

AD HOC CHARTER ADVISORY COMMITTEE MEETING

West Side Regional Command, 4801 Osborne

Tuesday, June 16, 2015

6 p.m.

MINUTES

The Ad Hoc Charter Advisory Committee met at the above place and time. The meeting was called to order by Ad Hoc Charter Advisory Committee Chair Mr. Joe Wardy at 6:00 p.m.

The following committee members were present:

Joe Wardy
Joanne Gwinn Burt
Edward Beck (late arrival 6:17 p.m.)
Yolanda Giner
David Thackston
James Montoya
Betty Spencer
Enrique Moreno (late arrival 6:29 p.m.)
Joyce Wilson

AGENDA

1. Call to order

This meeting was called to order by Ad Hoc Charter Advisory Committee Chair Mr. Joe Wardy at 6:00 p.m.

2. Goal 6: Set the Standard for Sound Governance and Fiscal Management

2.1 Discussion and action on the approval of minutes of the June 9, 2015, meeting of the Ad Hoc Charter Advisory Committee.

Motion made by Ms. Burt, seconded by Ms. Wilson, and unanimously carried to approve the minutes for the Ad Hoc Charter Advisory Committee Meeting June 9, 2015.

Not present for the vote: Mr. Beck and Mr. Moreno

3. Goal 6: Set the Standard for Sound Governance and Fiscal Management

3.1 Discussion and action, if necessary, on the actions taken to date by the Committee.

Mr. Wardy opened the floor for discussion on Article III, Section 3.9C and Section 3.18.

Section 3.9 ORDINANCES IN GENERAL.

C. Actions Requiring Ordinances. [In addition to other acts required by law or by specific provision of this charter to be done by ordinance, the](#) ~~The~~ Council may exercise the following powers by ordinance only:

- ~~1. Authorize the conveyance of any City real property;~~
- ~~2. Adopt or amend any administrative code and establish, abolish, alter or combine any City departments, so long as such action is not in conflict with this Charter;~~
- ~~3.1.~~ Amend, extend, or repeal any ordinance previously adopted;
- ~~4.2.~~ Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
- ~~5.3.~~ Adopt Civil Service Rules.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 3.18 LEASE; FRANCHISE; AND CONVEYANCE.

The right of control, ownership and use of streets, alleys, parks and public places of the City is declared to be inalienable except as ~~provided by ordinance~~ passed by the Council by resolution or by ordinance, or as otherwise required by law or specific provision of this charter; and except for uses of less than thirty days which may have a separate approval process as established by resolution or by ordinance.

Any ordinance or resolution providing for the conveyance, lease, or grant of a franchise regarding the property of the City shall provide for payment to the City of a reasonable fee as consideration for that conveyance, lease, or franchise. In addition, any ordinance or resolution providing for the lease or franchise shall provide that:

1. At the termination of the lease or franchise, the property involved, together with any improvements thereto, made or erected during the term of the lease or franchise, shall (either without further compensation or upon payment of a fair valuation therefore as determined by the terms of the ordinance), become the property of the City; and
2. Every lease or franchise may be revoked by the City if necessary to secure efficiency of public service at a reasonable rate, or to assure that the property is maintained in good order throughout the life of the grant.

Motion made by Mr. Montoya, seconded by Ms. Wilson, and unanimously carried to adopt the proposed changes as amended by the committee on June 9, and clarified by City staff.

Not present for the vote: Mr. Beck and Mr. Moreno

4. Goal 6: Set the Standard for Sound Governance and Fiscal Management

4.1 Discussion and action on making a recommendation on proposed Charter amendments to the following Council-submitted articles/sections:

4.1.1 Article III, Section 3.5A (City Council Meetings)

4.1.2 Article III, Section 3.18 (Ordinances)

4.1.3 Article VII Public Finance (Fiscal/Budget Year)

4.1.4 Article IV (Powers of the Mayor)

Mr. Wardy opened the floor for discussion on Item 4.1 and asked the committee to consider Item 4.1.3, Article VII Public Finance (Fiscal/Budget Year).

Proposal: *Allow the Council to authorize, by ordinance, a change in the City's fiscal year start/end dates, and to authorize staff to effectuate the change as appropriate.*

Rationale: *Allows for additional time to prepare a budget after the tax rolls are certified.*

Section 7.1 FISCAL YEAR.

The fiscal year and the budget year of the City shall begin on September 1st and end on the succeeding August 31st, ~~or as otherwise provided by state law or city ordinance adopted pursuant thereto unless and until such time as the Council adopts, by ordinance, to change the dates and directs that appropriate action be taken to accomplish the change, or unless and until a uniform fiscal year is established by state law.~~

Section 7.2 BUDGET.

The budget must present a complete financial plan for the fiscal year. The elements listed below must be included:

A. **Message.** The City Manager's budget message shall encompass a statement of fiscal policy, and a projection of income and expenditures for the current year.

B. **Summary.** A general budget summary, with supporting schedules, shall reflect all material income and expense figures for a balanced budget.

C. **Estimates.** The City Manager shall estimate anticipated income and expenditures and shall explain significant deviations from the preceding year's budget.

D. **Debt.** The City Manager shall state the extent of the bonded debt and the amounts in debt service funds.

E. **Resolutions.** The City Manager shall attach the proposed budget resolution; and any other resolutions or ordinances required to effectuate the budget.

Section 7.3 BUDGET PROCEDURES.

The procedures here stated shall govern adoption of the annual budget and the appropriations of monies pursuant thereto.

A. **Department Estimates.** Annually, but not later than ~~June 1~~ three months before the first day of the City's fiscal and budget year, administrative units of the City shall transmit estimates of their budgetary requirements and descriptions of their work programs to the Office of Management and Budget and to the City Manager. The work programs shall include all requested appropriations for the departments' operation and maintenance, including capital equipment, construction, and acquisition.

B. **Public Hearing.** After its presentation to the Council, at least one public hearing on the budget shall be held prior to its adoption; and notice of that public hearing shall be published in accordance with state law. The proposed budget shall be made available for examination at the office of the City Clerk at least fifteen days prior to the public hearing.

C. **Changes.** After the required public hearing, the Representatives may make such changes in the proposed budget as they deem prudent, provided that no change shall be made that will cause proposed expenditures in any fund to exceed the estimated revenue for that fund.

D. **Adoption.** The budget shall be adopted by resolution, subject to the Mayor's veto, not later than ~~August 31 of each year~~ the day before the first day of the City's fiscal and budget year; but, in the event the budget is not adopted, the appropriation for personnel and essential operating supplies made in the previous year shall be extended until the new budget is adopted.

E. **Filing.** A copy of the budget, as finally approved, shall be filed with the El Paso City and County Clerks' offices.

F. **Tax Levy.** As soon as possible after the completion of the tax roll, the Council shall pass the tax levy ordinance in accordance with the laws of Texas.

G. **Balanced Budget.** If at any time during the fiscal year, the City Manager ascertains that available income for the year, including fund balances, will be less than total appropriations, the Council shall reduce those appropriations so that expenditures will not exceed income. Expenditures in excess of gross revenues during the fiscal year are prohibited.

H. **Availability.** The final budget shall be available for use by City departments and for examination in the City Clerk's office by any interested persons.

Mr. Wardy, Ms. Wilson, Ms. Giner commented.

Ms. Laura Cruz-Acosta, Asst. to the City Manager, commented.

Ms. Nancy Bartlett, Chief Performance Officer, commented.

Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

The following members of the public commented:

Mr. Robert Jeskey

Ms. Eileen Karlsruher

Motion made by Ms. Giner, seconded by Ms. Burt, and unanimously carried to adopt the proposed charter amendments for Article 7.

Not present for the vote: Mr. Beck and Mr. Moreno

Mr. Thackston commented on ballot language for the proposed charter amendments.

Mr. Wardy and Ms. Wilson commented.

Mr. Wardy opened the floor for discussion on any item under Item 4.1. Ms. Burt requested the committee consider Item 4.1.1, Article III, Section 3.5A (City Council Meetings).

Mr. Montoya said he had brought a thumb drive to give his presentation on Item 4.1.1; however, a projector and laptop were not available as City staff was not made aware of equipment needs. No printed copies were available.

Mr. Wardy and Mr. Montoya commented.

Item 4.1.4 was tabled for the next meeting.

Mr. Wardy opened the floor for discussion on items listed in 4.1, and requested the committee consider Item 4.1.4, Article IV, Section 4.1 (Powers of the Mayor).

Section 4.1 POWERS OF THE MAYOR.

A. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties except as may be specifically provided in this Charter.

B. The Mayor shall be a member of and preside over the City Council, having the power to propose legislation; represent the City in intra-governmental and intergovernmental relationships; appoint with the consent of the Council the members of citizen advisory boards and commissions; make appointments

and perform duties pursuant to federal and state law; present an annual state of the City message, break tie votes, veto legislation except for any City Council action which removes the City Manager, convene the Council in special session and perform other duties specified by the Council.

Section 3.5 CITY COUNCIL PROCEDURES AND RULES.

E. **Veto.** Ordinances and resolutions finally adopted by the Council shall be filed in the office of the City Clerk and signed by the Mayor before they take effect. If the Mayor vetoes the ordinance or resolution, reasons shall be set forth by the Mayor in writing, and the ordinance or resolution with those reasons shall be returned to the Council. However, the Mayor shall not have any veto power over any City Council action which removes the City Manager. To override the Mayor's veto, three fourths of all of the Representatives must vote in favor of the returned ordinance or resolution, in which event the adopted ordinance or resolution shall become law. If the Mayor shall either fail to approve or object in writing to any adopted ordinance or resolution within five days after it has been filed with the City Clerk, exclusive of the day of filing, it shall become law.

Mr. Giner, Ms. Wilson, Mr. Wardy, Mr. Thackston, Mr. Beck, Mr. Montoya, Mr. Moreno, Ms. Burt commented.

Ms. Nancy Bartlett, Chief Performance Officer, commented.
Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

The following members of the public commented:

Mr. David Nemir
Mr. Robert Jeskey
Mr. E.R. Lilly

Motion made by Ms. Wilson, seconded by Mr. Montoya, and unanimously carried to table Item 4.1.4 to obtain more public input.

Furthermore the committee ask City staff to provide language to clarify the definition of Council, in Section 1.2, as it relates to voting; and provide a list of references in the Charter to voting requirements.

5. Goal 6: Set the Standard for Sound Governance and Fiscal Management

5.1 Discussion and action on making a recommendation on proposed Charter amendments to articles/sections of the Charter brought forth by the Committee, to include but not limited to:

- 5.1.1 Article II, Section 2.1 (City Elections)
- 5.1.2 Article III, Section 3.2 (Salaries)
- 5.1.3 Article III, Section 3.7A (Appointments)
- 5.1.4 Article IV, Section 4.3A (Mayor Pro Tempore)

Mr. Wardy opened the floor for discussion on any item under Item 5.1.

Ms. Wilson asked the committee to consider Item 5.1.3, Article III, Section 3.7A (Appointments).

Section 3.7 APPOINTMENTS.

A. **The City Attorney.** Whenever a vacancy in the position of City Attorney or any Assistant City Attorney occurs, the Mayor shall appoint a successor with a majority vote of the entire Council. Candidates for this position may be nominated by any member of the Council. The City Attorney or any Assistant City Attorney may be removed by the Mayor with a majority vote of the entire Council.

Ms. Wilson, Mr. Montoya, Ms. Giner, Mr. Moreno, Ms. Burt, Ms. Spencer, Mr. Beck, Mr. Wardy commented.

Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.
Ms. Nancy Bartlett, Chief Performance Officer, commented.

The following members of the public commented:
Ms. Edi Brannon

Motion made by Mr. Montoya, seconded by Ms. Wilson, and unanimously carried to allow the City Council to appoint the City Attorney by renaming Section 3.7A from "City Attorney" to "Appointment and Removal of City Attorney"; replace the language in Sec. 3.7A with the language found in Sec. 5.1 and 5.3 (City Manager) but changing the reference of "City Manager" to "City Attorney" and changing the wording "...appointed solely on the basis of executive and administrative qualifications" to say "...appointed solely on the basis of legal qualifications"; and add "and City Attorney" in Sec. 4.1B after the language "...except for any City Council action which removes the City Manager"; and in Sec. 3.5E after the language "...which removes the City Manager."

Ms. Wilson asked City staff to provide the committee a draft of the committee's proposed amendments for Section 3.7A at the following meeting on June 23, 2015.

Mr. Wardy requested the committee consider moving on to call to the public.

5. Call to the public

The following members of the public commented:
Ms. Frances Thurman (Elections)
Mr. Tyler Grossman (Sec. 6.13-11D)
Ms. Eileen Karlsruher (Sec. 6.13-11D)

Mr. Thackston, Ms. Wilson, Mr. Wardy, Ms. Burt, Ms. Giner, Mr. Beck, Mr. Moreno commented.

Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

Mr. Montoya asked the committee to consider discussion on Item 5.1.2 of the agenda, Article III, Section 3.2 (Salaries).

Ms. Wilson, Mr. Thackston, Mr. Beck, Mr. Wardy, Ms. Burt, Mr. Moreno commented.

Motion made by Mr. Montoya, seconded by Ms. Wilson, to increase the City Representatives' salaries from \$29,000 to \$35,000, and increase the Mayor's salary from \$45,000 to \$50,000 effective with the beginning of the next fiscal year.

The following members of the public commented:
Ms. Edi Brannon
Ms. Eileen Karlsruher
Mr. Robert Jeskey

Ms. Wilson, Mr. Wardy, Mr. Montoya commented.

Ms. Nancy Bartlett, Chief Performance Officer, commented.
Ms. Elizabeth Ruhmann, Asst. City Attorney, gave legal advice.

Ms. Ann Morgan Lilly, City Representative for District 1, commented.

Motion withdrawn by Mr. Montoya.

The committee asked City staff to draft language for Article III, Section 3.2 (Salaries) based on June 16 comments to obtain more public feedback.

Ms. Wilson requested the committee discuss Item 5.1.4, Article IV, Section 4.3A (Mayor Pro Tempore).

Ms. Wilson, Mr. Wardy, Mr. Montoya, Ms. Giner commented.

Motion made by Ms. Wilson, seconded by Ms. Giner, and unanimously carried to remove Item 5.1.4 and not consider it on any future agendas.

6. Adjourn

Motion made by Ms. Spencer, seconded by Mr. Beck, and unanimously carried to adjourn this meeting at 8:03 p.m.