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ORDINANCE NO. 018031

AN ORDINANCE ESTABLISHING DEADLINES AND PROCEDURES FOR PLACING MATTERS ON THE AGENDA FOR CITY COUNCIL MEETINGS AND REPEALING ORDINANCE NO. 17616

WHEREAS, members of the City Council need adequate time to study agenda items before they are requested to vote on them; and

WHEREAS, departments of the City need guidelines to assist them in planning their activities and arranging for discussion and action by the City Council; and

WHEREAS, the public is entitled to know in advance which subjects will be discussed and acted upon at City Council meetings so that the public can provide or request additional information, communicate with Council members, arrange for themselves or others to attend Council meetings, and otherwise prepare themselves to express their opinions regarding actions of the City Council; and

WHEREAS, adequate time is required to permit the Office of the City Attorney to draft instruments for and review legal implications of any proposed agenda items; adequate time is required to permit the City Clerk's Office time to prepare and post the agenda, and adequate time is required to permit the Department of Information Technology to post the City Council agenda on the City's web site; and

WHEREAS, Ordinance No. 17616, previously established deadlines and procedures for placing matters on the agenda for City Council Meetings; and

WHEREAS, the City Council finds those procedures should be revised to allow for greater efficiency.

CITY CLERK DEPT.
2013 JUL 10 PM 5:54

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

Procedures for placing matters on the agenda of the City Council shall be as follows:

1. The City Clerk is hereby directed to place items on the agenda of a regular meeting of the City Council only in conformity with Texas State law, the provisions of this ordinance and any procedures established by the Rules of Order for the City Council.

2. Unless otherwise provided in this ordinance the City Clerk shall place on the City Council agenda only those items which are timely submitted, as follows:

   a. During such time periods when the City Council has established a 4-10 work week and declared the business days of the City as Monday,

Tuesday, Wednesday and Thursday, the deadline shall be at or before 6:00 p.m. on Wednesday prior to the Council meeting at which discussion or action is requested. Items received after the deadline may be placed on the "Additions to the Agenda" if they are received by 3:00 p.m. on Thursday prior to the meeting and if the request is accompanied by an authorization of the Mayor, the City Manager or his or her designated Deputy City Manager or the City Attorney. If the initial authorization for placement on the "Additions to the Agenda" is given orally, it shall be followed by the provision of a signature or electronic mail authorization no later than 2:00 pm on Thursday.

b. During such time periods when the City Council has established a five day work week and declared the business days of the City as Monday, Tuesday, Wednesday, Thursday and Friday, the deadline shall be at or before 12:00 p.m. on Thursday prior to the Council meeting at which discussion or action is requested. Items received after the deadline may be placed on the agenda if it has not yet been posted or as "Additions to the Agenda" if they are received by 5:00 p.m. on Thursday prior to the meeting and if the request is accompanied by an authorization of the Mayor, Council member, the City Manager or his or her designated Deputy City Manager, or the City Attorney. If the initial authorization for late placement on the agenda or for "Additions to the Agenda" is given orally, it shall be followed by the provision of a signature or electronic mail authorization no later than 9:00 am on Friday or the close of business on Thursday should a Friday be a city holiday. Approved Additions to the Agenda may be posted up to 5:00 p.m. on the Thursday before a Tuesday City Council meeting.

c. During such time periods when the City Council has established a four (4) day workweek and declared the business days of the City to be Monday, Tuesday, Wednesday and Thursday, "Additions to the Agenda" may be posted if they are received by 3:00 p.m. on Thursday.

No item that is not timely submitted will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

If City Hall is closed for a city holiday or for any other purpose on a Wednesday or Thursday, or on a Friday when the City has established a five day work week, the City Clerk is authorized to establish revised deadlines for placement of agenda items and the submission of back-up material as are necessary to enable him or her to post the agenda in conformity with State law and the City's practice of allowing adequate time for the members of the City council to study the agenda items.

If the City Council should change the day of its regular meeting from a Tuesday, the resolution changing the day of the meeting may include any adjustment to the deadlines for placement of agenda items. If the resolution is silent as to such adjustment, the City Clerk is authorized to establish revised deadlines for placement of agenda items

and the submission of back-up material as are necessary to enable him or her to post the agenda in conformity with state law and the City's practice of allowing adequate time for the members of the City council to study the agenda items.

3. Any request to place an item on the agenda shall come from or through a City official or employee and shall be made in writing, facsimile, electronic mail, or by any other electronic means, except that an oral request may be submitted by a City Council member or the City Manager. All requests shall include the name and telephone number of the individual making the request, the department name if applicable, and the name and telephone number of a contact person as will be listed on the agenda.

Any request to place an item on the agenda for which approval by the presiding officer of the City Council is required by the Rules of Order of the City Council shall be accompanied by the signature or electronic mail authorization of the Mayor or in his or her absence, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore in the absence of the Mayor Pro Tempore.

4. The head of each department on whose behalf an item is placed on the agenda shall submit to the City Clerk, a summary explanation and any other back-up material for those agenda items related to his or her department that will be posted with the agenda on the City's website no later than 12:00 p.m. on the Thursday before the meeting at which discussion or action is to take place. Any additional back-up that may be provided separately to each member of the City Council and the City Manager shall be submitted no later than 5:00 p.m. on the Thursday before the meeting at which discussion or action is to take place. If any item placed on the agenda at the request of a City Council member specifically relates to City department which is readily identifiable by the City Clerk, the City Clerk shall notify the head of the affected department of such item on the same day on which the agenda is posted, or if such notice is not reasonably feasible on the same day, then the notice shall be given prior to 9:00 a.m. on the next working day.

5. Items of Urgent Public Necessity (UPN) may be placed on the agenda after the above deadlines and up until to two hours before the Council meeting at which action or discussion is requested, upon receipt by the City Clerk of a written request having the signature of a member of the City Council, the City Manager or the City Attorney. This request must be justified through the City Attorney's Office as an urgent public necessity. When a matter of urgent public necessity is placed on the agenda, the City Clerk shall immediately notify all members of the City Council and shall also notify the head of any department to which the item applies if the item was not placed on the agenda by that department and the Information Technology Department. The head of that department to which the item applies shall provide each member of the City Council a written summary of the item including an explanation of why emergency action is necessary, on or before 5:00 p.m. on the day before the City Council meets if the item is placed on the agenda prior to this deadline.

6. In accordance with Section 3.5A of the City Charter, special meetings and informal work sessions may be called by the Mayor or by a majority of the entire City Council. Such call shall be directed in writing to the City Clerk. In such cases, the notice

of the meeting and the agenda must be posted in accordance with the requirements contained in the Texas Open Meetings Law.

7. Upon posting notice of an UPN or of any special meeting called on less than 72 hours notice, or other item of urgent public necessity, the City Clerk must, if a request therefore containing all pertinent information has previously been filed at City Hall, give notice by telephone, facsimile transmission, or electronic mail to news media requesting such notice and agreeing to reimburse the City for the cost of providing such special notice.

8. A copy of all proposed legal documents, including resolutions, contracts and ordinances shall be delivered to the Mayor and each Representative by the responsible department at the time the proposed legal document is placed on the agenda or shall be submitted to the City Clerk for posting on the City's website as provided in section 4. If a copy of any proposed legal document has not been provided to each member of the City Council by noon on the fourth day before the City Council meeting, the City Council may, at its option, table action on that document.

9. All resolutions, contracts and ordinances shall be reviewed, approved as to form, and signed by the City Attorney or designee before they are placed on the City Council agenda. Agenda items requesting the expenditure of money or the transfer of funds among budgeted accounts must state the amount of money involved and either in the posted item or in an attachment made available in the City Clerk's Office and posted on the City's website, indicate the name and number of the account from which the expenditure shall be made, and the accounts to and from which the transfer will be made and the justification and purpose for the transfer. The department proposing the expenditure or budget transfer shall provide the Department of the City Manager such details and support data as required to permit a timely and orderly review.

10. The Department of the City Manager is instructed to prepare a written fiscal note identifying any agenda item for which there is not a current appropriation. The Department of the City Manager will also prepare a fiscal note on agenda items which involve substantial indirect costs or continuing costs or which represent a departure from the budget or standard procedures. Fiscal notes shall be provided to the Mayor, Representatives and City Manager on the Friday prior to the Council meeting. In the case of additions to the agenda, the Department of the City Manager shall respond as soon as possible. The Mayor, any Representative or the City Manager can request a fiscal note on any agenda item.

11. In accordance and to assure compliance with applicable State law, Executive Session items may only be placed on the agenda with the approval of the City Attorney or his or her designee. The City Clerk will place any Executive Session item requested by the City Attorney at any time, up to the time the agenda has been posted, or as an Addition to the Agenda as provided for in paragraph 2(b).

12. Ordinance No. 17616 is hereby repealed.

13. This ordinance takes effect July 2, 2013 and applies to all the placement of matters on the City Council agenda for the meetings beginning on July 16, 2013. Provided however, any ordinances scheduled for public hearings by a vote of the City Council prior to July 2, 2013 shall be posted for such public hearings in accordance with the vote of the City Council.

ADOPTED this 2nd day of July 2013.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

FOR:
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
City Attorney

CITY CLERK DEPT.
2013 JUN 27 AM 7:25