

PUBLIC NOTICE
NOTICE OF SPECIAL ELECTION – CITY OF EL PASO

TO THE RESIDENT, QUALIFIED ELECTORS OF THE CITY OF EL PASO, TEXAS:

In accordance with Section 9.004(c) of the Texas Local Government Code, notice is hereby given that a special election will be held in the City of El Paso, Texas on the 3rd day of November, 2015, in accordance with the following ordinance:

ORDINANCE NO. 018401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON NOVEMBER 3, 2015; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.

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

1. That pursuant to Section 3.9 of the City Charter, this Ordinance was introduced at the City Council meeting held on August 4, 2015, and a "Notice of Introduction of Ordinance" was published on August 6, 2015 in a newspaper of general circulation in this City, which notice summarized this Ordinance as introduced and gave notice of the time, date, and place of a public hearing to be held prior to the passage of this Ordinance, and the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended.
2. That pursuant to the Texas Election Code, as amended, an election shall be held in and throughout the City of El Paso, Texas, on November 3, 2015, which date is not less than seventy-one (71) nor more than ninety (90) days from the date of this Ordinance.
3. 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 amendments with the ballots to contain such provisions, markings, and language required by law, and with such propositions to be expressed substantially as follows:

AMENDMENT NO. 1
Text of Amendment

Amending Section 1.2 of the City Charter, relating to definitions of terms used in the 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.

Ballot Proposition

Should Section 1.2 of the City Charter, relating to the definition of the term “City Council,” be amended to clarify that the Mayor is a non-voting member of City Council, and should not be counted as a member of Council for matters requiring a super-majority vote of all members of the governing body?

YES ()

NO ()

AMENDMENT NO. 2

Text of Amendment

Repealing Section 3.3 A of the City Charter, relating to the prohibitions regarding other employment by a Council member, as follows:

Section 3.3 PROHIBITIONS, Subsection A.

A. (RESERVED)

Ballot Proposition

Should Section 3.3 A of the City Charter, relating to the prohibitions regarding public employment by City Council members and City employment by former City Council members, be repealed?

YES ()

NO ()

AMENDMENT NO. 3

Text of Amendment

Amending Section 3.5 A of the City Charter, relating to the scheduling of City Council meetings, to read in pertinent part as follows:

Section 3.5 CITY COUNCIL PROCEDURES AND RULES, Subsection A.

A. 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. Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meetings Act.

Ballot Proposition

Should Section 3.5 A of the City Charter, relating to City Council meetings, be amended to require Council to hold regular meetings no less than once every other week instead of once every week?

YES ()

NO ()

AMENDMENT NO. 4

Text of Amendment

Amending Section 3.5 D of the City Charter, relating to City Council processes and procedures, to read in pertinent part as follows:

Section 3.5 CITY COUNCIL PROCEDURES AND RULES, Subsection D.

D. Voting. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the members present and voting. Ordinances or resolutions that impose taxes, grant franchises or leases, or authorize conveyances shall not be valid unless adopted by a majority of the entire Council.

Ballot Proposition

Should Section 3.5 D of the City Charter, relating to the City Council voting process, be amended to delete the requirement that voting be by roll call, thereby allowing Council to use electronic voting or other approved process; and to clarify that actions that impose taxes, or grant franchises or leases, require a majority vote of the entire Council?

YES ()

NO ()

AMENDMENT NO. 5

Text of Amendment

Amending Sections 3.7 A, 3.5 E and 4.1 B of the City Charter, relating to the appointment and removal of the City Attorney, to read in pertinent part as follows:

Section 3.7 APPOINTMENTS, Subsection A.

A. Appointment and Removal of the City Attorney. The City Council by a majority vote of its total membership shall appoint a City Attorney and fix the City Attorney's compensation. The City Attorney shall be appointed solely on the basis of legal experience and qualifications. The City Attorney may be removed by a resolution approved by a majority vote of the total membership of the City Council. Assistant City Attorneys shall be appointed by, and will report to and work at the direction and under the supervision of the City Attorney.

Section 3.5 CITY COUNCIL PROCEDURES AND RULES, Subsection E.

E. Veto. 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 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 4.1 POWERS OF THE MAYOR, Subsection B.

B. The Mayor shall be a member of and preside over the City Council, having the power to propose legislation; represent the City in intra-governmental and intergovernmental relationships; 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.

Ballot Proposition

Should Sections 3.7 A, 3.5 E and 4.1 B of the City Charter, relating to the appointment and removal of the City Attorney, be amended to provide that the City Attorney is appointed by the City Council solely on the basis of legal experience and qualifications; may be removed by resolution approved by a majority vote of City Council; and to provide that the Mayor shall not have any veto power over City Council for actions which remove the City Attorney?

YES ()

NO ()

AMENDMENT NO. 6

Text of Amendment

Amending Sections 3.9 C and 3.18 of the City Charter, relating to the use of ordinances, to read in pertinent part as follows:

Section 3.9 ORDINANCES IN GENERAL, Subsection C.

C. Actions Requiring Ordinances. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, the Council may exercise the following powers by ordinance only:

1. Amend, extend, or repeal any ordinance previously adopted;
2. Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
3. Adopt Civil Service Rules.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

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 passed by the Council by resolution or by ordinance, or as otherwise required by law or specific provision of this charter; and except for uses of less than thirty days which may have a separate approval process as established by resolution or by ordinance.

Any ordinance or resolution 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. In addition, any ordinance or resolution providing for the lease or franchise shall 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 may be revoked by the City if necessary to secure efficiency of public service at a reasonable rate, or to assure that the property is maintained in good order throughout the life of the grant.

Ballot Proposition

Should Sections 3.9 C and 3.18 of the City Charter, relating to the use of ordinances, be amended to allow the City Council the option of utilizing a resolution for acts that do not specifically require the use of an ordinance pursuant to other applicable law, including the conveyance, lease or grant of a franchise of City property, the adoption of an administrative code, and the establishment, abolishment or alteration of any City departments?

YES ()

NO ()

AMENDMENT NO. 7

Text of Amendment

Amending Section 7.1 and adding Section 7.1 A of the City Charter, relating to the City's fiscal and budget year, to read in pertinent part as follows:

Section 7.1 FISCAL YEAR.

The fiscal year and the budget year of the City shall begin on September 1st and end on the succeeding August 31st.

A. Change in Fiscal Year. The Council, by ordinance, is authorized to provide for a change in the City's fiscal and budget year from the present period to the period October 1 through September 30, in one or more stages, and to provide for necessary and appropriate changes to be made in the dates for preparation and adoption of the budget and other related matters. In order to provide any necessary financing during the transition or changeover period, the Council may, by ordinance, authorize the borrowing of money by the issuance of general obligation bonds or promissory notes and the levying of a sufficient tax to pay the interest thereon and to provide the required sinking fund to pay the principal thereof, and/or may authorize the payment of all or any part of said interest and principal from any other anticipated tax receipts or other available funds.

Ballot Proposition

Should Section 7.1 of the City Charter be amended, and Section 7.1 A, Change in Fiscal Year, be created, to allow the City to change, by ordinance, the beginning date of the fiscal and budget year to October 1 and to allow for the necessary and appropriate actions to be taken to effectuate the change?

YES ()

NO ()

AMENDMENT NO. 8

Text of Amendment

Amending Sections 7.2, and 7.3 A, B, C and D of the City Charter, relating to the City's budget procedures, to read in pertinent part as follows:

Section 7.2 BUDGET.

The budget must present a complete financial plan for the fiscal year, and must contain all elements required under State law.

Section 7.3 BUDGET PROCEDURES, Subsections A, B, C and D.

The procedures here stated shall govern adoption of the annual budget and the appropriations of monies pursuant thereto.

A. Department Estimates. Annually, but not later than three months before the first day of the City's fiscal and budget year, administrative units of the City shall transmit estimates of their

budgetary requirements and descriptions of their work programs to the Office of Management and Budget and to the City Manager. The work programs shall include all requested appropriations for the departments' operation and maintenance, including capital equipment, construction, and acquisition.

B. Public Hearing. After its presentation to the Council, at least one public hearing on the budget shall be held prior to its adoption; and notice of that public hearing shall be published in accordance with state law. The proposed budget shall be made available for examination at the office of the City Clerk, in accordance with State law.

C. Changes. After the required public hearing, the governing body may make any changes to the budget in accordance with and/or permitted by State law.

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.

Ballot Proposition

Should Sections 7.2, and 7.3 A, B, C and D of the City Charter, relating to the City's budget adoption procedures and requirements, be amended to require only that which is required by State law?

YES ()

NO ()

4. 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.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Lisa Wise, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch 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 "B."

In addition, mobile voting stations shall also 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, as are established by the El Paso County Elections Administrator. 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.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than September 4, 2015, and no later than the close of business on October 23, 2015, at the following address:

Ms. Lisa Wise
Early Voting Clerk
500 E. San Antonio, Suite 314
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.
7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.
8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.
9. That by approving and signing this resolution, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.
10. A substantial copy of this resolution shall serve as proper notice of said election.
11. 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.
12. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Monday, August 24, 2015.

APPROVED this 11th day of August, 2015

CITY OF EL PASO, /s/ Oscar Lesser, Mayor

ATTEST: /s/ Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM: /s/ Elizabeth Ruhmann, Assistant City Attorney

STATEMENT OF ANTICIPATED FISCAL IMPACT OF CHARTER AMENDMENTS

Pursuant to Section 9.004(c)(2) of the Texas Local Government Code (requiring a statement of the

anticipated fiscal impact to the City if the proposed amendments are approved), the City asserts it is difficult to accurately account for the fiscal impact of amendment number 7 should Council take affirmative steps to change the City's fiscal year pursuant to the amendment, in light of unknown future variables; however, an overall analysis reflects that there should be no negative fiscal impact to the economic costs to the City if one or all of the remaining proposed amendments are approved.