ITEM 4

CITY OF EL PASO, TEXAS
CIVIL SERVICE COMMISSION
Bylaws

The El Paso City Civil Service Commission (hereinafter referred to as "Commission") hereby adopts these Bylaws to govern their own proceedings and carry out the purposes for which the Commission was created, not inconsistent with the charter and ordinances of the City. These Bylaws shall be supplementary to the rules and regulations governing the Commission within Article VI (Civil Service) of the El Paso City Charter, and Rule 1 (Civil Service Commission) of the Civil Service Rules and Regulations (Ordinance 8065), as may be amended by the El Paso City Council.

ARTICLE I – Membership

1. The members of the Commission shall be those members appointed by City Council, in the manner provided by the City Charter and Civil Service Rules and Regulations. *See Sections 3.7B and 6.1-3 of the El Paso City Charter, and Rule 1, Section 1 of the Civil Service Rules and Regulations, as may be amended.*
2. The Commission shall consist of nine persons who shall be resident citizens of El Paso. *See Sections 6.1-3 and 6.1-4 of the El Paso City Charter, as may be amended.*
3. The term of office for members of the Commission shall be three years. Upon an expiration of a full term, a member maybe reappointed to serve a second full term, provided that membership on the Commission does not exceed two full successive three-year terms; and no person may serve as a member on the Commission for more than a total of ten years throughout their lifetime. *See Section 6.1-3 of the El Paso City Charter, as may be amended.* After serving two successive three-year terms, a person may be reappointed to serve an additional three-year term or to fill an unexpired vacancy, provided twelve months have elapsed since last serving on the Commission; and provided the ten-year lifetime maximum is not exceeded. (Added 11/13/14)
4. When the term of office of any member of the Commission expires, the member shall continue to serve until his or her successor is appointed and qualified (or the commissioner is reappointed, if eligible), or until thirty days have passed following the expiration of the

term, whichever event occurs first. Any holding over past the thirty-day period is prohibited, and after that time a vacancy in the Commission shall exist and the former member shall have no power to vote or participate in Commission proceedings; but such vacancy shall not serve to reduce the number of members required for a quorum. (Added 2/12/15)

5. The members of the Commission shall be subject to removal under the terms of the City Charter and Civil Service Rules. *See Sections 3.7B and 6.1-10 of the El Paso City Charter, and Rule 1, Section 11 of the Civil Service Rules and Regulations, as may be amended.* (Amended 2/12/15)

ARTICLE II – Officers

1. The officers of the Commission shall be the Chair, the Vice-Chair, and the Secretary. The Chair and the Vice-Chair shall be elected annually during the month of February, but in any case shall hold office until their successors have been elected and have qualified. (Amended 11/13/14)
2. Officers shall assume office on the day of election, immediately following election. The officers shall qualify as regularly appointed members of the Commission. The duties of the officers shall be those usually pertaining to their respective offices.
3. The Chair shall preside at all meetings of the Commission, but if for any reason he or she is absent or unable to act, then the Vice-Chair shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the Commission.
4. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission, shall state questions coming before the Commission as necessary for clarity, and shall announce the decision of the Commission on all subjects.
5. All questions of order shall be decided by the presiding officer. Any member of the Commission may appeal a ruling by the presiding officer as to any point of order ruled upon by the presiding officer on his/her own initiative. The ruling of the presiding officer shall be sustained in the absence of a majority vote against the ruling.

6. The Chair shall represent the Commission before City Council as well as the general public, and may appoint any member to appear on his/her behalf.
7. When an officer vacancy exists, the Commission will immediately elect a replacement to serve the unexpired portion of the term.

ARTICLE III – Meetings

1. The Commission shall hold regular meetings on the second Thursday of each month at 6:00 p.m.
2. An annual business and organization meeting shall be held in February, at which time an election of officers will be held, the by-laws reviewed, and a schedule of meetings, order of business and other activities for the ensuing year established.
3. No notice on regular meetings shall be required to be given to the members, other than through the published schedule adopted at a regular meeting of the Commission.
4. The Chair, after consultation with the Secretary, may call for an additional monthly meeting to be held on the fourth Thursday of the month at 6 p.m., or other appropriate designated day and time, when it is determined that urgent or time sensitive matters are pending before the Commission, which should be scheduled and addressed expeditiously.
5. Special Meetings may be called by the Chair, or any three members of the Commission, upon such notice as required by law to each Commissioner and the public.
6. Although not adopted as the Rules of the Commission, Robert's Rules of Order may be considered as advisory authority for rules of procedure that will govern the business proceedings of the Commission whenever they are not in conflict with the provisions of any ordinances or the City Charter establishing this Commission or the provisions of these Bylaws. All questions on matters of procedure shall be referred to the City Attorney or his/her designee.

ARTICLE IV – Quorum

A quorum of the Commission shall consist of five of the qualified voting members and shall be required in order to convene, recess or adjourn any Commission meeting. The minutes of the Commission shall reflect the names of the members present at the meetings

ARTICLE V – Voting

A. Generally

1. A quorum being present, a majority of votes cast by those members present and voting shall carry all motions, except as elsewhere specified in these Bylaws or in state law.
2. When discussion on an agenda item is commenced, no member shall leave the meeting area including any ante-room(s) attached to the meeting area until the vote is disclosed.
3. A member may change his/her vote after the roll has been completed and before announcement of the result, but not thereafter unless the item has been reconsidered.
4. In cases where a unanimous vote of the Commission is not received on a question before the Commission, the Secretary shall take a verbal poll of the members to appropriately record the vote and announce the decision.
5. Each member, to include the Chair *as permitted by the Civil Service Rules and Regulations*, shall be entitled to one vote on any matter that may come before the Commission.

B. Reconsideration of Items

1. The Commission shall be authorized to reconsider any item prior to the expiration of the meeting at which the item was heard and decided. A motion to reconsider prior to the expiration of such meeting may be made by any member who voted on the prevailing side on the agenda item.
2. A motion to reconsider is the exclusive method by which an item can again be brought before the Commission after the meeting at which a final vote was taken. A motion to reconsider may be made by any member who voted on the prevailing side on the agenda item, and shall be available in, but not be limited to, the following circumstances:
    a. When it is not clear on the record what the Commission's decision was.
    b. When the El Paso City Council refers the item back to the Commission.
3. Reconsideration of items after expiration of the meeting where a vote deciding the item was taken is only available within 60 days following the Commission meeting at which a final vote was taken, unless otherwise directed by City Council in order to avoid conflict between recommendations to be forwarded to Council, and shall additionally comply with all of the following:
    a. An item may not be reconsidered twice, except by unanimous consent of the

Commission.

b. A motion to reconsider must be on the agenda that is publicly posted.

c. Once an action reaches the floor of the City Council, if applicable, it may not be reconsidered unless so directed by City Council.

4. Validation: No decision of the Commission otherwise valid pursuant to state and federal law and the laws of the City of El Paso, Texas shall be invalidated by failure to comply with these Bylaws.

ARTICLE VI- Ethics

1. Any member of the Commission who has a professional or financial interest, or a substantial interest, in any specific matter or item presented before the Commission shall disclose this interest prior to or at the start of the meeting, and shall recuse himself/herself from the deliberation during that presentation and shall not participate in action taken on that specific matter.
2. All actions taken by the Commission shall be in accordance with the El Paso Ethics Ordinance.
3. In the interest of fairness to the employees, applicants and appellants appearing before the Commission and those appearing in opposition to the same, no discussion shall be held by a member or members of this Commission with the employee, applicant, appellant, or opposition, who is attempting to influence any Commission member concerning the matter involving an employee, applicant or appellant before the Commission either at home or office, or in person, by telephone, letter or electronic communication. All such discussions shall be held during a meeting at which the item is posted for discussion so that all members shall have the full benefit of such a discussion.
4. When a Commission member is called upon to voice opinions at public or private functions, he/she shall indicate that he/she is speaking for himself/herself and not representing the Commission unless a formal action by the Commission has been taken on the specific issue.

ARTICLE VII - Order of Business

Items that do not require a public hearing by law may be considered and approved under the

Consent Agenda. Items removed from the Consent Agenda by the Chair, at the request of other Commission members and staff, will be considered and acted upon during the Regular Agenda. Items on the Regular Agenda will then be considered.

ARTICLE VIII- Administrative Staff

1. The Secretary of the Commission shall provide for the administrative staffing of the Commission which duties shall, at a minimum, include the following:
    a. including maintaining all records of meetings, findings and determinations of the Commission;
    b. assisting in all research activities undertaken by the Commission;
    c. carrying out all functions assigned to or connected with the Commission;
    d. representing the Commission as requested or when no other member is present at hearings of the City Council, as necessary.
2. The Secretary shall make available to the City Council and all other duly elected or appointed public officials, all records and recommendations undertaken by the Commission that are not confidential by law.
3. The Secretary shall assist members in performance of their office through consultation and the furnishing of information.

ARTICLE IX – Amendments

The Commission, by a majority decision of its voting members, may make, alter, or rescind these Bylaws at any regular meeting, after fourteen *(14)* days written notice to the voting membership.

ARTICLE X – Conduct

Although not adopted as the Rules of the Commission, Robert's Rules of Order may be considered as advisory authority unless otherwise provided for in these Bylaws, the City Charter and/or Civil Service Rules and Regulations.

ARTICLE XI – Decorum and Debate

1. When a member desires to speak or make a motion, he/she shall address himself/herself through the Chair. Upon being recognized by the Chair, he/she may address the membership, and have the opportunity to ask up to 3 questions to relevant parties regarding the present agenda item before yielding the floor back to the Chair. The Chair will then recognize other Commissioners who wish to question the same parties before returning for further rounds of questioning, but not until each Commissioner has had the opportunity to hold the floor once, if they wish to do so.
2. When more than one member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
3. No member shall interrupt another, except to call to order or to correct a mistake.
4. Personal attacks are not permitted.
5. During the discussion of matters of public hearing before the Commission, the members of the Commission may ask questions and make comments; however, no member shall argue an issue with members of the public and/or staff.

ARTICLE XII - Participation by Employees and Public

1. When an employee of the City desires to speak, he/she shall address the Chair, and upon being recognized, shall state his/her name and position with the City, and then speak.
2. On calls to the public, a person desiring to speak shall address the Chair. Upon being recognized, such person shall state his/her full name, address, whom he/she represents, and state the subject matter.
3. No person shall inappropriately interrupt the proceedings of the Commission. Orderly procedure requires that each person shall proceed without interruption from the audience, that all arguments shall be addressed to the Commission, and that there be no inappropriate questioning or arguing between individuals.
4. Any person shall have a reasonable opportunity to be heard at all public hearings of the Commission in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of Commission affairs or business which is within the scope of the authority and legislative functions of the Commission. Provided, however, that the time allowed for each citizen's appearance before Commission may be limited to a fixed number of minutes at the discretion of the presiding officer. Members of

the public will usually be granted five (5) minutes to present their position on issues. Time will be kept by the Secretary or designee. Members of the Commission may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of Commission, present and voting.

5. Public comments on items not posted on the agenda will not be allowed. This provision does not restrict any member of the public from signing up or requesting to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.
6. Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to the start of the meeting on the day of the Commission meeting. The Secretary shall make available the sign-in sheet for the public inside the meeting location on the day of the Commission meeting up until the start of the meeting. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place.
7. At the time that an agenda item is taken up for consideration, the Secretary shall advise the Chair whether persons in the audience have signed up to ask a question regarding an item posted on the agenda. The Chair shall have the floor and may ask the Secretary to call those individuals up to the podium to hear their questions. At that time, the Secretary will announce the agenda item number and call the person to the podium. The Chair may request the Secretary or other staff to respond to the questions raised by the members of the public.
8. No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.
9. Personal attacks are not permitted. Members of the public should address their questions to the Commission, not to the staff. The Commission may in turn ask staff to provide input.
10. Members of the public may be asked to leave or be removed from the meeting if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer.

11. During the discussion of matters of public hearing before the Commission, persons addressing the Commission may ask questions and make appropriate comments; however, no such persons shall argue an issue with members of the Commission or staff.

ARTICLE XIII – Ex Parte Communications

Pursuant to the Civil Service Rules and Regulations, no Commission member shall communicate, either directly or indirectly, with any person concerning a contested disciplinary or grievance case which is pending before the Commission. If a Commission member receives an ex parte communication concerning a pending, contested matter, such communication shall be disclosed at the next meeting of the Commission. A notation of the substance of the communication and the identity of the individual(s) making the communication shall be made a part of the minutes of the meeting.

ARTICLE XIV – Placing Items on Agenda

1. The Secretary shall prepare the agenda for all meetings of the Commission, and shall receive all requests from members of the public or groups who seek in writing to address the Commission and place those matters on the agenda as soon as practicable, taking into account the urgency of the request.
2. The placement on the Agenda of an item that has been previously heard and acted upon by the Commission at a prior meeting may only be discussed and acted upon again at a subsequent meeting upon majority vote of the Commission members to rehear the item. Alternatively, the repeated Agenda item may be deleted by majority vote of the Commission members.

ADOPTED BY THE EL PASO CIVIL SERVICE COMMISSION, AT A MEETING OF ITS MEMBERS CURRENT THROUGH THIS _____ DAY OF _____, 2016.

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R. L. "Bobby" Bowling IV, Chair
Civil Service Commission

ATTEST:

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Amy Ross, Secretary
Civil Service Commission

APROVED AS TO FORM:

_____
Elizabeth M. Ruhmann
Assistant City Attorney

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