

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

DEPARTMENT: Municipal Clerk

AGENDA DATE: INTRODUCTION: January 23, 2018
PUBLIC HEARING: February 6, 2018

CITY CLERK DEPT.
2018 JAN 18 PM12:52

CONTACT PERSON NAME AND PHONE NUMBER: Sylvia Borunda Firth, City Attorney, 212-0033

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance amending Ordinance No. 018746 regarding deadlines and procedures for placing matters on the Agenda for City Council Meetings to require concurrence of two additional City Council Members in order for a Council Member to place an item on the City Council Agenda.

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?

At the City Council meeting of November 28, 2017, City Council approved Ordinance No. 018746, an Ordinance establishing deadlines and procedures for placing matters on the agenda for City Council meetings and repealing Ordinance No. 18031.

PRIOR COUNCIL ACTION:

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

Yes.

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

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

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**AN ORDINANCE AMENDING ORDINANCE NO. 018746 ESTABLISHING
DEADLINES AND PROCEDURES FOR PLACING MATTERS ON THE
AGENDA FOR CITY COUNCIL MEETINGS FOR THE PURPOSE OF
REQUIRING THE CONCURRENCE OF ONE ADDITIONAL CITY COUNCIL
MEMBER IN ORDER FOR A MATTER TO BE PLACED ON THE AGENDA
BY A MEMBER OF CITY COUNCIL AND ~~REPEALING ORDINANCE NO.
18031~~**

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WHEREAS, Ordinance No. 18031, as amended by Ordinance Nos. 18390 and 18466, previously established deadlines and procedures for placing matters on the agenda for City Council Meetings; and

WHEREAS, the City Council finds those procedures should be revised to allow for greater efficiency.

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

Procedures for placing matters on the agenda of the City Council shall be as follows:

1. The City Clerk is hereby directed to place items on the agenda of a regular meeting of the City Council only in conformity with Texas State law, the provisions of this ordinance and any procedures established by the Rules of Order for the City Council.
2. Unless otherwise provided in this ordinance, and separate from administrative agenda review deadlines and procedures, the City Clerk shall place on the City Council agenda of a regular meeting of the City Council only those items that are timely submitted, as follows:

Deadline for Placement. The deadline shall be at or before 6:00 p.m. on Wednesday prior to the Council meeting at which discussion or action is requested.

Late Placement. An item received after the deadline may be placed on the agenda if the agenda has not yet been posted, or as an "Addition to the Agenda" if the agenda has already been posted, if the request is received by 3:00 p.m. on Thursday prior to the meeting and if the request is accompanied by an authorization of the Mayor, the City Manager or his or her designated Deputy City Manager, or the City Attorney, and contains all back-up material. The authorization for late placement on the Agenda shall be made in writing, by electronic mail, or by any other electronic means. If the Regular Agenda has already been posted, approved Additions to the Agenda may be posted up to 3:00 p.m. on the Thursday before a Tuesday City Council meeting.

No item that is not timely submitted will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

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City Clerk Authority. If City Hall is closed for a city holiday or for any other purpose on a Wednesday, Thursday or Friday, the City Clerk is authorized to establish revised deadlines for placement of agenda items and the submission of back-up material as are necessary to enable him or her to post the agenda in conformity with State law and the City's practice of allowing adequate time for the members of the City Council to study the agenda items.

If the City Council should change the day of its regular meeting from a Tuesday, the resolution changing the day of the meeting may include any adjustment to the deadlines for placement of agenda items. If the resolution is silent as to such adjustment, the City Clerk is authorized to establish revised deadlines for placement of agenda items and the submission of back-up material as are necessary to enable him or her to post the agenda in conformity with State law and the City's practice of allowing adequate time for the members of the City council to study the agenda items.

3. Any request to place an item on the agenda shall come from or through a City official or employee and shall be made in writing, by electronic mail, or by any other electronic means. All requests shall include the name and telephone number of the individual making the request, the department name if applicable, and the name and telephone number of a contact person as will be listed on the agenda.

4. The head of each department on whose behalf an item is placed on the agenda shall submit to the City Clerk, a summary explanation and any other back-up material for those agenda items related to his or her department that will be posted with the agenda on the City's website no later than 12:00 p.m. on the Thursday before the meeting at which discussion or action is to take place. Any additional back-up that may be provided separately to each member of the City Council and the City Manager shall be submitted no later than 4:00 p.m. on the Thursday before the meeting at which discussion or action is to take place.

If any item placed on the agenda at the request of a City Council member specifically relates to a City department which is readily identifiable by the City Clerk, the City Clerk shall notify the head of the affected department of such item.

5. Items of Urgent Public Necessity (UPN) may be placed on the agenda after the above deadlines and up until two hours before the Council meeting at which action or discussion is requested, upon receipt by the City Clerk of a written request having the signature of a member of the City Council, the City Manager or the City Attorney. This request must be justified through the City Attorney's Office as a matter of urgent public necessity.

When a matter of urgent public necessity is placed on the agenda, the City Clerk shall immediately notify all members of the City Council, and shall also notify the head of any department to which the item applies if the item was not placed on the agenda by that department, and the Department of Information Technology Services. The head of the department to which the item applies shall provide each member of the City Council a written summary of the item including an explanation of why emergency action is necessary, on or before 5:00 p.m. on the day before the City Council meets if the item is placed on the agenda prior to this deadline.

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In addition to posting the public notice of an emergency meeting or supplementing a notice with an emergency item, the City Clerk must give special notice of the emergency meeting or emergency item to members of the news media who have previously filed a request with the City and agreed to reimburse the City for providing the special notice. The notice to members of the news media is to be given by telephone or electronic mail.

6. In accordance with Section 3.5A of the City Charter, special meetings and informal work sessions may be called by the Mayor or by a majority of the entire City Council. Such call shall be directed in writing to the City Clerk. In such cases, the notice of the meeting and the agenda must be posted in accordance with the requirements contained in the Texas Open Meetings Law.

7. A copy of all proposed legal documents, including resolutions, contracts and ordinances shall be delivered to the Mayor and each Representative by the responsible department at the time the proposed legal document is placed on the agenda, or shall be submitted to the City Clerk for posting on the City's website as provided in section 4. If a copy of any proposed legal document has not been provided or made available to each member of the City Council by noon on the fourth day before the City Council meeting, the City Council may, at its option, table action on that document.

8. All resolutions, contracts and ordinances shall be reviewed, approved as to form, and signed by the City Attorney or designee before they are placed on the City Council agenda. Agenda items requesting the expenditure of money or the transfer of funds among budgeted accounts must state the amount of money involved and, either in the posted item or in an attachment made available in the City Clerk's Office and posted on the City's website, indicate the name and number of the account from which the expenditure shall be made, and the accounts to and from which the transfer will be made and the justification and purpose for the transfer. The department proposing the expenditure or budget transfer shall provide the City Manager's Office such details and support data as required to permit a timely and orderly review.

9. The City Manager's Office is instructed to prepare a written fiscal note identifying any agenda item for which there is not a current appropriation. The City Manager's Officer will also prepare a fiscal note on agenda items which involve substantial indirect costs or continuing costs or which represent a departure from the budget or standard procedures. Fiscal notes shall be provided to the Mayor, Representatives and City Manager on the Friday prior to the Council meeting. In the case of additions to the agenda, the City Manager's Office shall respond as soon as possible. The Mayor, any Representative or the City Manager can request a fiscal note on any agenda item.

10. In accordance and to assure compliance with applicable State law, Executive Session items may only be placed on the agenda with the approval of the City Attorney or his or her designee. The City Clerk will place any Executive Session item requested by the City Attorney at any time, up to the time the agenda has been posted, or as an Addition to the Agenda as provided for in paragraph 2.

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11. Members of City Council may place items on the agenda for meetings of the City Council as follows:

Special City Council Meetings/Legislative Review Committees. City Council Representatives and the Mayor may place items on any agenda for a Special City Council Meeting/Legislative Review Committee called in accordance with Section 3.5A of the El Paso City Charter by notifying the Mayor, City Manager and City Clerk prior to the posting of the agenda for the respective Special City Council Meeting/Legislative Review Committee. The notice must be in writing and the required Agenda Summary Form must bear the signature of (2) two City Council members to indicate there are at least (2) two members of council desiring to consider the matter.

City Council Reporting and Appointments. City Council Representatives and the Mayor may place matters relating to appointments to boards and commissions, financial reporting, campaign contributions, donations received, gifts, or any other reporting requirements arising from the Charter, State law or applicable law on any City Council agenda by providing notice to the City Clerk by 12:00 p.m. on the Wednesday before the City Council meeting to be held on the following Tuesday.

City Council Presentations. City Council Representatives and the Mayor may place items on the City Council Agenda to allow for presentations by the respective City Council member on any City Council Agenda by providing notice to the City Clerk by 12:00 p.m. on the Wednesday before the City Council Meeting to be held on the following Tuesday. The notice must be in writing and the required Agenda Summary Form must bear the signature of (2) two City Council members to indicate there are at least 2 members of council desiring to consider the matter.

The City Council presentations shall not require input or work by members of City staff and the only action to be requested by the respective council member shall be approval of Resolutions in support of a measure, request for a subsequent agenda item, or a request for additional work from staff; if approved by a majority of City Council.

Request for Action. City Council Representatives and the Mayor may place items on the City Council Agenda. The deadline for submission to the City Clerk is Wednesday at 12:00 p.m. the week before a Tuesday City Council meeting. Upon receipt of a submittal from a City Council member, the Clerk will schedule the item for the next Tuesday City Council meeting following the submittal. The item shall not be removed from the agenda without the consent of the two members who made the submittal.

~~Agenda Items Placed by Mayor. The Mayor may place items on any agenda of the City Council in accordance with the terms of the City Charter and applicable State law.~~

Adequate Back-up For Agenda Items. All submissions from City Council Representatives and the Mayor must be accompanied by adequate back-up to provide the council members, public and City staff with sufficient information to ascertain the details of the topic and action that will be requested. The City Clerk will not post an item on the agenda if the request for submission is not accompanied by a fully completed "Agenda Summary" in the form provided by the City Clerk. The Agenda Summary shall be the minimum amount of back-up acceptable.

12. Ordinance No. 18031, as amended by Ordinance Nos. 18390 and 18466, are hereby repealed.

13. This ordinance shall take effect upon its adoption; provided, however, any ordinances scheduled for public hearings by a vote of the City Council prior to the effective date shall be posted for such public hearings in accordance with the vote of the City Council.

ADOPTED this _____ day of _____, ~~2018~~ 2017.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:

~~Sylvia Borunda Firth Elizabeth Ruhmann~~
~~Assistant~~ City Attorney

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ORDINANCE NO. _____

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ADOPTED this _____ day of _____ 2018.

CITY OF EL PASO:

Dee Margo
Mayor

ATTEST:

Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
City Attorney

CITY CLERK DEPT.
2018 JAN 18 AM 11:52