

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

**DEPARTMENT:** City Clerk's Office

**AGENDA DATE:** October 26, 2021

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON NAME AND PHONE NUMBER:**

City Clerk's Office, Laura D. Prine, (915) 212-0049

**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 amend the process for Council Member attendance via videoconference on a first come, first served basis each meeting week beginning November 8, 2021.

**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 suspension expired 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 Act as written in statute, which requires an in-person quorum during City Council meetings.

On August 17, 2021, the City Council approved a Resolution allowing Council members the option to attend meetings via videoconference on a rotating basis by alternating Council Representatives every two weeks.

**PRIOR COUNCIL ACTION:**

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

Yes, on August 17, 2021 a Resolution establishing attendance via video conference was approved by City Council.

**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.

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Laura D. Prine* 10/19/2021

(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, up to two the members of City Council may attend the City Council Meetings by videoconference at each Council meeting on a first come, first served basis each meeting week beginning November 8, 2021.

Members who wish to attend by videoconference must notify the City Clerk no later than noon on the Wednesday before each meeting.

In order to ensure equity among the members of Council, Members may request to attend by videoconference no more than one month in advance, and shall not request to attend by videoconference more than two weeks in a row without prior approval of Council.

*“Signatures on the following page”*

Dated this 26<sup>th</sup> day of October, 2021.

**CITY OF EL PASO:**

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Oscar Leeser, Mayor

**ATTEST:**

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Laura Prine, City Clerk

**APPROVED AS TO FORM:**

*Kristen Hamilton-Karam*  
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Kristen L. Hamilton-Karam  
Senior Assistant City Attorney