

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

DEPARTMENT: City Clerk's Office

AGENDA DATE: June 26, 2018

PUBLIC HEARING DATE: July 10, 2018

CONTACT PERSON NAME AND PHONE NUMBER: Laura Prine, (915) 212-0049

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal No. 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.8 - Support Transparent and Inclusive Government

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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF A CHARTER AMENDMENT TO BE HELD WITHIN THE CITY, ON NOVEMBER 6, 2018; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.

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?

To place Proposition No. 1 amending Section 3.2 Salaries of the City Charter relating to the salaries for the Mayor and District Representatives on the November 6, 2018 General Election.

PRIOR COUNCIL ACTION:

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

Yes, last ordinance approving a Special Election for this purpose was approved August 11, 2015; Charter Amendment Election was held November 3, 2015,

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?

111-1000-11020-522030 Election Contracts – P1121

*****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 OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, ORDERING A SPECIAL ELECTION FOR THE SUBMISSION OF A CHARTER AMENDMENT TO BE HELD WITHIN THE CITY, ON NOVEMBER 6, 2018; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.

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

WHEREAS, the City Council of the City of El Paso, Texas has determined it appropriate to submit to the qualified voters of the City for their adoption or rejection thereof a proposed amendment to the existing City Charter of the City of El Paso, Texas, 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 6, 2018, as a uniform election date for the purposes of conducting an election; and

WHEREAS, during a public meeting held on June 12, 2018, the City Council considered and approved for public vote, in the form of a ballot proposition, the following Charter amendment recommended by the 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 6, 2018 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 City Council does hereby order an election to submit to the voters of the City of El Paso a proposed amendment to the City Charter, to be held on Tuesday, November 6, 2018. 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 amendment to the Charter of the City of El Paso ("Proposition") 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 3.2 of the City Charter, relating to the salaries for the Mayor and District Representatives, to read in pertinent part as follows:

Section 3.2 SALARIES.

Prior to September 1, 2019, the annual base salary of the District Representatives shall be set at twenty-nine thousand dollars, and the annual base salary of the Mayor shall be set at forty-five thousand dollars.

Commencing on September 1, 2019, the annual base salary of the District Representatives shall be set at the amount equal to the 2017 El Paso County area median household income as established by the United States Department of Housing and Urban Development or successor agency (\$45,300), and the annual base salary of the Mayor shall be set at one and one-half this amount (\$67,950). Thereafter, on September 1, the base salaries will be revised annually and be set according to the above formula based on the prior fiscal year median income for El Paso County.

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

Should Section 3.2 of the City Charter, relating to the salaries of the Mayor and District Representatives, be amended to provide that beginning September 1, 2019, the annual salary of the District Representatives shall be set each year at the amount equal to the El Paso County area median household income as established by the United States Department of Housing and Urban Development or successor agency for the prior fiscal year, and the annual salary of the Mayor shall be set each year at 150% of that amount?

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 26, 2018, 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 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 "A."

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, August 20, 2018, 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.

APPROVED this ____ day of July, 2018.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Elizabeth Ruhlmann
Assistant City Attorney

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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 6, 2018, as a uniform election date for the purposes of conducting an election; and

WHEREAS, during a public meeting held on June 12, 2018, the City Council considered and approved for public vote, in the form of a ballot proposition, the following Charter amendment recommended by the 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 6, 2018 election, in compliance with Section 9.004(c) of the Texas Local Government Code.

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That at such election, the following amendment to the Charter of the City of El Paso ("Proposition") 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 3.2 of the City Charter, relating to the salaries for the Mayor and District Representatives, to read in pertinent part as follows:

Section 3.2 SALARIES.

~~Provision effective through June 27, 2009:~~

~~Upon the adoption of this Charter, the salaries of the Mayor and the Representatives shall be those authorized prior to the adoption of this Charter. Subsequent to the adoption of this Charter, the Council shall have the power to increase these salaries by not more than five percent, but such act must be taken at least three months prior to the next general city election and may not take effect until after the inauguration of the next Council. Any proposed salary increase in excess of five percent shall be subject to voter approval, by referendum, conducted at a general City election.~~

~~Provision effective and commencing on June 28, 2009:~~

~~Commencing on June 28, 2009, the annual base salary of the District Representatives shall be twenty nine thousand dollars, and the annual base salary of the Mayor shall be forty five thousand dollars. On and after September 1, 2010, the base salaries will be increased by a percentage equal to the percent increase of the general salary adjustment, if any, given to the classified employees in the general services effective as of the date designated in the budget resolution.~~

Prior to September 1, 2019, the annual base salary of the District Representatives shall be set at twenty-nine thousand dollars, and the annual base salary of the Mayor shall be set at forty-five thousand dollars.

Commencing on September 1, 2019, the annual base salary of the District Representatives shall be set at the amount equal to the 2017 El Paso County area median household income as established by the United States Department of Housing and Urban Development or successor agency (\$45,300), and the annual base salary of the Mayor shall be set at one and one-half this amount (\$67,950). Thereafter, on September 1, the base salaries will be revised annually and be set according to the above formula based on the prior fiscal year median income for El Paso County.

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

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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.

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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.

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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.

APPROVED this ____ day of July, 2018.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Elizabeth Ruhmann
Assistant City Attorney