

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

DEPARTMENT: City Clerk's Office
Communications and Public Affairs

AGENDA DATE: August 17, 2021
PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER:
City Clerk's Office, Laura D. Prine, (915) 212-0049
Communications and Public Affairs, 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:

A Resolution to establish Council Member attendance via videoconference.

BACKGROUND / DISCUSSION:

On March 16, 2020, at the Attorney General's request, Governor Greg Abbott suspended certain requirements of the Texas Open Meetings Act (TOMA) in light of the ongoing COVID-19 emergency. The Governor suspended multiple provisions of TOMA in order to allow videoconference or telephonic meetings.

On June 30, 2021, Governor Abbott's office approved a request by the Office of the Attorney General to lift the suspensions; the suspensions will expire at 12:01 a.m. on September 1, 2021.

As of September 1, 2021, all provisions of the Open Meetings Act will be in effect and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance with the Open Meetings Act as written in statute which will require an in-person quorum during City Council meetings.

This Resolution will provide Council members with the option to attend meetings via videoconference on a rotating basis while still adhering to TOMA.

PRIOR COUNCIL ACTION:

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

On June 22, 2021 Council updated the Rules of Order to allow Council members to attend meetings by videoconference in accordance with TOMA.

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?

Not applicable.

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

DEPARTMENT HEAD:

Laura D. Prine

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

RESOLUTION

WHEREAS, although the nation is still experiencing the Pandemic caused by the novel Coronavirus that causes the disease COVID-19, the Texas Governor and Attorney General have lifted the suspension of certain provisions of the Texas Open Meetings Act (“TOMA”), and on September 1, 2021, all Council meetings must adhere to the full TOMA requirements; and

WHEREAS, the TOMA allows members of the governing body to attend by videoconference, and the City’s Rules of Order require that members notify the City Clerk no later than the Wednesday before each meeting at noon if attending by videoconference in order to post on the agenda; and

WHEREAS, the TOMA requires that a quorum of Council be present at the meeting location in order to constitute a meeting; and

WHEREAS, the COVID-19 pandemic is still a concern for the residents of the City of El Paso and the members of Council; and

WHEREAS, in order to allow for safe distancing and to maintain a quorum during each meeting, beginning on September 1, 2021, up to two members of Council may appear by videoconference at each meeting in accordance with this resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, during the declared disaster related to the COVID-19 Pandemic, two members of City Council may attend the City Council Meetings by videoconference on a rotating basis each meeting week beginning September 13-14, 2021.

If the scheduled members plan to attend by videoconference, they must notify the City Clerk no later than noon on the Wednesday before each meeting if choosing to attend by video conference, as follows:

- Meeting week 1: Districts 1 and 5
- Meeting week 2: Districts 2 and 6
- Meeting week 3: Districts 3 and 7
- Meeting week 4: Districts 4 and 8.

This rotation shall continue as necessary during the declared disaster.

In order to prevent confusion by members of the public, and to ensure equity among the members of Council, there shall be no exchanges of meeting weeks allowed for attendance by videoconference.

If Special Meetings are scheduled, up to two members of Council may attend by videoconference on a first come, first served basis.

Dated this 17th day of August, 2021.

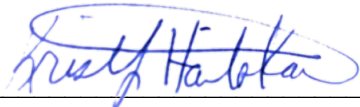
CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Senior Assistant City Attorney