

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

DEPARTMENT: City Clerk
AGENDA DATE: March 17, 2020
PUBLIC HEARING DATE: March 31, 2020
CONTACT PERSON NAME AND PHONE NUMBER: Laura D. Prine, (915) 212-0049
DISTRICT(S) AFFECTED: All Districts
STRATEGIC GOAL: Goal 6: Set the Standard for Sound Governance and Fiscal Management
SUBGOAL: 6.8: Support transparent and inclusive government

SUBJECT:

An Ordinance amending Ordinance No. 018746 codified as El Paso City Code Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.020 (Timely Submission) to align with current practice and scheduling; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.040 (Summary and Explanation of Backup Materials) to clarify deadlines; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.060 (Special Meetings and Informal Work Sessions) regarding recurring Monday Work Sessions; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.070 (Timely Submission of Proposed Legal Documents) to clarify requirement of City Attorney approval; and Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.110 (Placement of Items on the Agenda by City Council Members) to provide a more efficient, transparent and effective process for members of City Council to present topics for the Council to discuss.

BACKGROUND / DISCUSSION:

The new ordinance will reflect schedule changes and procedural adjustments to allow Council members a more efficient and transparent process to submit items for discussion and consideration.

PRIOR COUNCIL ACTION:

Ordinance 018746 was adopted November 28, 2017 consolidating all matters related to placement of items on agendas for City Council Meetings and repealing Ordinances 018031, 018390, and 018466.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: *Laura D. Prine*

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 018746 CODIFIED AS EL PASO CITY CODE TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.06 (PROCEDURES FOR PLACING MATTERS ON THE AGENDA OF THE CITY COUNCIL) SECTION 2.06.020 (TIMELY SUBMISSION) TO ALIGN WITH CURRENT PRACTICE AND SCHEDULING; TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.06 (PROCEDURES FOR PLACING MATTERS ON THE AGENDA OF THE CITY COUNCIL) SECTION 2.06.040 (SUMMARY AND EXPLANATION OF BACKUP MATERIALS) TO CLARIFY DEADLINES; TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.06 (PROCEDURES FOR PLACING MATTERS ON THE AGENDA OF THE CITY COUNCIL) SECTION 2.06.060 (SPECIAL MEETINGS AND INFORMAL WORK SESSIONS) REGARDING RECURRING MONDAY WORK SESSIONS; TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.06 (PROCEDURES FOR PLACING MATTERS ON THE AGENDA OF THE CITY COUNCIL) SECTION 2.06.070 (TIMELY SUBMISSION OF PROPOSED LEGAL DOCUMENTS) TO CLARIFY REQUIREMENT OF CITY ATTORNEY APPROVAL; AND TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.06 (PROCEDURES FOR PLACING MATTERS ON THE AGENDA OF THE CITY COUNCIL) SECTION 2.06.110 (PLACEMENT OF ITEMS ON THE AGENDA BY CITY COUNCIL MEMBERS) TO PROVIDE A MORE EFFICIENT, TRANSPARENT AND EFFECTIVE PROCESS FOR MEMBERS OF CITY COUNCIL TO PRESENT TOPICS FOR THE COUNCIL TO DISCUSS

WHEREAS, Ordinance No. 018746, codified in Chapter 2.06 of the El Paso City Code, establishes deadlines and procedures for placement of matters on the Agenda for City Council meetings;

WHEREAS, the City Council finds that the procedures should be updated to reflect schedule changes and procedural adjustments over time;

WHEREAS, the City Council finds that the procedures for placement by members of City Council, codified in Section 2.06.110 of the El Paso City Code, should be revised to allow for greater efficiency, transparency, efficacy and preparation;

WHEREAS, the City Council finds that items considered on the regular agenda of the City Council are related to the City's Strategic Plan adopted by the City Council, and require detailed preparation, coordination, research and work by City staff prior to submission for posting on the agenda for consideration or final council approval;

WHEREAS, if a City Council Representative is interested in placing an item on the agenda that requires additional research or work by City Staff in or outside of the adopted Strategic Plan initiatives or scope, it is judicious that a majority of the Council be interested in such project prior to re-prioritizing staff workload or expenditure of City resources;

WHEREAS, the City Council finds that it is important that matters related to issues within a specific District include the Council Member representing that District; and

WHEREAS, the City Council finds that the procedures below will allow City Staff adequate time for research, and preparing responsive information or legal recommendations regarding new matters that are not within the Strategic Plan.

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

SECTION 1. That Section 2.06.020 (Timely submission), subsections (1) and (2) are amended to read as follows:

1. Deadline for Placement. The deadline shall be at or before 5:00 p.m. on Wednesday prior to the council meeting at which discussion or action is requested.
2. 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 5:00 p.m. on the Thursday before a Tuesday city council meeting.
 - a. No item that is not timely submitted will be placed on the agenda except for an urgent public necessity (UPN) as provided in Section 2.06.050 of this Code.

SECTION 2. That Section 2.06.040 (Summary explanation and back-up materials) is amended to read as follows:

The head of each department on whose behalf an item is placed on the agenda shall submit to the city clerk no later than the administrative deadline established by the City Manager, a summary explanation and any other back-up material for those agenda items related to his or her department. The City Clerk will post the agenda with this back-up material 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.

SECTION 3. That section 2.06.060 (Special meetings and informal work sessions) is amended to read as follows:

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. By resolution in accordance with Section 3.5A of the Charter, the City Council has called recurring work sessions on every other Monday occurring prior to the Tuesday Regular City Council Meeting to review the agenda and consider any other matter that the City Council or City Manager determine appropriate.

SECTION 4. That section 2.06.070 (Timely submission of proposed legal documents) is amended to read as follows:

A copy of all proposed legal documents signed by the City Attorney or designee, 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 2.06.040. 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.

SECTION 5. That Section 2.06.110 (Placement of items on the agenda by City Council Members) of the El Paso City Code is hereby amended to read as follows:

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

- A. Special City Council Meetings, Informal Work Sessions and Legislative Review Committees. City Council Representatives may place items on an agenda for a Special City Council Meeting, Legislative Review Committee or informal work session 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 meeting. A City Council Representative may place an item on the recurring Monday work session agenda to discuss whether a majority of City Council wishes to place an action item on an agenda for a future regularly scheduled meeting.
- B. City Council Reporting and Appointments. City Council Representatives 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, with required back-up materials, to the City Clerk by 12:00 p.m. on the Wednesday before the City Council meeting to be held on the following Tuesday.

- C. City Council Presentations. A City Council Representative may place an item for presentation by that representative, which is not for action, reporting or appointments, on the Regular Tuesday 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. Such items shall be supported by and contain the signature of two additional City Council Representatives. The City Council presentations shall not require input, research or work by members of City staff or the City Attorney's Office. If any item is regarding a specific Representative District(s), at least one of the City Council Representative from the affected district(s) shall be one of the signing Representatives. The only action to be requested on presentation items may be a request for a subsequent agenda item, or a request for additional work from staff; if approved by a majority of City Council.
- D. Request for Action. City Council Representatives may place items for action, including proposed Resolutions in support of a measure, or items that require work by City staff or the City Attorney's Office on the City Council Agenda for the second regularly scheduled meeting following submission to the City Clerk in order to allow staff and the City Attorney's Office an adequate opportunity to research, prepare responsive information, or legal recommendations. 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, the Clerk will schedule the item for the second regularly scheduled Tuesday City Council meeting following the submittal. Such items shall be supported by and contain the signature of two additional City Council Representatives. If any item is regarding a specific Representative District(s), at least one of the City Council Representative from the affected district(s) shall be one of the signing Representatives. The item shall not be removed from the agenda without the consent of the members who made the submittal. The City Clerk will not accept submissions with incomplete or missing back-up materials.
- E. 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.
- F. 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, or does not include adequate back-up. If back-up materials include a document to be reviewed by the City Attorney's Office, City Council Representatives must request review by the City Attorney's office no less than 10 days prior to submission to the City Clerk. The Agenda Summary shall be the minimum amount of back-up acceptable.

SECTION 6. This ordinance shall take effect upon its adoption.

SECTION 7. Except as expressly herein amended, Title 2 (Administration and personnel) and Chapter 2.06 (Procedures for placing matters on the agenda of the city council) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2020.

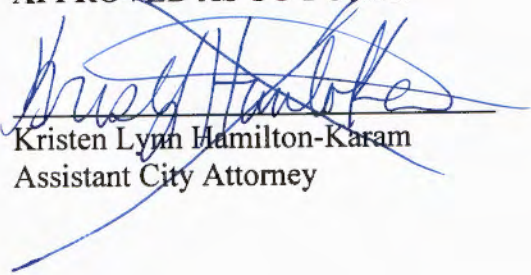
CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen Lynn Hamilton-Karam
Assistant City Attorney

ORDINANCE NO. _____

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providing notice, with required back-up materials, to the City Clerk by 12:00 p.m. on the Wednesday before the City Council meeting to be held on the following Tuesday.

- C. City Council Presentations. ~~A City Council Representative may place an item on the city council agenda to allow for presentations by the respective city council member on any~~ for presentation by that representative, which is not for action, reporting or appointments, on the Regular Tuesday 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. Such items shall be supported by and contain the signature of two additional City Council Representatives. The City Council presentations shall not require input, research or work by members of City staff or the City Attorney's Office. If any item is regarding a specific Representative District(s), at least one of the City Council Representative from the affected district(s) shall be one of the signing Representatives. The only action to be requested on presentation items may be a request for a subsequent agenda item, or a request for additional work from staff; if approved by a majority of City Council.
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ADOPTED this _____ day of _____, 2020.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Kristen Lynn Hamilton-Karam
Assistant City Attorney