City Council Meeting.

SECTION 3. All other provisions of the El Paso City Code remain in full force and effect.

ADOPTED this _____ day of _____, 2024.


THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

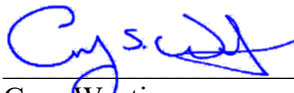
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Cary Westin
City Manager

ORDINANCE NO. _____

HQ2024-2374-City Attorney | TRAN-513677 | KHK
Redline- City Code Chapter 2.92.080(E)

REDLINE

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), TO AMEND SECTION 2.92.020 DEFINITION OF CANDIDATE AND 2.92.080(E) TO INCLUDE A REQUIREMENT FOR CANDIDATES TO PROVIDE NOTICE OF CONTRIBUTIONS OF \$500 OR MORE FOR NOTATION ON THE CITY COUNCIL AGENDA IN THE SAME MANNER AS MEMBERS OF CITY COUNCIL

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THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
City Attorney

Cary Westin
City Manager

ORDINANCE NO. _____

HQ2024-2374-City Attorney | TRAN-513677 | KHK
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