

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



CITY COUNCIL
Brian Kennedy, District 1
Alexandra Anello, District 2
Cassandra Hernandez, District 3
Joe Molinar, District 4
Isabel Salcido, District 5
Art Fierro, District 6
Henry Rivera, District 7
Chris Canales, District 8

NOTICE OF SPECIAL MEETING OF THE EL PASO CITY COUNCIL

May 16, 2023
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
2:00 PM

Teleconference phone number 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 548-254-47#

Notice is hereby given that a Special Meeting of the City Council of the City of El Paso will be conducted on May 16, 2023 at 2:00 P.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

At the prompt please enter Conference ID 548-254-47#

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://app.smartsheet.com/b/form/cc20aad8258146ab8f63761079bd1091>

A quorum of City Council must participate in the meeting.

AGENDA

1. Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, City Charter Amendments Special Election.

[23-690](#)

All Districts

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

- 2. Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, Citizen-Led Charter Amendment Petition Special Election.

[23-691](#)

All Districts

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

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

ADJOURN

NOTICE TO THE PUBLIC:

If you need Spanish Translation Services, you must email CityClerk@elpasotexas.gov at least 72 hours in advance of the meeting.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-690, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

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

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, City Charter Amendments Special Election.

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

DEPARTMENT: City Clerk's Office

AGENDA DATE: May 16, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: 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:

Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, City Charter Amendments Special Election.

BACKGROUND / DISCUSSION:

On February 7, 2023, the City Council of the City of El Paso adopted Ordinance 019436 ordering a Special Election held on May 6, 2023, for the purpose of approval or disapproval of the proposed amendments to the Home Rule Charter of the City of El Paso

PRIOR COUNCIL ACTION:

The last canvassing of the votes for a Special Charter Election was on November 19, 2018.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Laura D Prine

**RESOLUTION CANVASSING RETURNS
OF THE 2023 CITY OF EL PASO CHARTER
AMENDMENTS SPECIAL ELECTION**

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

WHEREAS, the City Council of the City of El Paso ordered a special election to be held in said City on May 6, 2023, for the purpose of determining whether certain amendments to the City Charter should be adopted; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said Special Election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the ordinance thereto calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the measures by the resident, qualified electors of said City, who voted at the Special Election on the following Amendments to the Charter of the City of El Paso, the text of which are attached as **Exhibit A:**

CHARTER AMENDMENT A

For: 20,632
Against: 27,628

CHARTER AMENDMENT B

For: 19,137
Against: 28,660

CHARTER AMENDMENT C

For: 30,642
Against: 17,499

CHARTER AMENDMENT D

For: 34,524
Against: 13,967

CHARTER AMENDMENT E

For: 31,757
Against: 16,065

CHARTER AMENDMENT F

For: 22,881
Against: 24,686

CHARTER AMENDMENT G

For: 22,441
Against: 25,409

CHARTER AMENDMENT H

For: 19,570
Against: 27,984

CHARTER AMENDMENT I

For: 28,550
Against: 19,747

CHARTER AMENDMENT J

For: 26,431
Against: 21,081

3. That the City Council officially finds, determines, and declares the result of said Special Election for the submission of City Charter Amendments and that the following **City Charter Amendments by measures C, D, E, I, and J** did receive a majority vote and therefore did carry.

4. (a) That the City Council officially finds, determines, and declares the result of said Special Election for the submission of City Charter Amendments and that the following **City Charter Amendments by measures A, B, F, G, and H** did not receive a majority vote and therefore did not carry.

(b) That the City Council declares that the **City Charter Amendments by measures A, B, F, G, and H** shall not be adopted.

ADOPTED this _____ day of May 2023.

THE CITY OF EL PASO

ATTEST

Oscar Leeser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla Saenz

Karla A. Saenz
Assistant City Attorney

EXHIBIT A

AMENDMENT 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT 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.

Ballot Proposition

FOR () 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.

AGAINST ()

AMENDMENT 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT F
Text of Amendment

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

Article III Section 3.11 – Initiative

Section 3.11 INITIATIVE. Any registered voter 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. Such statement must include the names and addresses of the petitioners, and the full text of the proposed ordinance.

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 petitioners.

If the petitioners still wish to seek adoption of the ordinance after Council fails to adopt, or does not agree to Council’s amendments, it will then have 365 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 7,500, 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 one of the next two

uniform elections, 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 two years 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT 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.

Ballot Proposition

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

AGAINST ()

AMENDMENT 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT NO. 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.

Ballot Proposition

FOR () 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?

AGAINST ()

AMENDMENT NO. 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.
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 Oversight and Audit 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 Chairman of the Financial Oversight and Audit Committee shall maintain operational oversight over the internal audit function. The City Manager shall be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

Ballot Proposition

FOR () 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?

AGAINST ()



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 23-691, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

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

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, Citizen-Led Charter Amendment Petition Special Election.

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

DEPARTMENT: City Clerk

AGENDA DATE: May 16, 2023

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: 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:

Discussion and action on a Resolution to canvass the votes cast in the May 6, 2023, Citizen-Led Charter Amendment Petition Special Election.

BACKGROUND / DISCUSSION:

On February 7, 2023, the City Council of the City of El Paso adopted Ordinance 019437 ordering a Special Election held on May 6, 2023, for the purpose of approval or disapproval of the proposed amendments to the Home Rule Charter of the City of El Paso based on the petition received to create Article IX – Climate Policy.

PRIOR COUNCIL ACTION:

The last canvassing of the votes for a Special Charter Election was on November 19, 2018.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Laura D. Prine

**RESOLUTION CANVASSING RETURNS
OF THE 2023 CITY OF EL PASO CITIZEN LED
CHARTER PETITION SPECIAL ELECTION**

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

WHEREAS, the City Council of the City of El Paso ordered a special election to be held in said City on May 6, 2023, for the purpose of determining whether certain amendments to the City Charter should be adopted; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said Special Election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the ordinance thereto calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the measure by the resident, qualified electors of said City, who voted at the Special Election on the following proposed Amendment to the Charter of the City of El Paso, the text of which is attached as **Exhibit A**:

CHARTER AMENDMENT K

For: 9,209
Against: 40,767

3. (a) That the City Council officially finds, determines, and declares the result of said Special Election for the submission of City Charter Amendments and that the following **City Charter Amendment by measure K** did not receive a majority vote and therefore did not carry.

(b) That the City Council declares that the **City Charter Amendment by measure K** shall not be adopted.

ADOPTED this _____ day of May 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla Saenz

Karla A. Saenz
Assistant City Attorney

EXHIBIT A

AMENDMENT NO. K

Text of Amendment

Adding Article IX to the City Charter, to create a climate policy requiring the City to use all available resources and authority to accomplish three goals outlined in the petition to read in pertinent part as follows:

Article IX – Climate Policy

Section 9.1 CLIMATE POLICY It is the policy of the City of El Paso to use all available resources and authority to accomplish three goals of paramount importance: first, to reduce the City’s contribution to climate change; second, to invest in an environmentally sustainable future; and third, to advance the cause of climate justice. Section

9.2 – DEFINITIONS

A. Climate change: a phenomenon that includes both (1) the ongoing increase in the overall temperature of the earth's atmosphere, attributed to the greenhouse effect caused by increased levels of carbon dioxide, chlorofluorocarbons, and other pollutants; and (2) the side-effects of that temperature increase, including melting glaciers, heavier rainstorms, and more frequent drought.

B. Climate jobs: jobs that advance one or more of the City’s policy objectives of (1) reducing the City’s contribution to climate change, (2) investing in an environmentally sustainable future, and (3) advancing the cause of climate justice.

C. Climate justice; ensuring that historically underserved communities do not bear a disproportionate share of the negative impacts of climate change, while at the same time investing in those same communities as part of the work to respond to climate change, mitigate its impacts, and build an environmentally sustainable society. For purposes of this analysis, “historically underserved communities” include Black, Indigenous, and people of color; people with disabilities; and people living at or below the poverty line.

D. Climate impact statement: a statement of how major City decisions impact the City’s climate policy. The statement is to be prepared by the Climate Department under the supervision of the Climate Director. The elements of the climate impact statement shall include, at a minimum, the following elements: (1) a statement of how the proposed action fulfills the three aims of the City’s climate policy; (2) an analysis of fossil fuel emissions and other climate change impacts of the proposed action; (3) a statement of any climate jobs that will be created by the proposed project; (4) a statement of whether the proposed action will negatively impact any historically underserved communities; and (5) a consideration of alternatives, if any, that would better advance the City’s climate policy.

E. Fossil fuel industry: the companies involved in the fossil fuel economy, including (a) companies that extract fossil fuel products including coal, oil, and natural gas from the earth; (b) companies that transport fossil fuel products; (c) companies that turn fossil fuel products into sellable products, including companies that operate refineries and other fossil fuel production facilities; (d) companies that convert fossil fuel energy into electricity by methods such as burning coal, oil, and natural gas; (e) companies that sell electricity generated by the burning of fossil fuel products; (f) companies that provide services to assist companies that conduct any of the activities described under (a), (b), (c), (d), or (e); and (g) companies that finance fossil fuel activities such as those described above. El Paso Electric shall be considered part of the fossil fuel industry for purposes of this climate policy.

F. Clean renewable energy: energy generated without burning carbon or releasing greenhouse gases. Includes renewable energy sources such as solar, wind, hydroelectric, and geothermal. Includes hydrogen energy that is produced by splitting water by electrolysis (“green” hydrogen) or hydrogen produced by solar driven processes, but does not include hydrogen energy produced using natural gas (“blue” or “grey” hydrogen) or nuclear (“pink” hydrogen).

Section 9.3 - CLIMATE DIRECTOR

Section 9.3-1 — Appointment; Qualifications.

The City Council, including the Mayor and District Representatives, shall appoint a Climate Director to serve as the lead City representative charged with fulfilling the Climate Policy. Such appointment shall occur at a publicly noticed meeting subject to the Texas Open Meetings Act. The City Council shall fix the Climate Director’s compensation.

The Climate Director shall be appointed on the basis of qualifications to fulfill the City’s climate mandates of (1) reducing the City’s contribution to climate change, (2) investing in an environmentally-sustainable future, and (3) advancing the cause of climate justice. No person shall be eligible for appointment as Climate Director if they have worked in the fossil fuel industry.

Section 9.3-2 Disclosure of investments.

Prior to taking action to appoint a Climate Director, the City shall request and publish a Personal Financial Statement Report from the candidate, to include all fields included in Form PFS-TEC of the Texas Ethics Commission and to cover both the current calendar year and the prior calendar year.

Section 9.3-3 — Accountability; Removal.

The Climate Director shall report directly to the City Council. The Director may be removed by resolution approved by the majority of the total membership of the City Council, with or without cause.

Section 9.3-4 — Representative of the City of El Paso.

Under the guidance and direction of the City Council and City Manager, the Climate Director shall serve as the City’s representative in local, state, and federal proceedings impacting the City of El Paso and its climate policy, including but not limited to proceedings under the Texas Commission on Environmental Quality, the Texas Public Utilities Commission, the Texas Railroad Commission, the New Mexico Public Regulatory Commission, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Energy, and the Federal Energy Regulatory Commission.

Section 9.4 - CLIMATE DEPARTMENT

The City shall establish a Climate Department to be led by the Climate Director and provided with sufficient personnel and resources to carry out the Climate Policy and related duties and responsibilities herein described. The Climate Director shall be the chief executive officer of the Climate Department.

Section 9.5 - CLIMATE IMPACT OF CITY DECISIONS

The Climate Director shall provide the City Council with a climate impact statement prior to any City Council vote affecting the City’s Climate Policy. Decisions that require a climate impact statement shall include, but not be limited to: adoption of the City budget and any amendments thereto; zoning decisions; right-of-way permits; new or expanded streets, road, highways, bridges and other significant infrastructure; capital improvement projects including proposed capital improvements put to the public in the form of bond issues; new subdivision approvals; and procurement decisions.

In addition, the City Manager shall collaborate with the Climate Director to prepare an annual climate impact statement for City activities, with specific analysis of the climate impact of each City department. The City Manager shall ensure that the Climate Director has access to City information on an ongoing basis to allow for ongoing monitoring and analysis of the City’s climate impact.

Section 9.6 - TRACKING CLIMATE EMISSIONS

The Climate Director shall prepare an annual report on climate impacts for the City of El Paso, to include all emissions generated within the City limits. The Climate Director shall be authorized to collaborate with outside research institutions and consultants to develop and prepare the annual emissions report.

Section 9.7 – CLIMATE JOBS

Section 9.7-1 — Annual goal for climate jobs.

The City Manager shall collaborate with the Climate Director to create an annual goal for the creation of climate jobs, including specific goals for each City department. This goal shall be announced when the City Manager proposes the City’s annual budget.

Section 9.7-2 — Preference for climate jobs when new funding becomes available.

Whenever the City becomes eligible for new funding, including new funding due to tax increases, grants from the Texas government, grants from the United States government, grants from private entities, contracts, or other funding opportunities, the City Manager shall ensure that such funds are used to create climate jobs and associated training programs, whenever such jobs are consistent with funding requirements, City needs, and available resources.

Section 9.7-3 — Transitioning current City employees to climate work.

As part of the City Manager’s annual goal for climate jobs, pursuant to Section 9.7.1, the City Manager shall identify opportunities to transition current City employees into positions that would qualify as climate jobs. This requirement shall not be construed to encourage elimination of any existing City employee; rather, the City Manager shall identify opportunities to transition existing personnel into new positions, with equal or superior pay and benefits, that would advance the City’s climate policy.

Section 9.7-4 — Preference for contractors who advance the City’s climate policy.

The City Manager shall adopt and implement a policy, subject to City Council approval, that will provide a preference for contractors who are able to advance the City’s climate policy, so long as such contractors can provide services in a manner that is consistent with City needs and available resources.

Section 9.8 – SOLAR ENERGY

Section 9.8-1 — Solar Power Generation Plan.

The Climate Director shall create an annual Solar Power Generation Plan for the City of El Paso. This plan shall include a feasibility analysis to describe how the City can develop internal capacity to generate energy for the City through solar power.

Section 9.8-2 — Rooftop solar power generation.

The City Manager shall establish and maintain policies that encourage the development of rooftop solar power generation capacity within the City of El Paso. These policies shall encourage development of rooftop solar power generation using existing City facilities and require both new buildings and retrofitted buildings to include solar power generation capacity whenever feasible.

Section 9.9 — RENEWABLE ENERGY GOALS

The City of El Paso shall employ all available methods to require that energy used within the City is generated by clean renewable energy, with the goals of requiring (1) 80% clean renewable energy by 2030 and (2) 100% clean renewable energy by 2045.

Within one year of the adoption of this Climate Policy, the City Manager and Climate Director shall produce a plan for the City to achieve its renewable energy goals. In developing this plan, the City shall include consideration of public transportation, solar power generation at City facilities, and energy efficiency of City buildings.

The City Manager and Climate Director shall provide a joint, annual report to the City Council to chart progress toward these goals.

Section 9.10 — MUNICIPALIZATION OF EL PASO ELECTRIC

The City of El Paso shall employ all available efforts to convert El Paso Electric to municipal ownership. In consultation with the Climate Director, the City Manager shall provide the City Council with an annual report to describe the feasibility of converting El Paso Electric into a municipal electric company, including any actions required to advance this objective. Section

9.11 – CLIMATE DISASTER MITIGATION, PREPAREDNESS AND RESPONSE

The City of El Paso shall undertake all necessary efforts to prepare city infrastructure to withstand extreme weather conditions and ensure uninterrupted provision of basic services and utilities to City residents. In consultation with the Climate Director, the City Manager shall create an annual Climate Disaster Mitigation and Preparedness plan. This report shall include provisions to protect water quality and quantity, create a resilient electric grid, and protect residents during extreme weather events.

Section 9.12 - WATER CONSERVATION

Section 9.12-1 — Ban on using City water for fossil fuel industry activities outside of the city limits.

The City of El Paso shall not sell or transfer any water for purposes of fossil fuel industry activities outside of the city limits, or otherwise allow any City water to be used for such purposes, except as provided in Section 9.12-2.

Section 9.12-2 — Cancellation of City contracts subject to the ban.

To the extent that any contracts to sell or transfer City water for fossil fuel industry activities outside of the city limits were enacted prior to adoption of this charter provision, the City Manager shall prepare a report to the City Council, within three months of the adoption of this charter amendment, identifying the relevant contracts and presenting all available methods for cancelling such contracts. To coincide with the presentation required by this section, the City Manager shall schedule a public vote by the City Council to consider cancellation of each applicable contract. This section shall not be read to permit the City to extend or renew any existing contracts subject to this provision.

Section 9.13 - ELIMINATION OF IMPEDIMENTS TO RENEWABLE ENERGY

The City shall not impose any fees, fines, or other financial or nonfinancial burdens that limit the purchase, use, or generation of renewable energy. Any such fees, fines, or other burdens in existence at the time this charter amendment takes effect are hereby null and void, including but not limited to interconnection fees.

Section 9.14 - CLIMATE COMMISSION

Section 9.14-1 — General.

The Climate Commission exists for the purposes of overseeing the implementation and fulfillment of the City's Climate Policy and related provisions of this article. The Commission shall establish its own procedures within the framework of this charter to carry out these functions.

Section 9.14-2 — Functions and duties of the Climate Commission.

Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to: (1) Recommend to the Council adoption of legislation and policy that will advance the City's Climate Policy and related charter provisions; and (2) Investigate matters concerning the City's implementation and fulfillment of the Climate Policy and related charter provisions.

Section 9.14-3 — Appointment.

The Commission shall consist of nine persons appointed by the Council. Each City Council member, including the Mayor, shall nominate one person to the Commission. Appointments shall be for three-year terms. All terms shall commence on February 1st. As part of the appointment process, each City Council member who nominates a person for appointment shall provide a written statement in support of the nominee's qualifications to serve on the Commission. If a Commissioner resigns their commission or otherwise ceases to serve on the Commission, the City Council member representing that district shall nominate a replacement in a manner consistent with this charter to complete the remainder of the replaced Commissioner's term.

Section 9.14-4 — Qualifications.

Commission members shall be members of the El Paso community who have specific expertise and experience that will help the City advance its Climate Policy, with a preference for residents who have been negatively impacted by climate change or who represent communities that have been negatively impacted by climate change. No person who worked in the fossil fuel industry shall be appointed to the Commission. 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. Commission members must reside in the District represented by that City Council member who appointed them.

Section 9.15-5 — Compensation.

Members of the Commission shall serve without salary.

Section 9.15-6 — Staff.

The Climate Director shall be responsible for providing staff support to the Climate Commission.

Section 9.15-5 — Organization.

The Commission shall elect from its members a Chairman and a Vice-Chairman, each for a term of one year. The Chairman may not be re-elected for successive terms.

Section 9.15-8 — Removal.

Members of the Commission will not be removed from office except for incompetence or nonfeasance, misfeasance or malfeasance in office, such as neglect of duty or refusal to perform the duties imposed by this Charter. Action may be initiated in writing by any member of the Council or Commission. Any removal will require an affirmative vote of two-thirds of the Council.

Section 9.16 – SEVERABILITY

If any portion of this Article shall be deemed unlawful by a court of law, that portion shall be severed from the Charter and the rest shall continue in force.

Ballot Proposition

FOR () Should the City Charter be amended, as proposed by a petition, to add Article IX to create a climate policy requiring the City to use all available resources and authority to accomplish three goals: to reduce the City’s contribution to climate change, invest in an environmentally sustainable future, and advance the cause of climate justice; to require the City Council to employ a Climate Director, who shall be appointed and removed by City Council and report directly to City Council; to require the creation of a Climate Department to be directly overseen by the Climate Director; to require the creation of a nine member climate commission appointed by City Council, with recommending and investigative powers, for the purposes of overseeing the implementation and fulfillment of a City climate policy, with removal of individual members only for incompetence or nonfeasance, misfeasance or malfeasance in office; to require the creation of an annual goal for climate jobs and the adoption and implementation of a policy that will transfer current City employees to climate work and provide a preference for contractors who are able to advance the City’s climate policy; to require the creation of an annual Solar Power Generation Plan for the City of El Paso and to require the City Manager to establish and maintain policies that encourage the

development of rooftop solar power generation capacity within the City of El Paso using existing City facilities and require both new buildings and retrofitted buildings to include solar power generation capacity; to require the employment of all available methods so that all energy used within the City is generated by clean renewable energy, with the goals of requiring (1) 80% clean renewable energy by 2030 and (2) 100% clean renewable energy by 2045; to require the City of El Paso to employ all available efforts to convert El Paso Electric to municipal ownership; to require the City of El Paso to undertake all necessary efforts to prepare City infrastructure to withstand extreme weather conditions and ensure uninterrupted provision of basic services and utilities to City residents; to require the City of El Paso to ban the use of City water for fossil fuel industry activities, defined to include El Paso Electric, outside of the city limits and prohibit the City of El Paso from selling or transferring any water for purposes of fossil fuel industry activities outside of the city limits, or otherwise allow any City water to be used for such purposes; to prohibit the City of El Paso from imposing any fees, fines, or other financial or nonfinancial burdens that limit the purchase, use, or generation of renewable energy and nullifying any such fees, fines, or other burdens in existence at the time the charter amendment takes effect.

AGAINST ()