

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



CITY COUNCIL
Peter Svarzbein, District 1
Alexandra Annello, District 2
Cassandra Hernandez, District 3
Joe Molinar, District 4
Isabel Salcido, District 5
Claudia L. Rodriguez, District 6
Henry Rivera, District 7
Cissy Lizarraga, District 8

NOTICE OF WORK SESSION OF THE EL PASO CITY COUNCIL

**July 19, 2022
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:05 AM**

**Teleconference phone number 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 855-485-058#**

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on July 18, 2022 at 9:05 A.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: 855-485-058#

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

<https://www.elpasotexas.gov/city-clerk/meetings/city-council-meetings>

AND

<https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormItem>

The following member of City Council will be present via video conference:

Representative Cassandra Hernandez

A quorum of City Council must participate in the meeting.

AGENDA

1. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes. [22-914](#)

1. Overview (Tommy Gonzalez)
2. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declaration
 - b) Emergency Ordinances
 - c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso and Statewide Mask Mandate Litigation
 - d) Additional Updates
3. Team Lead Report:
 - a) Health Focus (Hector Ocaranza, M.D.)
 - b) Community Vulnerabilities (Nicole Ferrini)
 - Utility Assistance

4. City Manager Wrap-up (Tommy Gonzalez)

All Districts

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

2. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [22-933](#)

All Districts

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

3. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019036 instituting emergency measures, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191 and 019284; Penalty as provided in Section 8. [22-934](#)

All Districts

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

4. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241; allowing temporary uses on the public right of way and private property by suspending various city ordinances; Penalty as provided in Section 6. [22-937](#)

All Districts

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

5. Discussion and action on an Emergency Ordinance re-enactment authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from mass migration through El Paso. [22-935](#)

All Districts

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

6. Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee. [22-900](#)

All Districts

Office of Strategic Communications, Laura Cruz-Acosta, (915) 212-1071

7. Discussion and action to review and amend the employment agreement for the City Attorney and City Manager in alignment with the City's Strategic Plan Goal of setting the standard for sound governance and fiscal management. [22-847](#)
[POSTPONED FROM 07-05-2022]

All Districts

Members of the City Council, Representative Henry Rivera, (915) 212-0007

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

Members of the City Council, Representative Claudia L. Rodriguez, (915) 212-0006

EXECUTIVE SESSION

The following member of City Council will be present via video conference:

Representative Cassandra Hernandez

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/>



Legislation Text

File #: 22-914, 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 Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

AGENDA LANGUAGE:

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

Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Tommy Gonzalez)
2. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declaration
 - b) Emergency Ordinances
 - c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso and Statewide Mask Mandate Litigation
 - d) Additional Updates
3. Team Lead Report:
 - a) Health Focus (Hector Ocaranza, M.D.)
 - b) Community Vulnerabilities (Nicole Ferrini)
 - Utility Assistance
4. City Manager Wrap-up (Tommy Gonzalez)

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

DEPARTMENT: City Manager's Office

AGENDA DATE: July 18, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Deputy City Manager, Mario M. D'Agostino
(915) 212-5605

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

Presentation and discussion by the COVID-19 Response+ Recovery Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Tommy Gonzalez)
2. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declaration
 - b) Emergency Ordinances
 - c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
 - d) Additional Updates
3. Team Lead Report:
 - a) Health Focus (Hector Ocaranza, M.D.)
 - b) Community Vulnerabilities (Nicole Ferrini)
 - Utility Assistance
4. City Manager Wrap-up (Tommy Gonzalez)

BACKGROUND / DISCUSSION:

The COVID-19 Response+ Recovery Cross-Functional Team is comprised of multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

PRIOR COUNCIL ACTION: N/A

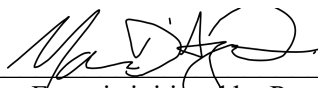
AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:



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

COVID-19 Response + Recovery

Cross-Functional Team Update

7.18.22

Table of Contents

- 1. Overview (Tommy Gonzalez)**
 - 2. City Attorney Overview (Karla Nieman)**
 - a) State Disaster Declaration**
 - b) Emergency Ordinances**
 - c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation**
 - d) Additional Updates**
 - 3. Team Lead Report:**
 - a) Health Focus (Hector Ocaranza, M.D.)**
 - b) Community Vulnerabilities(Nicole Ferrini)**
 - *Utility Assistance**
 - 4. City Manager Wrap-up (Tommy Gonzalez)**
-

1. Overview

Tommy Gonzalez

3. City Attorney Overview

July 18, 2022

Overview

1. State Disaster Declaration
2. Emergency Ordinances
3. Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
4. Additional Updates

State Disaster Declaration



* Anticipated date


**Anticipate Governor Abbott will renew his Disaster Declaration August 19-20, 2022.

Emergency Ordinances

Ordinance	Adoption Date	Most Recent Re-enactment	Expires
Disaster Declaration Ord. No. 019035	3/17/2020	6/21/2022	7/21/2022
Emergency Measures Ord. No. 019036	3/17/2020	6/21/2022	7/21/2022
Public Right of Way Ord. No. 019241	10/11/2021	6/21/2022	7/21/2022

Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation

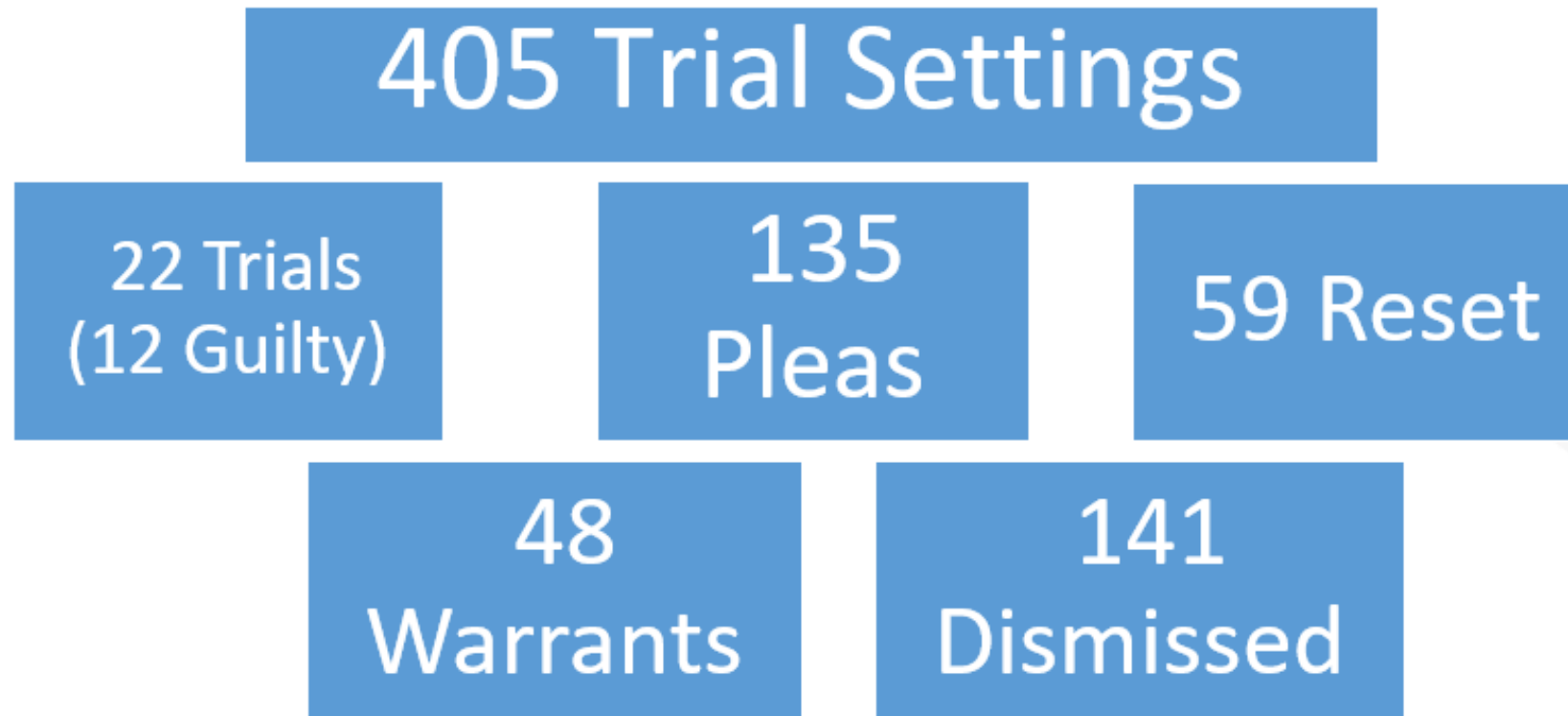
Texas Courts of Appeal



4 th Tex. App.	<ul style="list-style-type: none">• Abbott v. City of San Antonio
5 th Tex. App.	<ul style="list-style-type: none">• Abbott v. Clay Jenkins
8 th Tex. App.	<ul style="list-style-type: none">• Abbott v. City of El Paso

Additional Updates –COVID-19 Prosecution Update

Trial Settings on COVID-19 Citations through 7/11/2022 in all 5 Municipal Courts



4. Team Lead Report

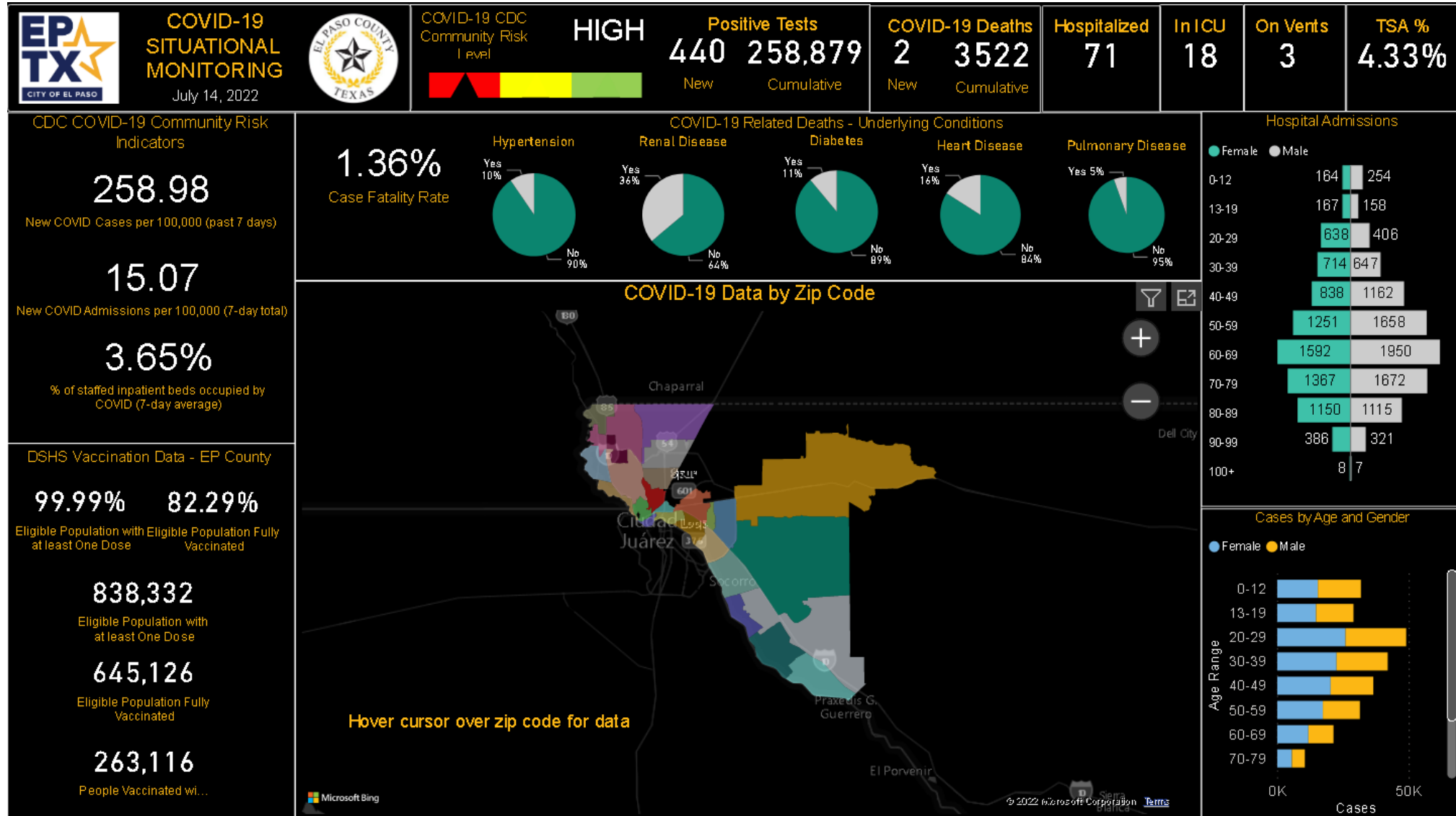
a. Health Focus

Hector I. Ocaranza, M.D.

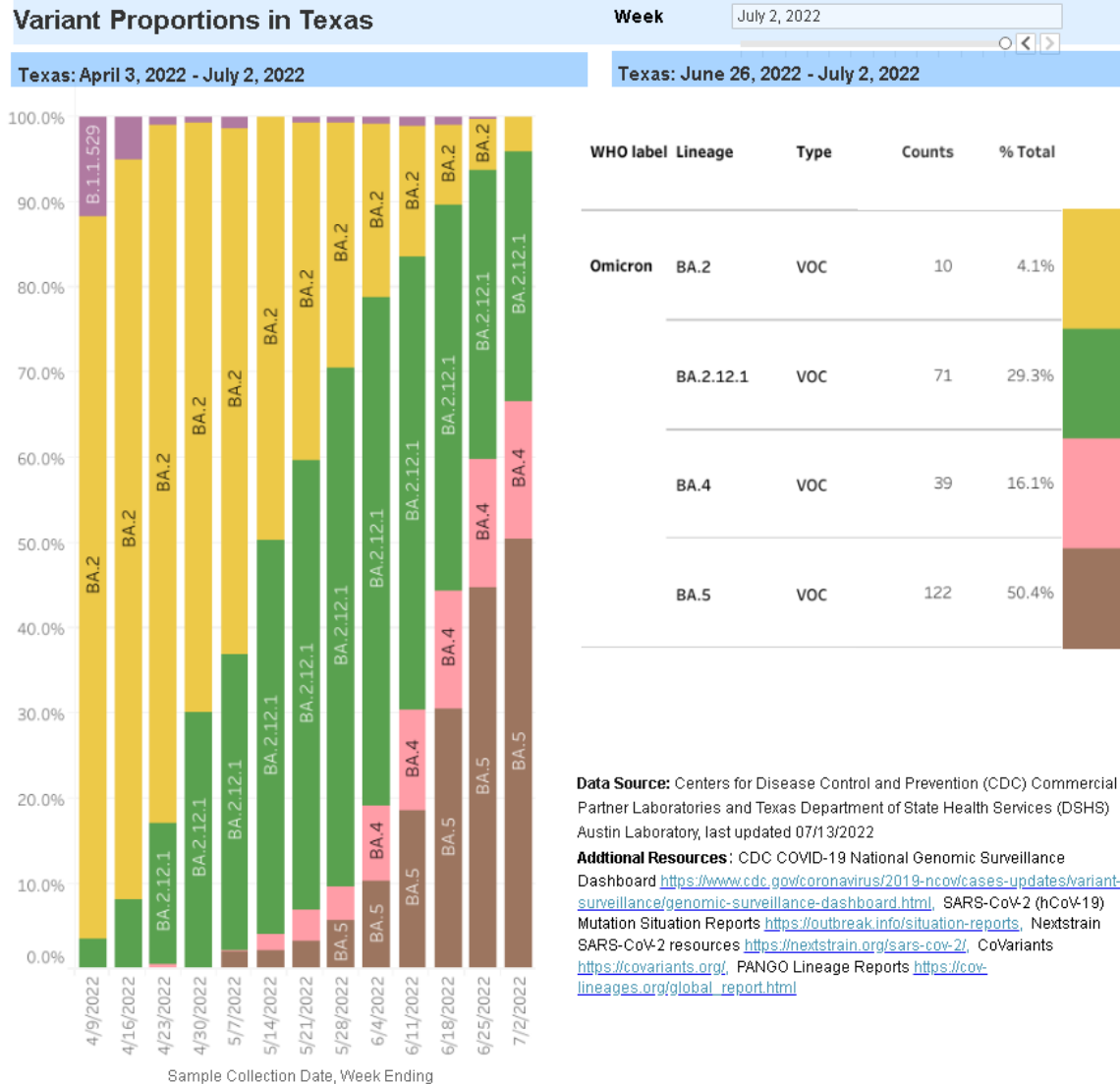
COVID-19 SUMMARY

- Currently on High Community Level due to increased New Hospitalizations
- New cases continue upward trend
- BA.4 and BA.5 are becoming the most prevalent subvariants
- Recommend individuals considered High-risk to assess their risk and avoid unnecessary risk
- Schools starting soon and they are the largest congregate setting

Community Level



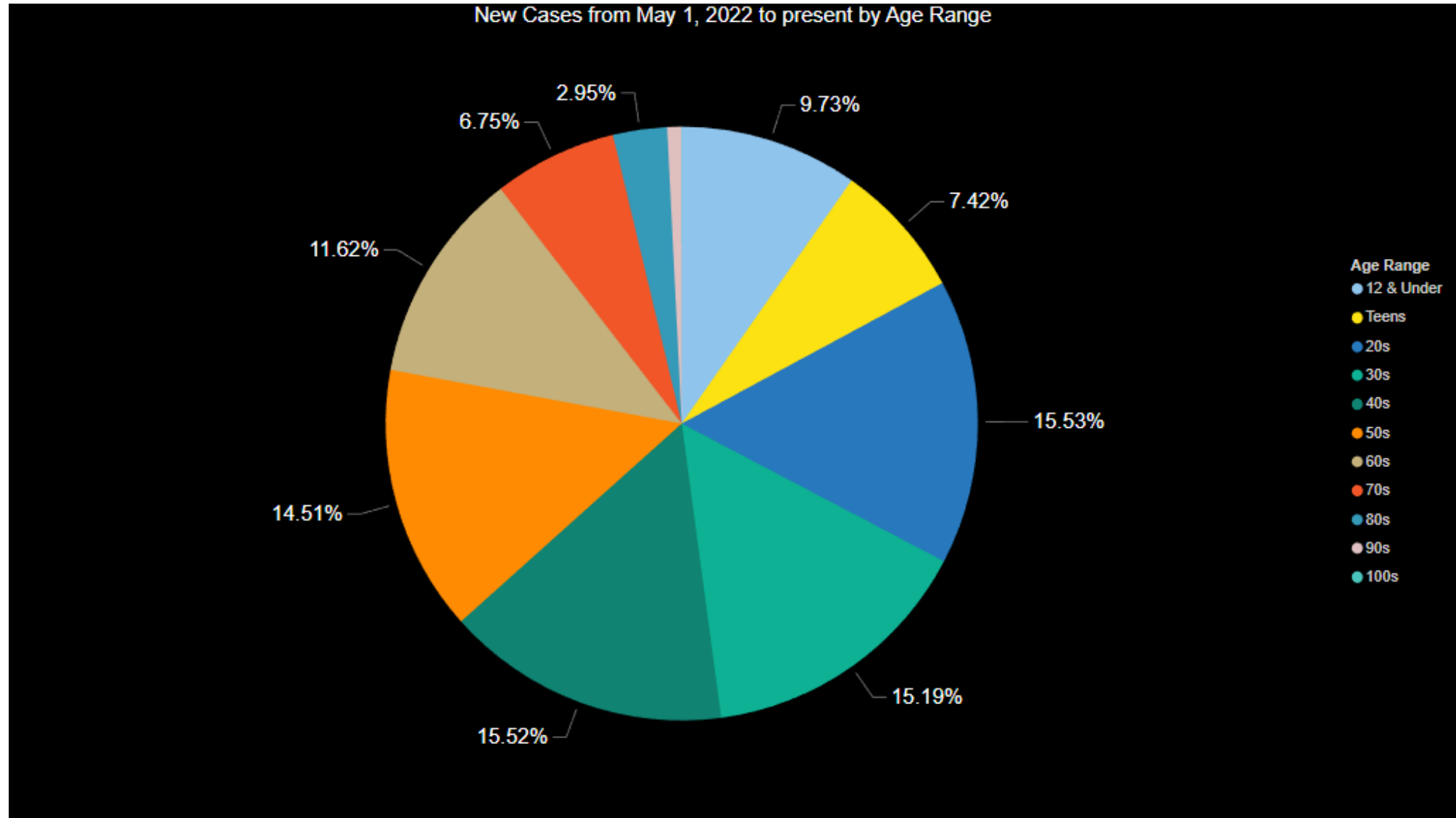
Variant Proportions in Texas



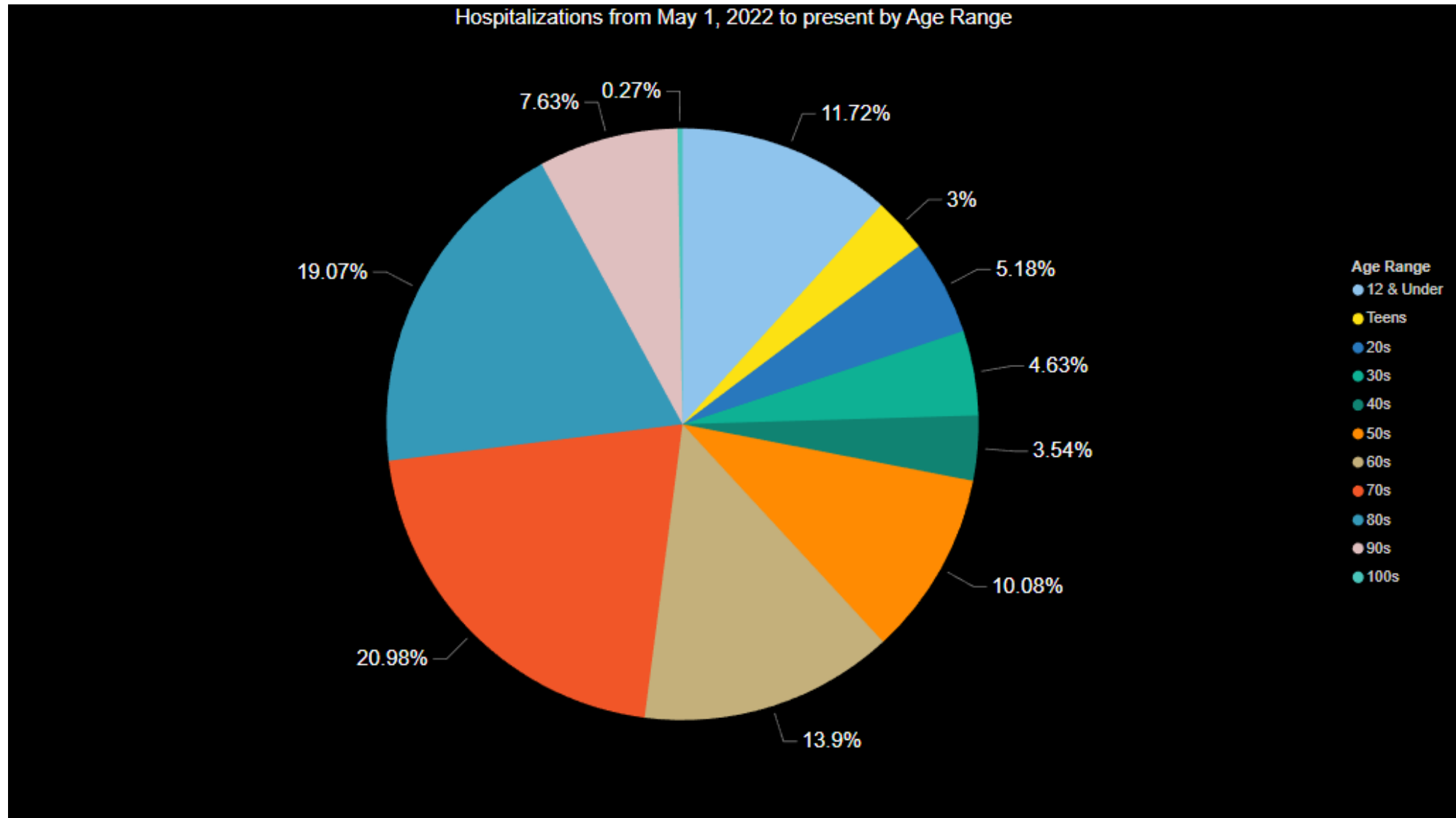
Data Source: Centers for Disease Control and Prevention (CDC) Commercial Partner Laboratories and Texas Department of State Health Services (DSHS) Austin Laboratory, last updated 07/13/2022

Additional Resources: CDC COVID-19 National Genomic Surveillance Dashboard <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/variant-surveillance/genomic-surveillance-dashboard.html>, SARS-CoV-2 (hCoV-19) Mutation Situation Reports <https://outbreak.info/situation-reports>, Nextstrain SARS-CoV-2 resources <https://nextstrain.org/sars-cov-2/>, CoVariants <https://covariants.org/>, PANGO Lineage Reports https://cov-lineages.org/global_report.html

New Cases Age Distribution



New Hospitalizations



b. Community Vulnerabilities

Nicole Ferrini



Supporting Basic Needs: **Utilities**

\$10 million

utility assistance funded since 2020

9,354

families assisted since 2020

Utility Assistance

915.298.7307



- **Renter Households:** 80% of area median income (AMI)*
- Must reside within the **City of El Paso** limits
- Have an **active and verifiable account** with utility company
- Must **reside within the property** for which the assistance is being requested
- Must **NOT be receiving utility assistance** from other sources
- Eligible for current and arrears **payments up to 12 months** with an option for an additional 3 months

5. City Manager Wrap-up

Tommy Gonzalez

A large, thick, orange graphic element on the left side of the slide. It is a stylized arrow pointing towards the right, with a jagged, zig-zag edge on its left side.

Thank you!



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-933, 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 Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

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

AGENDA DATE: July 18, 2022
PUBLIC HEARING DATE: July 18, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, DCM (915) 212-5605

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 an Emergency Ordinance re-enacting Emergency Ordinance no. 019035 extending a Disaster Declaration due to a Public Health Emergency.

BACKGROUND / DISCUSSION:

Emergency Ordinance No. 019330 which re-enacts Emergency Ordinance No. 019035 is set to expire on July 21, 2022.

PRIOR COUNCIL ACTION:

Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on June 21, 2022.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: Department of Public Health

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019035 EXTENDING A DISASTER DECLARATION DUE TO A PUBLIC HEALTH EMERGENCY

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on June 21, 2022; and

WHEREAS, as of July 8, 2022, the number of COVID-19 active cases in El Paso is over 3,516; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, Emergency Ordinance No. 019336 which re-enacts Emergency Ordinance No. 019035 is set to expire on July 21, 2022;

WHEREAS, the condition necessitating a declaration of a state of disaster continues to exist.

ORDINANCE NO. _____

20-1052-1069 | PL#1188187_2 | KMN | JF | CA | Emergency Ordinance Re-enacting Ord. No. 019035
Extending Disaster Declaration – July 18, 2022

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this _____ day of July 2022.

THE CITY OF EL PASO, TEXAS

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Neman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino
Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

20-1052-1069 | PL#1188187_2 | KMN | JF | CA | Emergency Ordinance Re-enacting Ord. No. 019035
Extending Disaster Declaration – July 18, 2022



Legislation Text

File #: 22-934, 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 Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019036 instituting emergency measures, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191 and 019284; Penalty as provided in Section 8.

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

AGENDA DATE: July 18, 2022
PUBLIC HEARING DATE: July 18, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, DCM (915) 212-5605

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 an Emergency Ordinance re-enacting Emergency Ordinance no. 019036 instituting emergency measures, as re-enacted, restated and amended by Emergency Ordinance no. 019151; and further re-enacted and amended by Emergency Ordinance nos. 019156, 019169, 019191 and 019284; penalty as provided in section 8.

BACKGROUND / DISCUSSION:

The City Council desires to re-enact Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

PRIOR COUNCIL ACTION:

Since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on June 21, 2022.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: Department of Public Health

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY MEASURES, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 and 019284; PENALTY AS PROVIDED IN SECTION 8

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on June 21, 2022; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to re-enact Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, is hereby re-enacted.
2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner.

Ordinance No. _____

3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this ____ day of July 2022.


THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino
Deputy City Manager
Public Health & Safety

Ordinance No. _____



Legislation Text

File #: 22-937, 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

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241; allowing temporary uses on the public right of way and private property by suspending various city ordinances; Penalty as provided in Section 6.

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

AGENDA DATE: July 18, 2022
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez, P.E., 212-0065

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 6. Set the standard for sound governance and fiscal management

SUBGOAL: Subgoal 6.5. Deliver services timely and effectively with focus on continual improvement

SUBJECT:

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241; allowing temporary uses on the public right of way and private property by suspending various city ordinances; Penalty as provided in Section 6.

BACKGROUND / DISCUSSION:

This item is to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities. To achieve this, this item would re-enact Emergency Ordinance No. 019241 for 30 days to continue the suspension of various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and continue the pilot program.

PRIOR COUNCIL ACTION:

March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency.

March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency. Also on, March 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration monthly, with the most recent extension taking place on August 31, 2020.

August 31, 2020, El Paso City Council adopted Emergency Ordinance No. 019091, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

September 28, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 27, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091. Also, City Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000.

November 23, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091, which included the amendment to increase the fine to \$1,000 (Ordinance No. 019119).

December 14, 2020, January 5, 2021, February 1, 2021, March 1, 2021, March 29, 2021, April 26, 2021, May 24, 2021, June 21, 2021, July 19, 2021, August 16, 2021, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 11, 2021, El Paso City Council adopted Emergency Ordinance No. 019241, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

November 8, 2021, December 6, 2021, January 4, January 31, February 28, March 28, April 25, May 23, and June 21, 2022. El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019241.

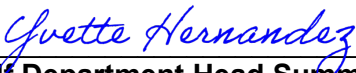
AMOUNT AND SOURCE OF FUNDING:
N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Capital Improvement Department
SECONDARY DEPARTMENT: Streets and Maintenance, Planning and Inspections

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

DEPARTMENT HEAD:



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

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019241;
ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND
PRIVATE PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES;
PENALTY AS PROVIDED IN SECTION 6.**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035, with the most recent re-enactment taking place on June 21, 2022; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on June 21, 2022; and

WHEREAS, El Paso City Charter Section 3.10 allows City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

WHEREAS, on October 11, 2021, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("**Emergency Ordinance No. 019241**"); and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on June 21, 2022 (Ord. No. 019338) ("**Re-enacting Ordinance**"); and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

ORDINANCE NO. _____

WHEREAS, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until August 17, 2022 or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019241, is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this ____ day of _____, 2022.

THE CITY OF EL PASO, TEXAS:

Oscar Leoser
Mayor

ATTEST:

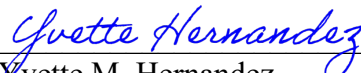
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Yvette M. Hernandez
City Engineer

ORDINANCE NO. _____



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People



Sun City Safe [streets][business][foodcourt]



Sun City Safe Program:

1. Program Summary
2. Prototypes to pilot program
3. Program Updates

Strategic Goals:

Goal 1: *Create an Environment Conducive to Strong Sustainable Economic Development*

Goal 2: *Set the Standard for a Safe and Secure City*

Goal 6: *Set the standard for sound governance and fiscal management*



1. Program Summary

Proposed Pilot Program:

- Aligns with emergency order duration time, with sunset date or possible extension to be determined
- All eligible streets have been identified by CID planning and S&M that meet criteria
- All private properties may apply for inclusion
- All spaces proposed for public use need to submit for an application, whether private or publicly owned.





- **[Streets]:** Addressing any use of ROW for safe distancing practices; **partial street closure + traffic lane reduction + more sidewalk space = shared streets.**



- **[Business]:** Addressing any use of outdoor space within a private property for a business to offer for safe distancing practices; **reduced parking requirements + outdoor seating = increased capacity**



- **[Food Court]:** Addressing use of joint outdoor space for multiple restaurants or food trucks to offer their patrons; **closed ROW/shared parking lots + shared outdoor seating = shared increased capacity**



- **[Streets]:** Use of ROW for safe distancing practices for private property owners:
 - **Ped-Way (Pedestrian lane)** – for recreational use, pedestrian or bicycling commuting
 - **ROW Cafe**– for businesses to offer additional space for their patrons outside their establishment for a partial street closure of a block
 - **Parking-parklets** – for businesses to use on-street parking spaces for additional outside space for patrons



- **[Business]:** Providing additional use of outdoor space within a private property for business owners
 - Off-street surface or garage parking within their properties for:
 - Additional dining space
 - Queuing for pick-up



- **[Food Court]:** Providing use of joint outdoor space for multiple restaurants or food trucks to offer their patrons
 - Consolidated location on a partial street closure (on ROW)
 - Consolidated location on a shared off-street parking lot (within private property)

Sun City Safe Program Summary:

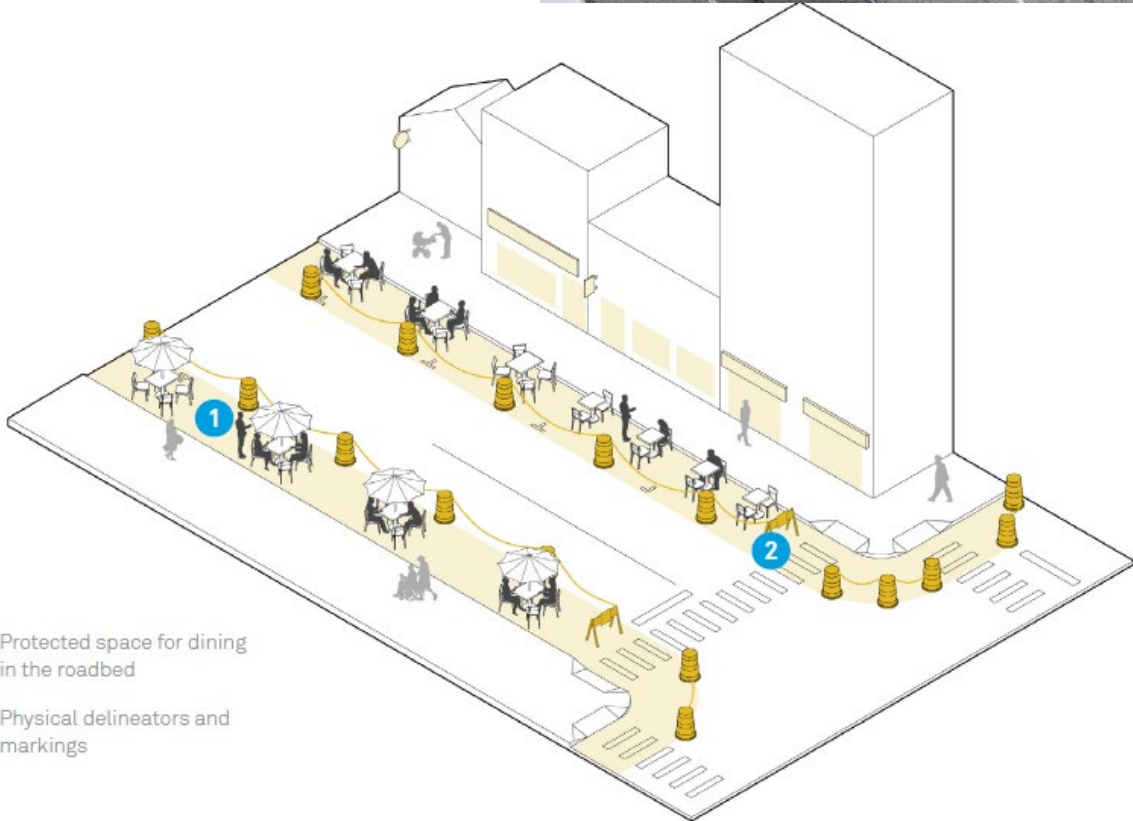


- Sun City Safe program is coordinated as an expedited permit type in response to COVID 19:
 - Pilot process coordinated with multiple user departments
- City Pilot Prototypes are to test-run initiative and finalize application and administrative process:
 - Ped-lane on Campbell Street (between 3rd st. and 6th st.)
 - ROW Café on Stanton (between Mills and Texas)
- Language in emergency order included to launch Pilot Sun City Safe Program throughout city .
- Coordination with Economic Development to identify funding and economic assistance for applicants was secured through CARES Act, to purchase traffic control inventory.

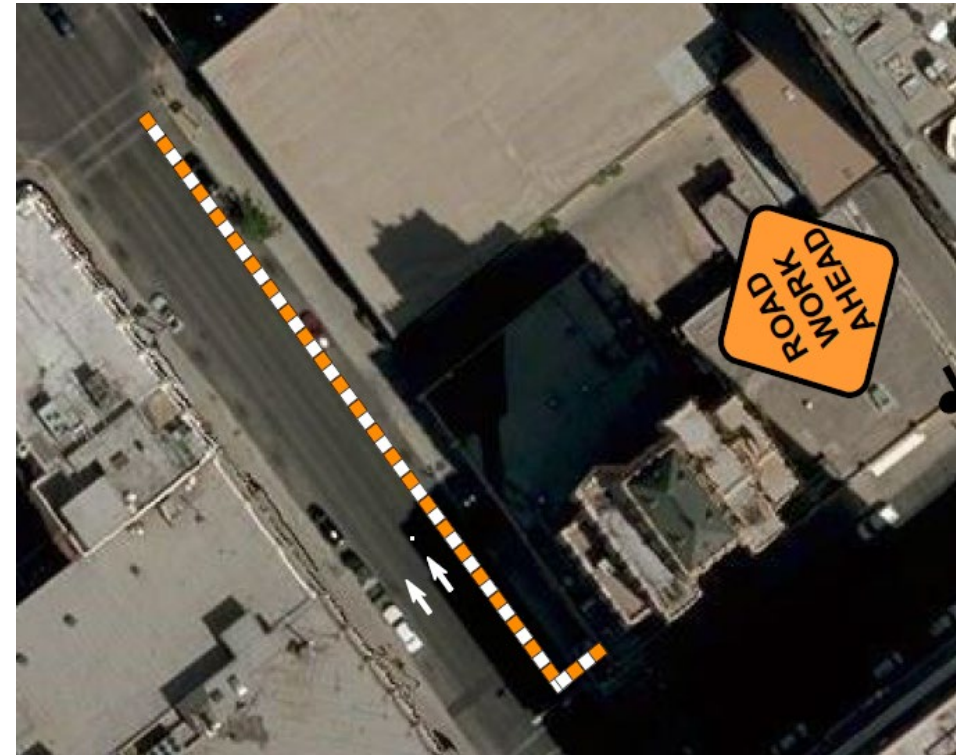


Prototypes

Prototype 1: ROW Cafe



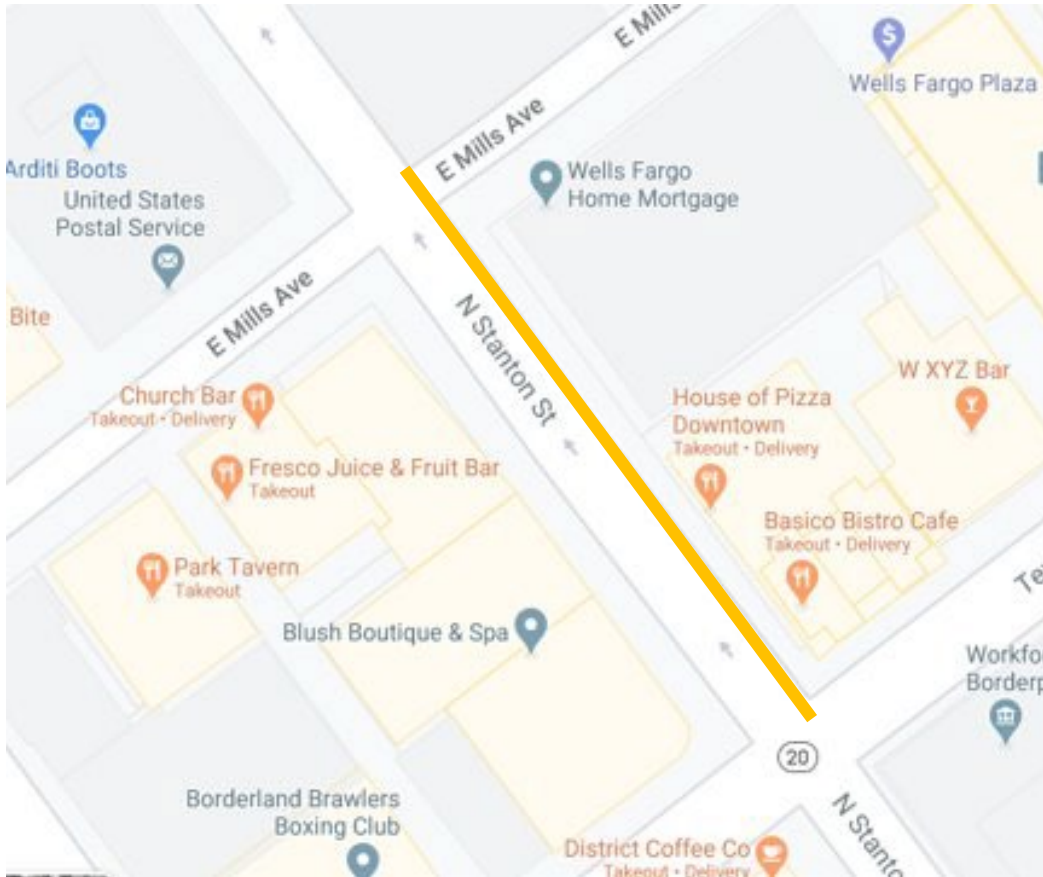
- 1 Protected space for dining in the roadbed
- 2 Physical delineators and markings



Stanton; between Mills and Texas

Stanton; between Mills and Texas

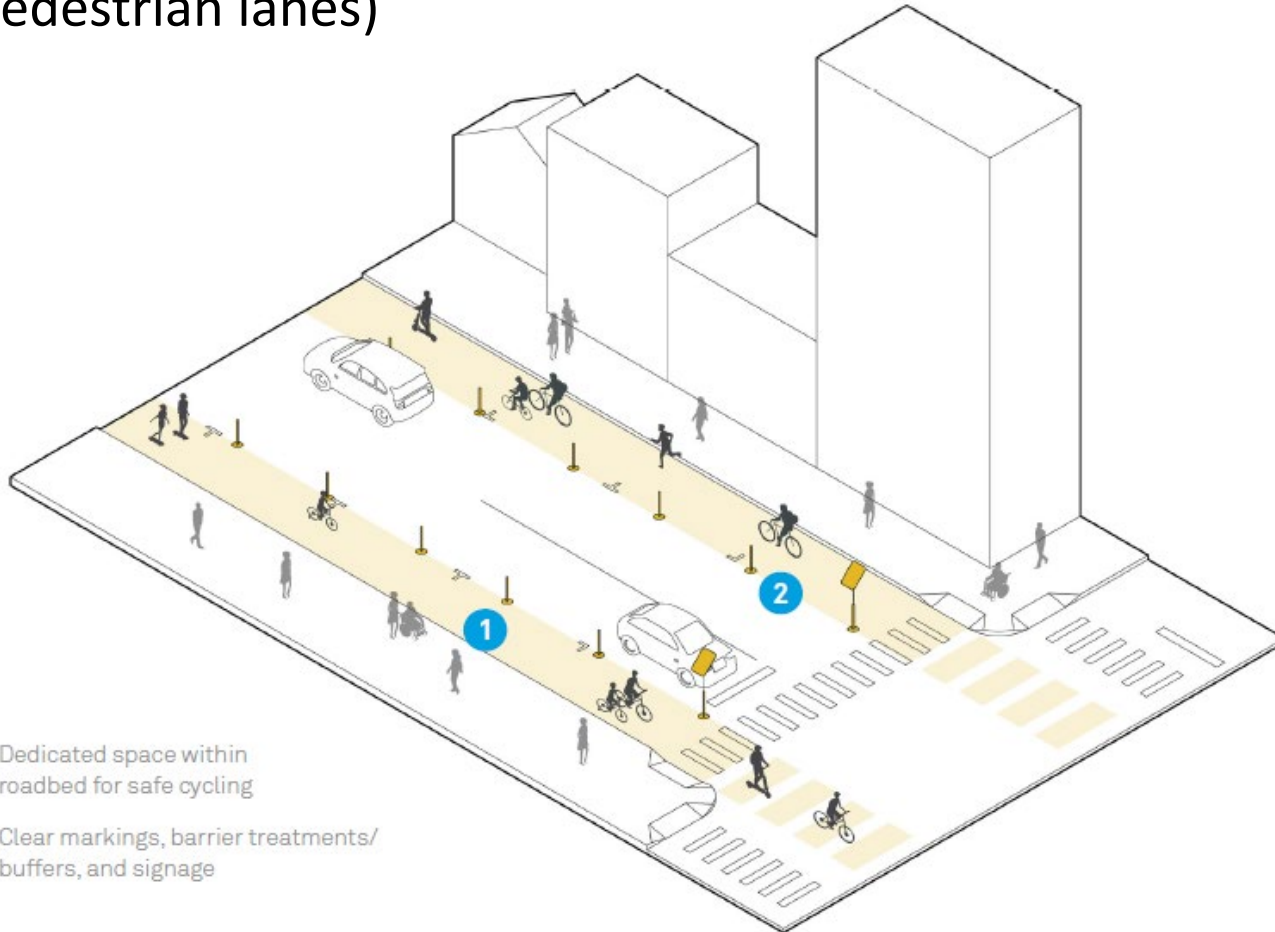
- Street lane closed off to serve as space for outdoor seating
 - Deployed by Streets & Maintenance on Nov. 30th and removed during the week of January 25th





Prototypes

Prototype 2: Ped-way (pedestrian lanes)

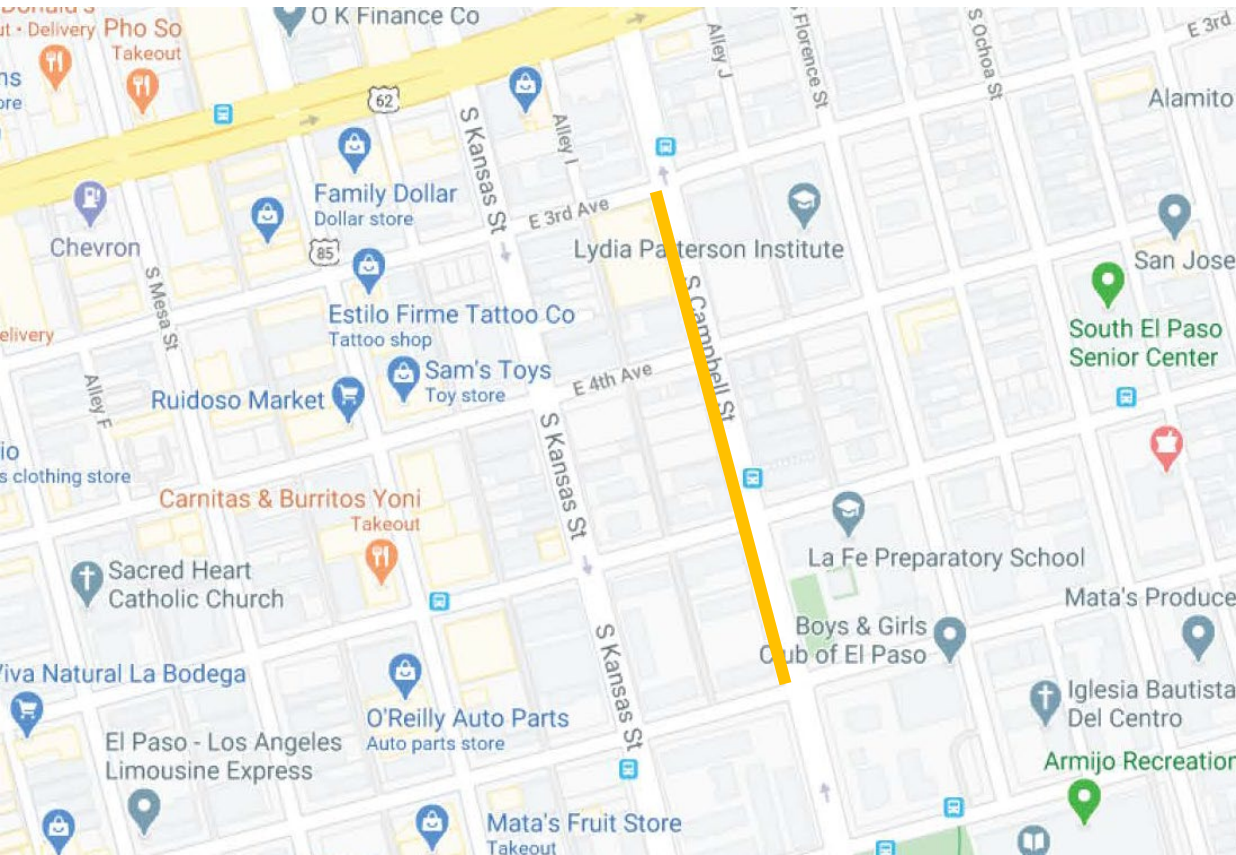


- 1 Dedicated space within roadbed for safe cycling
- 2 Clear markings, barrier treatments/ buffers, and signage



Ped-Way: Campbell; between 3rd and 6th

- Lane closed off for added outdoor space for commuting and physical activity
 - Deployed by Streets & Maintenance on Nov. 30th and removed during the week of January 25th





EXISTING

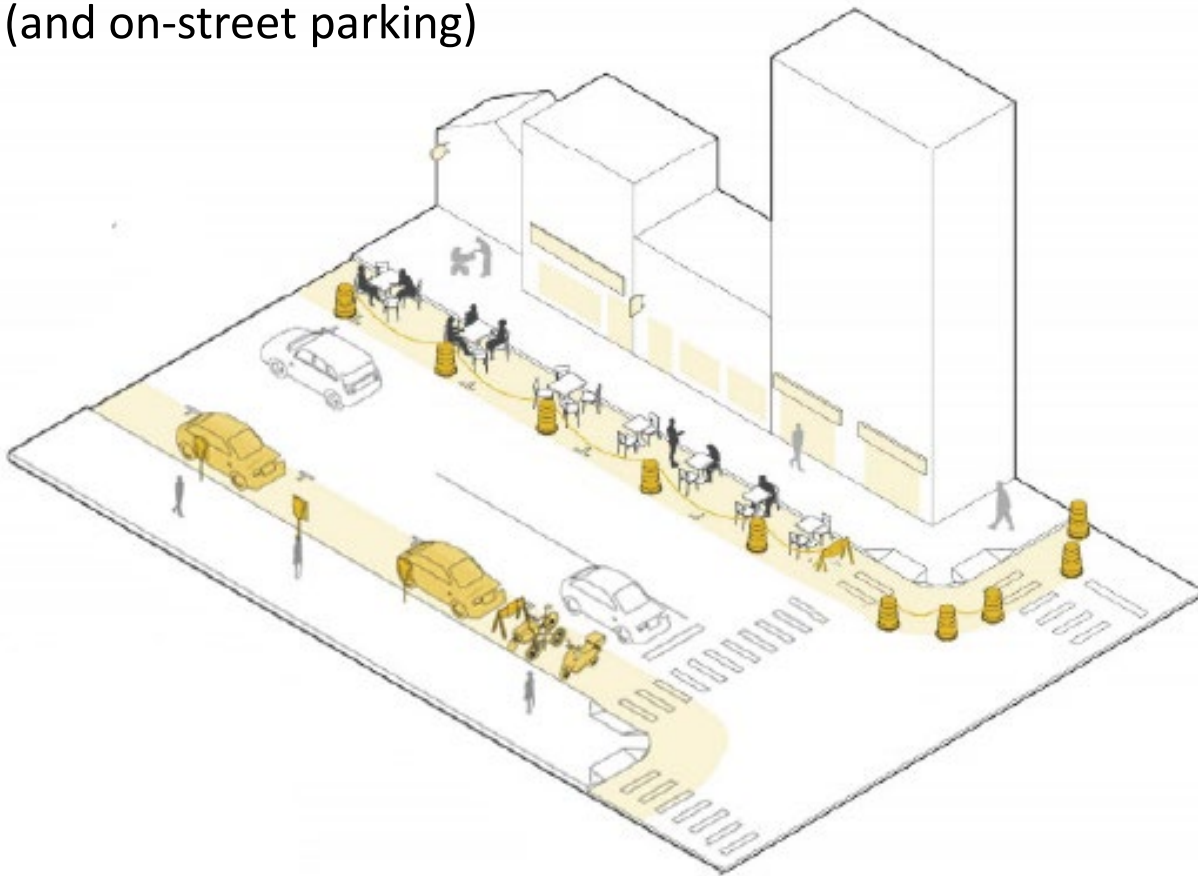


PROPOSED



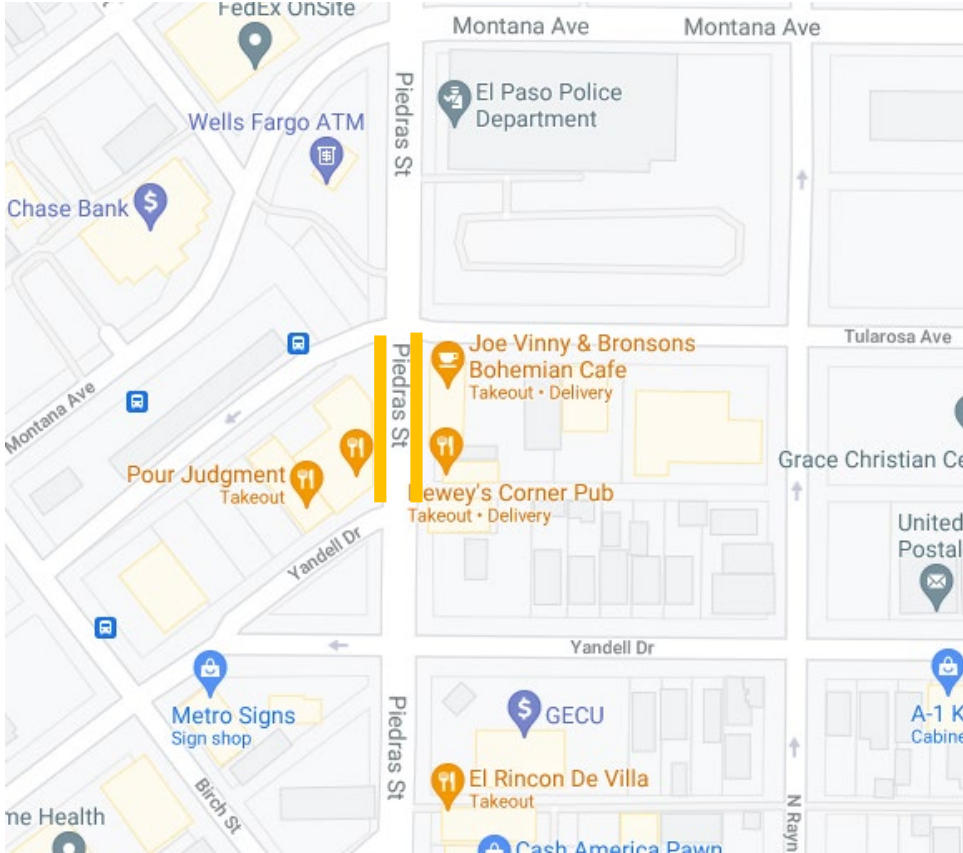
Prototypes

Prototype 3: ROW Café (and on-street parking)



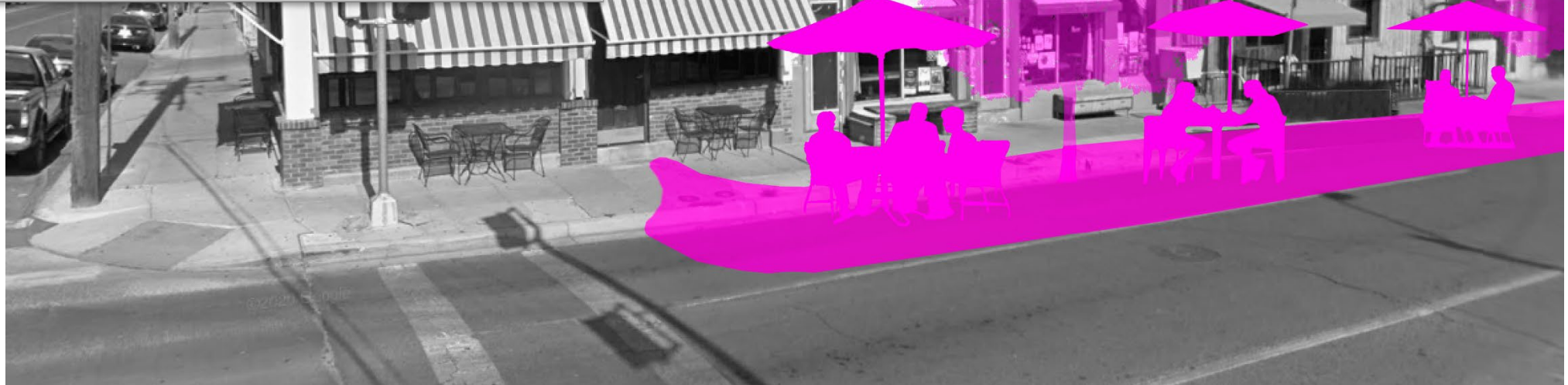
ROW Café : Piedras; between Tularosa and Yandell (alley)

- Street lanes (2) closed off to serve as space for outdoor seating on one side of Piedras and on-street parking on the other
 - Deployed by Streets and Maintenance on April 23rd





EXISTING



**Only one side of prototype shown in rendering (northbound-lane)*

Street lanes (2) closed off to serve as space for outdoor seating on one side of Piedras (northbound-lane) and on-street parking on the other (southbound-lane)



EXISTING

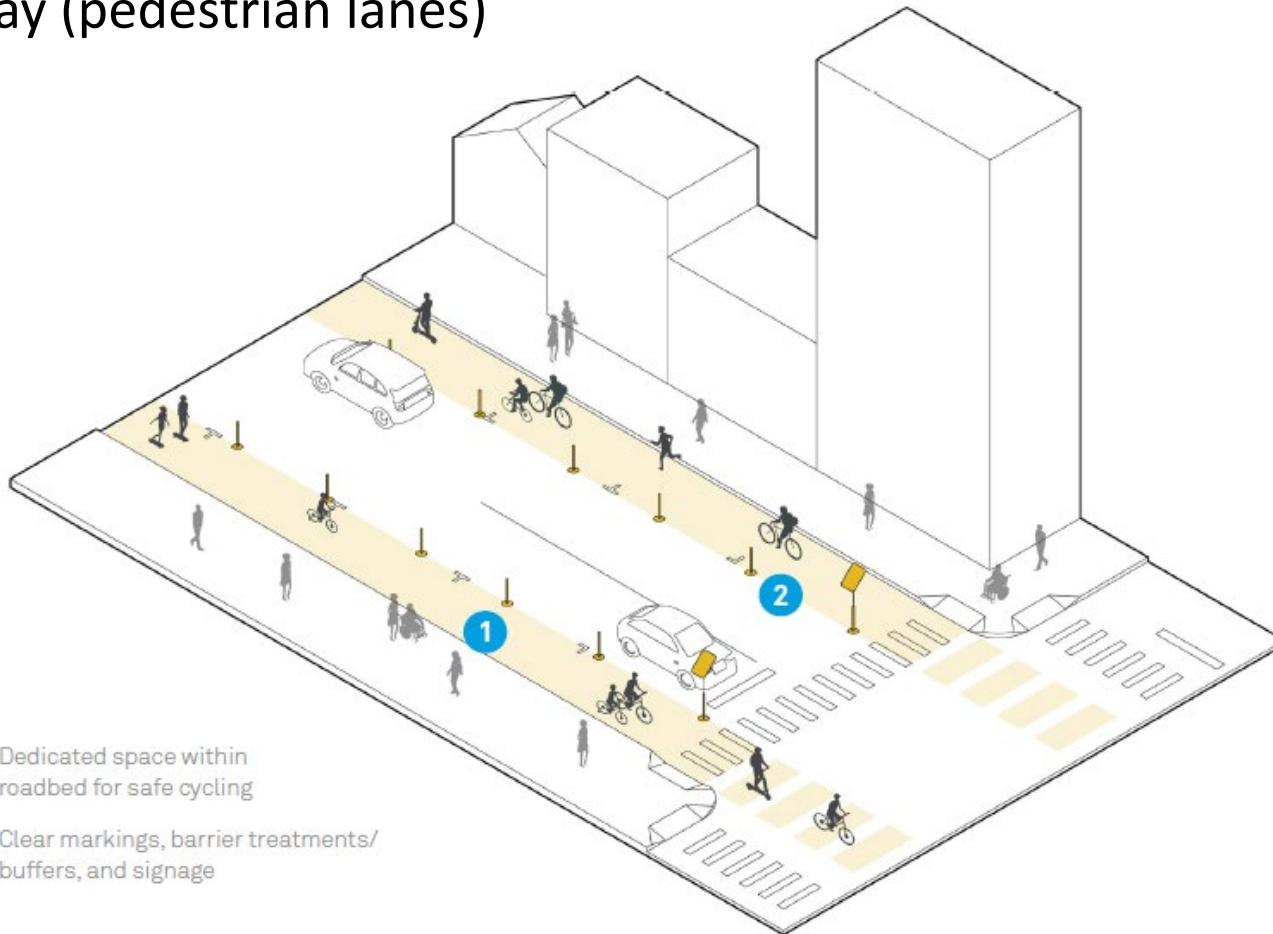


PROPOSED

**Only one side of prototype shown in rendering (southbound-lane)*
 Street lanes (2) closed off to serve as on-street parking

Prototypes

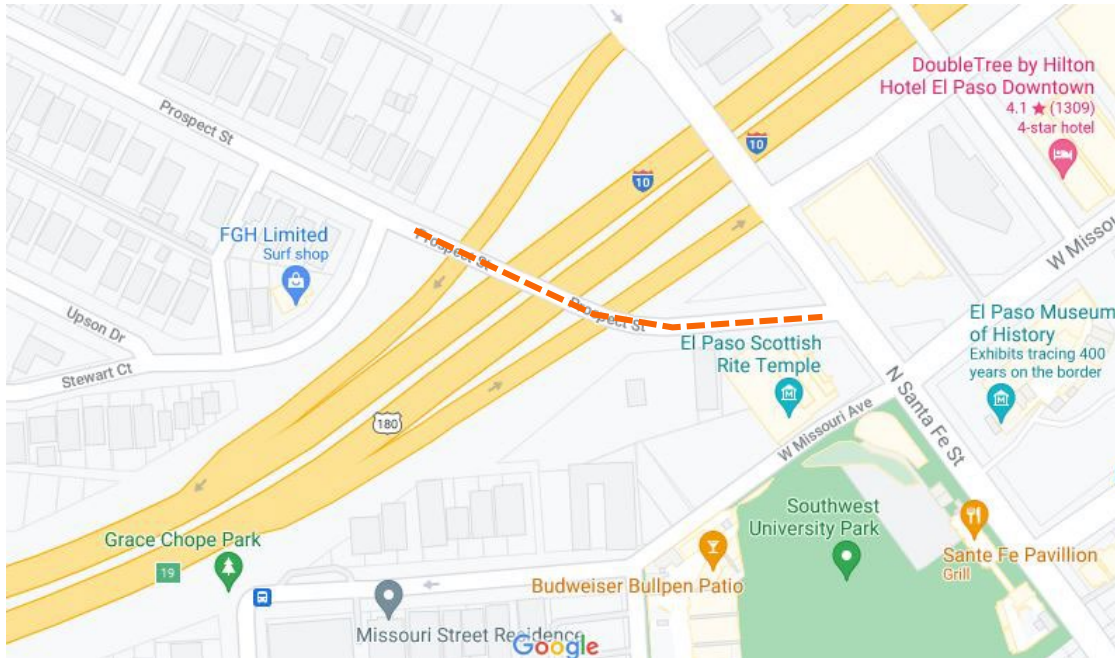
Prototypes 4 & 5: Ped-way (pedestrian lanes)



Ped-Way:

Prospect; between Stewart Ct. and Santa Fe St.

- Existing metered parking lanes temporarily closed to allow for protected Bike lanes on both sides of street.
 - Deployed by Streets and Maintenance on March 26th
 - Permit expired April 26th

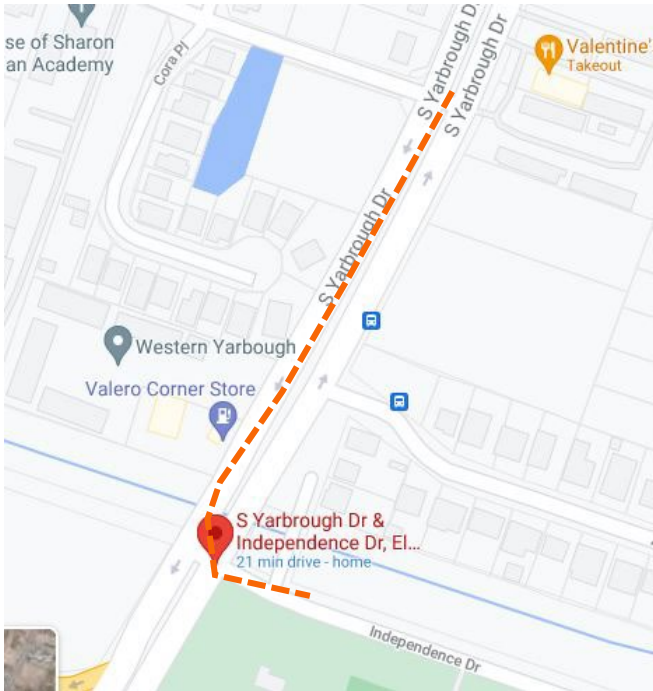


Ped-Way:

Yarborough; between Mansfield Ave. and Independence Dr.

25

- Applicant: American Heart Association for Complete Streets Program. South bound lane closed for protected hike and bike lane, with enhanced crosswalk for connectivity to Playa Drain Trail
 - Deployed by Streets and Maintenance on July 8th
 - Permit expired July 12th



Pre-packaged Online application Process:

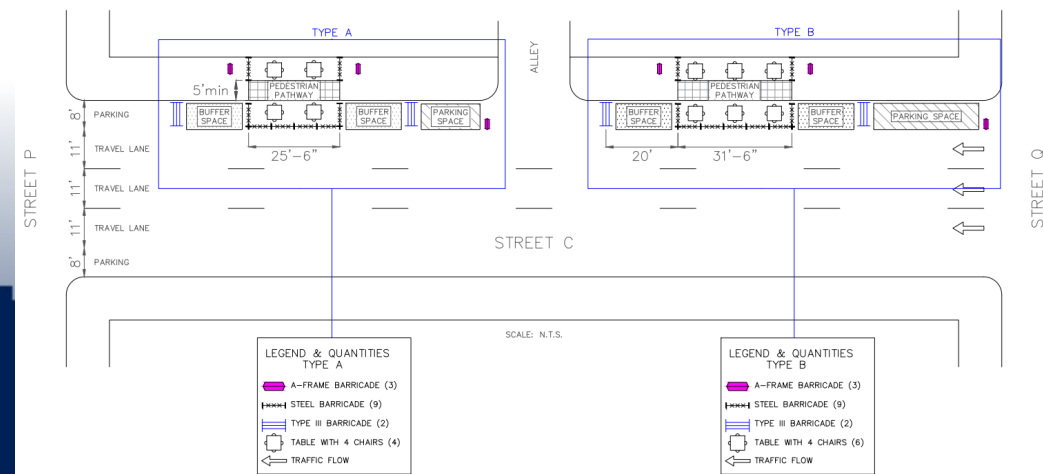
- Application through OSS:
 - Free / No permit fee
 - Meet pre-eligibility criteria for TCP template implementation
 - Indemnification waiver and insurance when applicable
 - Templates provided to allow for expedited review time
 - Additional documentation per program use

The screenshot shows the City of El Paso Online Service System (OSS) homepage. At the top, there's a navigation bar with the city logo and 'CITY OF EL PASO'. Below it, a header area includes links for 'Logged in as...', 'Collections (0)', 'Cart (0)', 'Account Management', and 'Logout'. A search bar is also present. A red 'Attention' message states: 'Due to problems when uploading documents, the recommended browser is Internet Explorer 10 or greater.' The main menu includes 'Home', 'Building', 'Health', 'Licenses', 'Planning', 'Telecom & RoW', and 'more'. Below the menu, there are buttons for 'Create an Application' and 'Search Applications'. The 'Select a Record Type' section prompts the user to choose from available record types, with a 'Search' button. A dropdown menu shows 'City' and 'Safe Streets' as options. A 'Continue Application >' button is at the bottom.



PILOT PROGRAM IN RESPONSE TO COVID19
SAFETY ORDERS

TYPICAL 2 - OUTDOOR DINNING (HALF LANE WITH PARKING)
TYPE A & B





Sun City Safe Program Website:

PLANNING AND INSPECTIONS

PROGRAM GUIDELINES AND ELIGIBILITY DOCUMENTS

- [Program & Design Guidelines](#)
- [Approved Emergency Order](#)
- [Location Eligibility Criteria](#)
- [Traffic Control Plan Templates](#)
- [Program Overview Presentation](#)

[CoEP](#) ► [Home](#) ► [Planning and Inspections](#) ► [Sun City Safe Pilot Program](#)

[HOME](#) [APPLICATIONS](#) [BUSINESS LICENSING](#) [CITIZEN ACCESS PORTAL](#) [INTERACTIVE MAPS](#) [ONE STOP SHOP](#) [SUN CITY SAFE PILOT PROGRAM](#) [PLANNING DIVISIONS](#) [INFILL](#) [TELECOMMUNICATION FACILITIES](#) [SPECIAL EVENTS](#) [FLOOD ZONES](#) [PLAN EL PASO](#)
[SHARED USE MOBILITY DEVICES](#) [HISTORIC PRESERVATION](#) [CONTACT US](#)

SUN CITY SAFE PILOT PROGRAM

CITY OF EL PASO SUN CITY SAFE PROGRAM

Approved August 31st, 2020

Welcome to the City of El Paso Sun City Safe Pilot Program! The Sun City Safe program is set up under the Pledge to Safety umbrella in the City's emergency COVID19 response and safety orders. It is part of the City's commitment to helping the local community by promoting the safe operations of businesses, as well as providing relief from quarantine stress by offering usable outdoor space for increasing capacity, exercise and commuting space for residents. For the duration of the emergency orders, the pilot program will allow in its different permit types, the use of the Right-Of-Way, or designated off-street parking space, for the use of the community to safely exercise, commute, or patronize local businesses.

PROGRAM OVERVIEW

The Sun City Safe Program offers three main permit types, to fit different models of outdoor use for patrons and residents throughout the City.

The program will allow applicants to obtain a permit to use the Right-Of-Way or the parking lots on their property for safe outdoor use of either extensions of their businesses, or as added exercise, recreational or commuting space. The Permit is at no cost, and the City offers traffic control inventory to set up on the ROW for safe deployment of the different program permit types. Depending on their location, permit types allow for the following:

SAFE STREETS

"Safe Streets" means the occupation of a portion of the public right of way that is currently used as on-street parking and/or automobile traffic that shall be utilized for additional outdoor public space. This space shall be used for the following purposes:



<http://www.elpasotexas.gov/planning-and-inspections/sun-city-safe-pilot-program>



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People



Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño

Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas



Legislation Text

File #: 22-935, 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 Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

AGENDA LANGUAGE:

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

Discussion and action on an Emergency Ordinance re-enactment authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from mass migration through El Paso.

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

AGENDA DATE: July 18, 2022

PUBLIC HEARING DATE: July 18, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Mario M. D'Agostino, DCM (915) 212-5605

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City

SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

An Emergency Ordinance extending Emergency Ordinance no, 019333 authorizing the City Manage to assign humanitarian and public safety crisis resulting from a mass migration through El Paso.

BACKGROUND / DISCUSSION:

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019333 extending the Emergency Ordinance due the Humanitarian and Public Safety Crisis resulting from a Mass Migration through the City of El Paso as related to the removal of Title 42. Although Title 42 remains in effect at the present time, it is still subject to federal litigation. Furthermore, the CBP statistics show the dramatic increase in apprehensions in the El Paso sector. Additionally, migrants continue to be released leaving many vulnerable and in need of assistance. With the possibility of Title 42 ending abruptly, the City needs a plan in place to deal with a surge of migrants that would exhaust our resources and leave many men, women, and children displaced.

PRIOR COUNCIL ACTION:

Yes, Emergency Ordinance No. 019333 was passed and adopted on May 23, 2022.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_YES _NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border in hopes that President Biden will ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, because of war between Russia and Ukraine and the political situation in Turkey, Ukrainians, Russians, and Turks are arriving at the Southern border for admission to the United States; and

WHEREAS, on April 1, 2022, the Centers for Disease Control and Prevention (“CDC”) announced the repeal of the Public Health Services Act, 42 U.S.C. §265 (“Title 42”), which was expected to allow for the inflow of migrants from the southern border; and

WHEREAS, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

WHEREAS, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

WHEREAS, the Southwest had 239,416 land border encounters in the month of May, 2022; and

WHEREAS, the El Paso sector of CBP had 34,638 land border encounters in the month of May, 2022 and a total of 177,789 encounters for federal fiscal year 2022; and

WHEREAS, although Title 42 remains in place as a result of the federal litigation, the number of Border Patrol encounters remain high averaging 600 to 1000 per day; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers amounts to 200-300 releases to the Annunciation House, a local non- governmental organization

ORDINANCE NO. _____

22-1006-11694 / PL#1188599_3

Emergency Ordinance – July Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 1 of 4

(“NGO”), on a daily basis; and

WHEREAS, on some days, the number of releases is lower due to the limited NGO space; and

WHEREAS, when the City faced a migrant surge in March of 2019, the NGO was able to establish over thirty hospitality sites throughout the El Paso region, versus today’s fifteen hospitality sites; and

WHEREAS, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites (twelve in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico); and

WHEREAS, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

WHEREAS, when the U.S. Customs and Border Protection’s (“CBP”) Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

WHEREAS, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with 36 staff currently assigned; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule

ORDINANCE NO. _____

22-1006-11694 / PL#1188599_3

Emergency Ordinance – July Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 2 of 4

municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

WHEREAS, OEM has provided isolation and quarantine services to over 2,483 migrants in close coordination with NGOs since April 2020; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region during an ongoing global pandemic; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the potential encampment of large groups of migrants on City rights of way and parks poses safety risks to migrants and citizens alike; and

WHEREAS, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council

ORDINANCE NO. _____

22-1006-11694 / PL#1188599_3

Emergency Ordinance – July Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 3 of 4

wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this ____ day of July, 2022


THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

 (for)

Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

22-1006-11694 / PL#1188599_3

Emergency Ordinance – July Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 4 of 4



Update on Mass Migration Crisis

Ongoing Preparedness Efforts

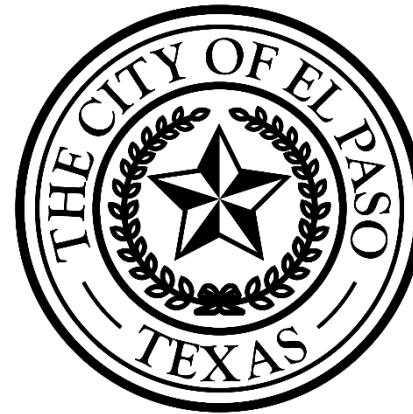
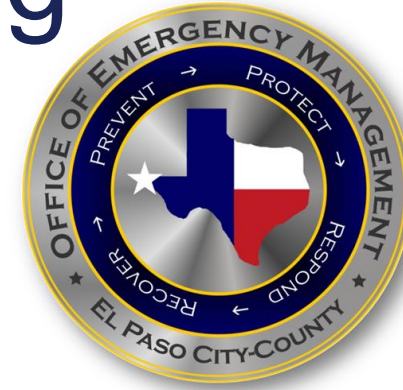
2022 Release Avg. Statistics

Month	Daily	Weekly	Month
April	230	2,200	7,200
May	300-400	2,400-2,700	11,500
June	200-400	2,000-2,900	8,834
July	200-250	1,500 YTD Avg.	3,364 YTD

- Decrease in CBP daily apprehensions/encounters; daily releases to NGO
- Title 42 remains in place
- Migrant Protection Protocol (MPP) minimal impact
- Lead NGO continues to maintain/expand shelter capacity

T42 Incident Action Planning

1. Coordination
2. Shelter Support & Planning
3. Transportation
4. Public Health
5. Healthcare System
6. Public Information
7. Security and Intelligence
8. Cost Recovery





Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-900, 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

Office of Strategic Communications, Laura Cruz-Acosta, (915) 212-1071

AGENDA LANGUAGE:

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

Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

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

DEPARTMENT: Office of Strategic Communications

AGENDA DATE: July 18, 2022

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Laura Cruz-Acosta, (915) 212-1071

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:

Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

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?

A Resolution creating the 2022 Ad Hoc Charter Advisory Committee was approved by City Council on January 18, 2022. The Committee reviewed recommendations submitted by City Council and considered public input regarding potential amendments to the City Charter.

PRIOR COUNCIL ACTION:

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

The Ad Hoc Charter Advisory Committee was previously convened in 2018 and 2015 for Charter various amendment elections.

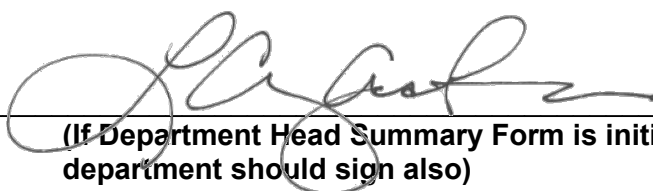
AMOUNT AND SOURCE OF FUNDING:

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:


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

July 14, 2022

The Honorable Mayor Lesser and Members of the El Paso City Council
300 N. Campbell
El Paso, Texas 79902

Dear Honorable Mayor Leeser and Members of the City Council:

The Ad Hoc Advisory Charter Committee was formed by Resolution on January 18, 2022, to review recommended changes to the City Charter by the City Council. The nine members were appointed on January 27, 2022, and began work on February 24, 2022. On March 29, 2022, City Council appointed an ex-officio member from the American Federation of State County and Municipal Employees to the Committee. Enclosed is the Final Report and Recommendations of the Committee. A brief description of the Committee's work follows.

The Committee was tasked by the City Council to review seventeen proposed Charter Amendments approved by the City Council ("Proposed Charter Amendments") on January 31, 2022. A list of those Proposed Charter Amendments is attached hereto. The Committee held its first virtual public meeting on February 24, 2022, and met on a bi-monthly basis until its last meeting on June 2, 2022. The second meeting was also held virtually; however, every meeting after that was held in person at City Hall but maintained a virtual component to facilitate public participation and provide flexibility to Committee members who preferred virtual attendance. A total of seven public meetings were held during this time period. Additionally, during this time, five community meetings were hosted at various locations throughout the City to facilitate and encourage public participation.

The Committee members laud the work of the staff who worked tirelessly behind the scenes to prepare for each meeting and respond to the Committee's questions and request for information. The staff played an instrumental role in facilitating the Committee's work and worked diligently to provide the support and resources to the Committee. We are very thankful for their efforts on this important task.

The group of volunteers that made up the Committee took on big and important issues in their work. They worked many hours to prepare and participate in every meeting. Each member held a unique background and knowledge that contributed to a very meaningful and important dialogue on many important matters. They worked on a tight timeline and engaged in rigorous but respectful debate on a number of controversial issues and questions. I am very thankful for the ideas, questions and comments that came from each of the committee members. The product of all of their hard work now comes before you for consideration.

Respectfully,



Yolanda Giner
Chair of the Ad Hoc Charter Committee

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, 6.1-12 TO 6.13-11D 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 4.1B TO CLARIFY THAT THE MAYOR REPRESENTS THE CITY IN INTERGOVERNMENTAL RELATIONSHIPS BASED ON COUNCIL'S LEGISLATIVE PRIORITIES; 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 6.5-2 TO ELIMINATE THE RULE OF FIVE AND ALLOW THE CITY MORE FLEXIBILITY IN PROMOTING EMPLOYEES; SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; 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 3.18 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 PROPOSITION 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 PROPOSITION 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 PROPOSITION 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 and 6.13-11D relating to police and fire pension fund of the City Charter, 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.

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 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; 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 E**

Shall Sections 3.9B, 3.10B, 6.1-12, 6.13-11D 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 PROPOSITION 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 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 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 90 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 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. The petition must set forth the precise content of the ordinance desired by the petitioners.

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, 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 thereafter must place the proposed ordinance on the ballot at the next citywide general election specified in State law, if the proposal receives 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 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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION G

Text of Amendment

Amending Section 4.1B of the City Charter, relating to Powers of the Mayor to read in pertinent part as follows:

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 intergovernmental relationships as established by City Council legislative priorities; 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.

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

Should section 4.1B of the City Charter be amended to clarify that the Mayor will represent the City in intergovernmental relationships as established by City Council legislative priorities?

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 Mayore Pro Tempore and 7.3 relating to budget procedures of the City Charter, 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

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 intergovernmental relationships as established by City Council legislative priorities; 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?

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. 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 6.5-2 of the City Charter, relating to Civil Service qualifications to read in pertinent part as follows:

Section 6.5.-2 RULE OF FIVE.

~~As necessary for the promotion process, the Human Resources Director shall certify the five highest names on a promotion only eligible list for a vacancy, and additional names in situations where eligible persons are serving in the department in which the vacancy exists and authorized by Rule.~~ (Reserved)

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

Should Section 6.5-2 related to the Rule of Five of the City Charter be deleted to allow for more flexibility in City employee promotions?

YES ()

NO ()

CITY OF EL PASO PROPOSITION K

Text of Amendment

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, 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

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 ()

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 Leoser
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Kristen L. Hamilton-Karam
Senior Assistant City Attorney

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, 6.1-12 TO 6.13-11D 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 4.1B TO CLARIFY THAT THE MAYOR REPRESENTS THE CITY IN INTERGOVERNMENTAL RELATIONSHIPS BASED ON COUNCIL'S LEGISLATIVE PRIORITIES; 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 6.5-2 TO ELIMINATE THE RULE OF FIVE AND ALLOW THE CITY MORE FLEXIBILITY IN PROMOTING EMPLOYEES; SECTION 6.7-1 AND 6.8-1 TO ALLOW THE CITY TO ESTABLISH MORE FLEXIBLE POLICIES IN HIRING EMPLOYEES; 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 council member'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 3.18 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 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 PROPOSITION 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 PROPOSITION 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 PROPOSITION 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 and 6.13-11D relating to police and fire pension fund of the City Charter, 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~~ 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~~ 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.

Section 6.13-11D PENSION PLANS.

D. 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 2022, February, 1968~~, 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; 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~~ percent of the total amount expended for wages ~~salaries~~ of the participants.

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

Shall Sections 3.9B, 3.10B, 6.1-12, 6.13-11D 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 PROPOSITION 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 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 90 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 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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION G

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 Mayore Pro Tempore and 7.3 relating to budget procedures of the City Charter, 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

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 as established by City Council legislative priorities; 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 G**

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?

YES ()

NO ()

CITY OF EL PASO PROPOSITION H

Text of Amendment

Amending Section 4.1B of the City Charter, relating to Powers of the Mayor to read in pertinent part as follows:

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 as established by City Council legislative priorities; 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.

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

Should section 4.1B of the City Charter be amended to clarify that the Mayor will represent the City in intergovernmental relationships as established by City Council legislative priorities?

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 6.5-2 of the City Charter, relating to Civil Service qualifications to read in pertinent part as follows:

Section 6.5.-2 RULE OF FIVE.

~~As necessary for the promotion process, the Human Resources Director shall certify the five highest names on a promotion only eligible list for a vacancy, and additional names in situations where eligible persons are serving in the department in which the vacancy exists and authorized by Rule. (Reserved)~~

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

Should Section 6.5-2 related to the Rule of Five of the City Charter be deleted to allow for more flexibility in City employee promotions?

YES ()

NO ()

CITY OF EL PASO PROPOSITION K

Text of Amendment

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 ()

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

Proposed Charter Amendments

City Council Update
July 2022

Overview | Amendment Process



January 31, 2022
Approve final list of
items to submit to
Committee



February– June
Ad Hoc Committee
Meets
Bimonthly

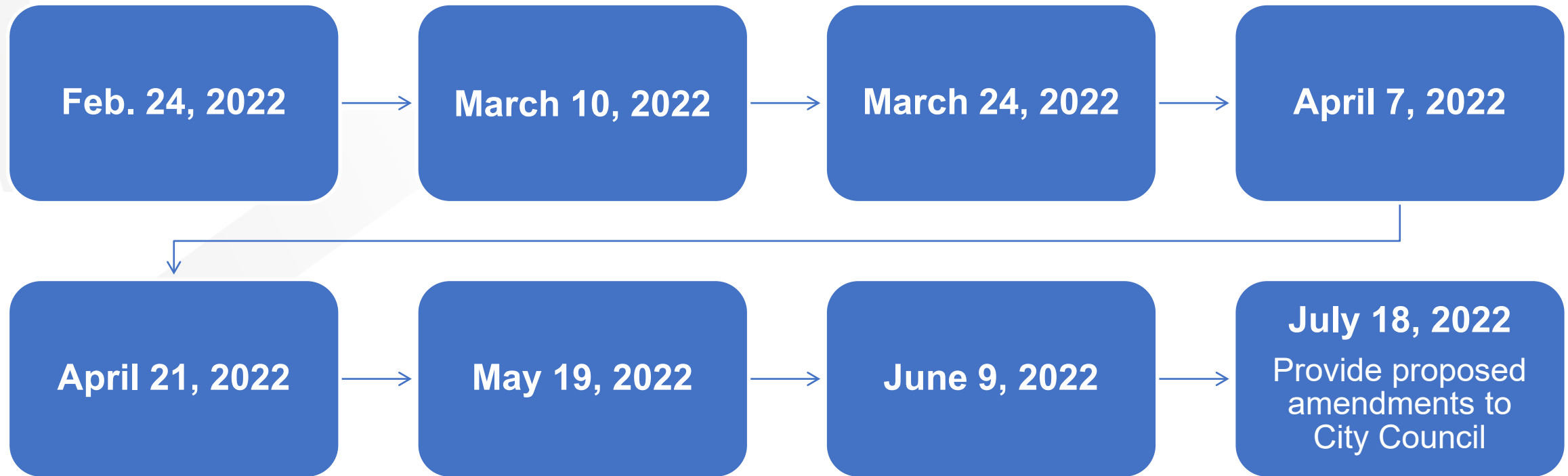


July 18, 2022
Committee
Recommendations to
Council

**COMMITTEE ASKED
TO REVIEW 17 ITEMS**

**COMMITTEE PROPOSES
11 BALLOT ITEMS**

Committee Meetings



Community Meetings



✓ Wednesday, April 27, 2022

5:30 p.m.

Westside Regional Command Center
4801 Osborne Dr.

✓ Monday, May 9, 2022

4 p.m.

Esperanza Acosta Moreno Library
12480 Pebble Hills Blvd.

✓ Monday, May 2, 2022

5:30 p.m.

Northeast Regional Command Center
9600 Dyer St.

✓ Thursday, May 12, 2022

5:30 p.m.

Mission Valley Regional Command Center
9011 Escobar Dr.

✓ Thursday, May 5, 2022

4 p.m.

Memorial Senior Center
1800 Byron St.

COMING SOON

Information Sessions About Proposed
Amendments

Proposed Article II Amendments

ARTICLE II SECTION 2.1 A – CITY ELECTIONS: to evaluate the date of Municipal Elections.

ACTION BY COMMITTEE: Leave the election in November.

ARTICLE II SECTION 2.2C – LIMITATION: to amend the 10-year cap by stating that the cap is not impacted when a Council member is filling an unexpired term-members may serve two full terms.

PROPOSED BALLOT LANGUAGE:

- ☐ 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 council member vacancy be allowed to serve two full four-year terms, regardless of whether it results in more than ten years?

Proposed Article II Amendments

ARTICLE II SECTION 2.2C – LIMITATION

PROPOSED AMENDED LANGUAGE:

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 council member'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.*

Proposed Article II Amendments

ARTICLE II SECTION 2.4 A – NUMBER OF DISTRICTS: to replace the language as follows: At such time when the results of a decennial United States census show the population of the City to be “~~one million~~ nine hundred thousand or more, the Council may take appropriate action to increase the number of District Representatives from eight to ~~ten~~ nine.”

ARTICLE II SECTION 2.4B DISTRICTING COMMISSION: to look at an independent districting committee process.

ACTION BY COMMITTEE: Recommended not to move forward at this time to avoid cluttering ballot; consider an independent districting committee and population by the future Ad Hoc Charter Committee as the redistricting process was just completed.

Proposed Article II Amendments

ARTICLE III SECTION 3.1 – CREATION: COMPOSITION; POWERS AND DUTIES: to allow each Representative the discretion and full authority to employ 2 full-time employees.

ARTICLE III SECTION 3.1 – CREATION; COMPOSITION; POWERS AND DUTIES: Each Representative shall have the discretion and sole authority to appoint and remove a Legislative Aide or Chief of Staff.

ACTION BY COMMITTEE: Committee recommended no change as the current language allows for district office staffing.

ARTICLE III SECTION 3.2 – CITY COUNCIL SALARIES: to prevent a decrease in income, as it is tied to El Paso County's median household income according to HUD; include Council Members in across-the-board increases for City employees.

ACTION BY COMMITTEE: Committee recommended no change and asked the Council salaries to remain tied to median household income according to HUD.

Proposed Article III Amendments

ARTICLE III SECTION 3.5 A – CITY COUNCIL MEETINGS: to allow Council to adjust for emergencies or City holidays and allow less than a majority to call special meetings.

ACTION BY COMMITTEE: Recommend no action to allow less than a majority to call special meetings.

PROPOSED BALLOT LANGUAGE:

- ☐ 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?
- ☐ 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?

Proposed Article III Amendments

ARTICLE III SECTION 3.5 A – CITY COUNCIL MEETINGS

PROPOSED AMENDED LANGUAGE:

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.

Proposed Article III Amendments

ARTICLE III SECTION 3.11A REFERENDUM: To allow for a referendum if the City Council implements a fee for maintenance of City rights of way.

ACTION BY COMMITTEE: Do not recommend a change.

ARTICLE III SECTION 3.11 INITIATIVE: review the initiative petition process for benchmarking purposes.

PROPOSED BALLOT LANGUAGE:

- ☐ 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?

Proposed Article III Amendments

ARTICLE III SECTION 3.11 INITIATIVE

PROPOSED AMENDED LANGUAGE:

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 statements 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.

Proposed Article III Amendments

ARTICLE III SECTION 3.11 INITIATIVE

PROPOSED AMENDED LANGUAGE (continued):

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 90 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 the 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.

Proposed Article III Amendments

ARTICLE III SECTION 3.11 INITIATIVE

PROPOSED AMENDED LANGUAGE (continued):

~~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 ~~ed~~ 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.

Proposed Article III Amendments

ARTICLE III SECTION 3.9 B – ORDINANCES IN GENERAL: to have copies of all ordinances available electronically.

ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES: to align to State Law that requires 1-hour notice for the introduction of Emergency Ordinances.

ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION: to clarify the process for hearing officers to serve on behalf of the Commission and align to best practices.

ARTICLE VI SECTION 6.13-11 D – CIVIL SERVICE COMMISSION: to eliminate the Police/Fire Department Pension Cap in order to align to State Statute.

PROPOSED BALLOT LANGUAGE:

- ☐ Shall Sections 3.9B, 3.10B, 6.1-12, 6.13-11D of the City Charter be amended to require submission to the qualified voters of the City to eliminate provisions that have become inoperative because they have been superseded by state law; replace obsolete references, and update terminology to current legal usage?

Proposed Article III Amendments

ARTICLE III SECTION 3.9 – ORDINANCES IN GENERAL

PROPOSED AMENDED LANGUAGE: ~~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.~~

ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES

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

ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION

PROPOSED AMENDED LANGUAGE: 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.

Proposed Section 6.13-11D Amendments

ARTICLE VI SECTION 6.13-11D – CIVIL SERVICE COMMISSION (Committee Language):

PROPOSED AMENDED LANGUAGE: 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, appropriate an amount equal to three times the amount paid into the fund by the participants therein. Any change to the City's contribution shall comply with the relevant state Law.; ~~provided that the amount contributed by the City shall not exceed eighteen percent of the total amount expended for salaries of the participants.~~; 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 eighteen percent of the total amount expended for salaries of the participants, but such increased appropriation shall in no case exceed eighteen and~~ in an amount up to one-half percent of the total amount expended for salaries of the participants.

Proposed Section 6.13-11D Amendments

ARTICLE VI SECTION 6.13-11D – CIVIL SERVICE COMMISSION (Committee Language):

PROPOSED AMENDED LANGUAGE AFTER DISCUSSION WITH PENSION OFFICE:

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 2022, ~~February, 1968~~, 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.~~ 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 percent of the total amount expended for~~ wages ~~salaries~~ of the participants.

Proposed Article III Amendments

ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE: to make it more transparent, identify which real estate transactions are by resolution, such as easement under \$50,000, certain leases, and review any other transactions that are allowed.

PROPOSED BALLOT LANGUAGE:

- ☐ 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?

Proposed Article II Amendments

ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE

PROPOSED AMENDED LANGUAGE: 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 an 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 revoke it d 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~~.

Proposed Article IV Amendments

ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR: to clarify the role of intergovernmental relationships, and review “break tie votes” to allow the Mayor to vote on all matters before the City Council.

PROPOSED BALLOT LANGUAGE:

- ☐ Should sections 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?

PROPOSED BALLOT LANGUAGE:

- ☐ Should section 4.1B of the City Charter be amended to clarify that the Mayor will represent the City in intergovernmental relationships as established by City Council legislative priorities?

Proposed Article IV Amendments

ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

PROPOSED AMENDED LANGUAGE (Sec. 4.1B):

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 as established by City Council legislative priorities; 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.

Proposed Article IV Amendments

ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

PROPOSED AMENDED LANGUAGE (Sec. 1.2):

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.

Proposed Article IV Amendments

ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

PROPOSED AMENDED LANGUAGE (Sec. 3.5E): ~~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.

PROPOSED AMENDED LANGUAGE (Sec. 3.6): 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.~~

Proposed Article IV Amendments

ARTICLE IV SECTION 4.1B POWERS OF THE MAYOR

PROPOSED AMENDED LANGUAGE (Sec. 4.3): 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.~~

PROPOSED AMENDED LANGUAGE (Sec. 7.3D): 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.

Proposed Article VI Amendments

ARTICLE VI SECTION 6.1-4 – CIVIL SERVICE COMMISSION: to clarify language for appointment to the commission and align to best practices.

PROPOSED BALLOT LANGUAGE:

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

PROPOSED AMENDED LANGUAGE: ~~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.

Proposed Article VI Amendments

ARTICLE VI SECTION 6.2 – DIVISION OF THE CITY SERVICE: to clarify definitions and positions considered unclassified and align to best practices.

ACTION BY COMMITTEE: Recommend that Commission Recorder remain unchanged.

ARTICLE VI SECTION 6.5-2 – CIVIL SERVICE COMMISSION: to discuss the Rule of Five and align to best practices.

PROPOSED BALLOT LANGUAGE:

- ☐ Should Section 6.5-2 regarding the rule of five be deleted to allow for more flexibility in City employee promotions?

PROPOSED AMENDED LANGUAGE: ~~As necessary for the promotion process, the Human Resources Director shall certify the five highest names on a promotion only eligible list for a vacancy, and additional names in situations where eligible persons are serving in the department in which the vacancy exists and authorized by Rule.~~

Proposed Article VI Amendments

ARTICLE VI SECTION 6.7-1 and 6.8-1 – CIVIL SERVICE COMMISSION:
to streamline processes and be competitive in recruitment and promotion.

PROPOSED BALLOT LANGUAGE:

- ☐ Should Sections 6.7-1 and 6.8-1 be amended to establish policies and procedures for the promotion of City employees?

Proposed Article VI Amendments

ARTICLE VI SECTION 6.7-1 and 6.8-1 – CIVIL SERVICE COMMISSION

PROPOSED AMENDED LANGUAGE (Sec. 6.7-1):

~~EXAMINATIONS. 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.~~

PROPOSED AMENDED LANGUAGE (Sec. 6.8-1): 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.~~

Next Steps

July 18

Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

August 2

Introduction of an Ordinance Ordering the Special Election

August 16

Deadline for City Council to Adopt an Ordinance Ordering the Special Election

Late August to Late October

Community Meetings/Information Sessions About Proposed Amendments

October 27 to November 4

Early Voting

November 8

Election Day

MISSION



Deliver exceptional services to support a high quality of life and place for our community

VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople



Legislation Text

File #: 22-847, 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

Members of the City Council, Representative Henry Rivera, (915) 212-0007

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

Members of the City Council, Representative Claudia L. Rodriguez, (915) 212-0006

AGENDA LANGUAGE:

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

Discussion and action to review and amend the employment agreement for the City Attorney and City Manager in alignment with the City's Strategic Plan Goal of setting the standard for sound governance and fiscal management. [POSTPONED FROM 07-05-2022]

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

DEPARTMENT: Mayor and Council

AGENDA DATE: Tuesday, July 5, 2022

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Henry Rivera, District 7- 915.212.0007

City Representative Cassandra Hernandez, District 3- 915.212.0003

City Representative Claudia L. Rodriguez, District 6- 915.212.0006

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 6 - Set the Standard for Sound Governance and Fiscal Management

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.**

Discussion and action to review and amend the employment agreement for the City Attorney and City Manager in alignment with the City's Strategic Plan Goal of setting the standard for sound governance and fiscal management.

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?

It is under the purview of the City Council to oversee and adjust any agreements related to the employment of the City Attorney.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? Yes, on 5/24/22 a similar item was placed on the agenda.

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*****