

CURRENT BY-LAWS (8/11/16) ITEM 8

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 may be 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 hold the floor for up to five (5) minutes 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 11th DAY OF August, 2016.



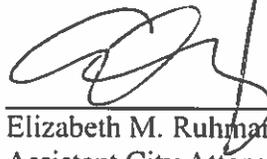
R. L. "Bobby" Bowling IV, Chair
Civil Service Commission

ATTEST:



Amy Ross, Secretary
Civil Service Commission

APPROVED AS TO FORM:



Elizabeth M. Ruhmann
Assistant City Attorney

DRAFT COPY - BY-LAWS

ITEM 8

BYLAWS
OF
THE CIVIL SERVICE COMMISSION
OF THE
CITY OF EL PASO, TEXAS

These Bylaws ("Bylaws") of the Civil Service Commission of the City of El Paso ("Commission") are hereby adopted by the Commission to govern its proceedings and carry out the purposes for which the Commission was created. 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).

ARTICLE I – MEMBERSHIP

1.1 The members of the Commission (collectively, the "Commissioners") shall be those persons appointed by the 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.*

1.2 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.*

1.3 The term of office for Commissioners shall be three years. Upon an expiration of a full term, a Commissioner may be 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 Commissioner for more than a total of ten (10) years throughout their lifetime. *See Section 6.1-3 of the El Paso City Charter.* After serving two (2) 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.

1.4 When the term of office of any Commissioner expires, the Commissioner shall continue to serve until his successor is appointed and qualified (or the Commissioner is reappointed, if eligible), or until thirty (30) 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 Commissioners required for a quorum.

1.5 The Commissioners 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.*

ARTICLE II – OFFICERS

2.1 The officers of the Commission shall be a Chair, a Vice-Chair, and a 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 qualified.

2.2 Officers shall assume office on the day of election, immediately following election. The officers shall qualify as regularly appointed Commissioners. The duties of the officers shall be those usually pertaining to their respective offices.

2.3 When an officer vacancy exists, the Commission shall immediately elect a replacement to serve the unexpired portion of the term.

2.4 The Secretary.

2.4.1 The Secretary, who need not be a Commissioner, shall be appointed by the Commission annually during the month of February and shall serve at the pleasure of the Commission. The Secretary shall provide for the administrative staffing of the Commission which duties shall, at a minimum, include the following:

- a. maintaining records of meetings, findings and determinations of the Commission;
 - b. assisting in research activities undertaken by the Commission;
 - c. carrying out functions assigned to or connected with the Commission;
 - d. representing the Commission as requested or when no other Commissioner is present at hearings of the City Council, as necessary;
 - e. receiving all requests from members of the public who seek in writing to address the Commission; preparing the agenda; and ensuring that the agenda is posted in accordance with applicable law;
 - f. performing such other duties as are inherent in the office of Secretary;
- and
- g. delegating any of the duties set forth above or any other duties which the Secretary may delegate in accordance with these Bylaws to an appropriate agent of the Commission, including, without limitation, the Recorder.

2.4.2 If for any reason the Secretary is absent or unable to act, then he shall designate someone to perform the Secretarial duties. This person may be one of the other Commissioners or the Recorder.

2.5 The Chair and the Vice-Chair.

2.5.1 The Chair shall preside at all meetings of the Commission, but if for any reason he 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.

2.5.2 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.

2.5.3 The Chair shall represent the Commission before City Council as well as the general public, and may appoint any Commissioner to appear on his behalf.

ARTICLE III – MEETINGS

3.1 The Commission shall hold regular meetings on the second Thursday of each month at 6:00 p.m.

3.2 An annual business and organizational meeting shall be held in February, in lieu of the regular meeting in such month, at which time an election of Officers shall be held, these Bylaws reviewed, and a schedule of meetings, order of business and other activities for the ensuing year established.

3.3 No notice on regular meetings shall be required to be given to the Commissioners, other than through the published schedule adopted at a regular meeting of the Commission.

3.4 The Chair, after consultation with the Secretary, may call for an additional monthly meeting to be held on the fourth Thursday of any month at 6:00 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.

3.5 Special Meetings may be called by the Chair, or any three Commissioners, upon such notice as required by law to each Commissioner and the public.

3.6 Although not adopted as the rules of the Commission, the Rules of Order for the El Paso City Council shall 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 applicable law or these Bylaws. All questions on matters of procedure shall be referred to the City Attorney or her designee.

ARTICLE IV – QUORUM

4.1 A quorum of the Commission shall consist of five of the qualified voting Commissioners and, except as set forth below, shall be required in order to convene, recess or adjourn any Commission meeting. The minutes of the Commission shall reflect the names of the Commissioners present at the meetings. At any meeting of the Commission where a quorum is not present, the Commissioners present at the meeting may adjourn the meeting, without notice other

than announcement at the meeting, until a quorum is present.

ARTICLE V – VOTING

5.1 Generally.

5.1.1 The act of the majority of the Commissioners present at a meeting at which there is a quorum shall be the act of the Commission.

5.1.2 Once discussion on an agenda item has commenced, no Commissioner shall leave the meeting area including any ante-room(s) attached to the meeting area until the vote is disclosed.

5.1.3 A Commissioner may change his vote after the roll has been completed and before announcement of the result, but not thereafter unless the item has been reconsidered.

5.1.4 In cases where a unanimous vote of the Commission is not received on a question before the Commission, the Chair may take a verbal poll of the Commissioners to appropriately record the vote and announce the decision.

5.1.5 Each Commissioner (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.

5.2 Reconsideration of Items.

5.2.1 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 Commissioner who voted on the prevailing side on the agenda item.

5.2.2 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 Commissioner who voted on the prevailing side on the agenda item, and shall be available in the following circumstances:

a. When it is not clear on the record what the Commission’s decision was; and

b. When the El Paso City Council refers the item back to the Commission.

5.2.3 Reconsideration of items after expiration of the meeting where a vote deciding the item was taken is only available within sixty (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.

5.3 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

6.1 Any Commissioner 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 from the deliberation during that presentation and shall not participate in action taken on that specific matter.

6.2 All actions taken by the Commission shall be in accordance with the El Paso Ethics Ordinance.

6.3 When a Commissioner is called upon to voice opinions at public or private functions, he shall indicate that he is speaking for himself and not representing the Commission unless a formal action by the Commission has been taken on the specific issue.

ARTICLE VII - ORDER OF BUSINESS

7.1 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 Commissioners and/or staff, shall be considered and acted upon during the Regular Agenda. Items on the Regular Agenda shall then be considered.

ARTICLE VIII – DECORUM AND DEBATE

8.1 When a Commissioner desires to speak or make a motion, he shall address himself through the Chair. Upon being recognized by the Chair, he may address the Commission, and have the opportunity to hold the floor for up to five (5) minutes 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.

8.2 When more than one Commissioner addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.

8.3 No Commissioner shall interrupt another, except to call to order or to correct a mistake.

8.4 Personal attacks are not permitted.

8.5 During the discussion of matters of public hearing before the Commission, the Commissioners may ask questions and make comments; however, no Commissioner shall argue an issue with members of the public and/or staff.

ARTICLE IX - PARTICIPATION BY EMPLOYEES AND PUBLIC

9.1 When an employee of the City desires to speak, he shall address the Chair, and upon being recognized, shall state his name and position with the City, and then speak.

9.2 On calls to the public, a person desiring to speak shall address the Chair. Upon being recognized, such person shall state his full name, whom he represents, and state the subject matter.

9.3 No person shall 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.

9.4 Any person who signs up to speak at a meeting of the Commission shall have a reasonable opportunity to be heard at such meeting with 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. The time allowed for each citizen's appearance before the Commission may be limited to a fixed number of minutes at the discretion of the presiding officer. Time shall be kept by the Secretary. Commissioners may move to grant additional time to speakers. Such extended time shall be determined by a simple majority vote of the Commissioners present and voting.

9.5 Public comments on items not posted on the agenda shall not be permitted. 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.

9.6 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 Recorder 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.

9.7 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 shall 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.

9.8 No person may speak a second time except by permission of the presiding officer, and no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

9.9 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.

9.10 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 shall be made by the presiding officer.

9.11 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 the Commissioners or staff.

ARTICLE X – EX PARTE COMMUNICATIONS

10.1 No Commissioner shall communicate, either directly or indirectly, with any person concerning any matter before the Commission, whether such matter is pending or contested (an “ex parte communication”), unless such matter is discussed at a Commission meeting. If a Commissioner participates in an ex parte communication, such communication shall be disclosed at the next meeting of the Commission. A notation of the substance of the ex parte communication and the identity of the individual(s) making the communication shall be made a part of the minutes of the meeting. Notwithstanding the foregoing, Commissioners may participate in ex parte communications when (i) the ex parte communication is made between a Commissioner and a staff member of the Commission whose functions are to aid the Commission in carrying out its responsibilities, and/or (ii) circumstances require such ex parte communication for scheduling, administrative or emergency purposes, which does not address substantive matters, provided that the Commissioner reasonably believes that no party will gain a procedural, substantive or tactical advantage as a result of the ex parte communication.

ARTICLE XI – PLACING ITEMS ON AGENDA

11.1 The Recorder, under the supervision of 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 will place those matters on the agenda as soon as practicable, taking into account the urgency of the request.

11.2 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 Commissioners to rehear the item. Alternatively, the repeated Agenda item may be deleted by majority vote of the Commissioners.

ARTICLE XII – MISCELLANEOUS

12.1 Amendments. These Bylaws amend, restate and replace all previous bylaws of the Commission. 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 Commissioners.

12.2 Construction. The titles of the Articles and Sections of these Bylaws are for convenience of reference only and are not to be considered in construing these Bylaws. Unless the context of these Bylaws clearly requires otherwise, (a) references to the plural include the singular, the singular the plural, and the part the whole, (b) references to one gender include all genders, and (c) “including” has the inclusive meaning frequently identified with the phrase “including but not limited to” or “including without limitation.” Any reference in these Bylaws to any statute, rule, regulation or agreement, shall be deemed to include such statute, rule, regulation or agreement as it may be modified, varied, amended or supplemented from time to time.

[Remainder of Page Left Blank Intentionally.]

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

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

ATTEST:

Amy Ross, Secretary
Civil Service Commission

APPROVED AS TO FORM:

Elizabeth M. Ruhmann
Assistant City Attorney

DRAFT

**RESOLUTION AMENDING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE MARCH 8, 2016**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular or special meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council which is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 3. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 4. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 5. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 6. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 7. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 8. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 9. ORDER OF PRECEDENCE OF MOTIONS

A motion to adjourn shall take precedence over all other motions and shall be non-debatable; however, if such a motion is made prior to the disposition of all agenda items, the motion to adjourn must be approved by two-thirds of all Council members present.

A question of order shall take precedence over all other motions except a motion to adjourn.

A motion to postpone shall take precedence over all other motions except the motion to adjourn or a question of order, and may, at the sole discretion of the presiding officer, be debatable.

At the discretion of the presiding officer, prior to voting on any motion, the Council may modify the motion by one or more motions to amend. A motion to amend shall have precedence over the main motion and shall be approved by a simple majority of those present and voting. Following approval of any amendment(s), Council shall vote on the merits of the main motion as amended.

SECTION 10. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 11. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration.

SECTION 12. RIGHT OF CITIZENS TO BE HEARD

Any citizen of the City of El Paso shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

A maximum of thirty minutes will be allotted for a public comment portion of each regular City Council meeting. Members of the public will have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 8:00 am on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 8:00 am. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one time slot to speak or otherwise make a presentation on one or more specified topics during the

public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than five minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted thirty minutes will otherwise be taken up by the others making comment. If the allotted thirty minutes for the public comment portion of the agenda have not been completely utilized by the persons who signed up, obtained a time slot and had the opportunity to speak to the Council, and one or more of these speakers had signed up to speak on multiple topics but were not able to finish their comments within their allocated time, then the Council, upon the request of one Council member and at the Council's discretion, may determine that it will grant additional time to one or more of these persons to speak a second time on the same topics. In such event, the City Clerk will advise the Council of the time remaining for these speakers and the presiding officer will allocate the remaining time among the persons who will be allowed to speak a second time, not to exceed five minutes per person.

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 8:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 8:00 a.m. 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.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

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.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 13. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 8:00 a.m. Thereafter, the proceedings will take place as specified on the Attached Exhibit "A".

The public comment (call to the public) portion of the agenda will follow, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 14. PARLIAMENTARIAN

The City Attorney and the Deputy City Attorney are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 15. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

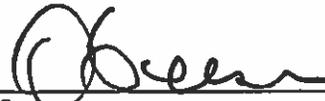
Members of the City Council shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council meeting or City Council work sessions. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff. During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

ADOPTED this 8th day of March 2016.

THE CITY OF EL PASO



Oscar Leoser
Mayor

ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
City Attorney

**REVISED
EXHIBIT "A"**

Agenda for Regular City Council Meeting

8:00 a.m. – Business Meeting

- Roll Call
- Invocation and Pledge of Allegiance
- Consent Agenda
- Ceremonial items: Proclamations and Recognitions
- Call to the Public (Call to the Public is for items not posted on the agenda for the City Council meeting.)
- Regular Agenda
- Executive Session

Agenda for Legislative Review of the Whole/Work Session Agendas (Posted on the same day a Regular City Council Meeting agenda is posted and will take place at the conclusion of the Business Meeting.)