ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON MAY 11, 2013; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.

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

1. That pursuant to Section 3.9 of the City Charter, this Ordinance was introduced at the City Council meeting held on February 19, 2013, and a "Notice of Introduction of Ordinance" was published on February 26, 2013 in a newspaper of general circulation in this City, which notice summarized this Ordinance as introduced and gave notice of the time, date, and place of a public hearing to be held prior to the passage of this Ordinance, and the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended.

2. That pursuant to the Texas Election Code, as amended, an election shall be held in and throughout the City of El Paso, Texas, on May 11, 2013, which date is not less than seventy-one (71) nor more than ninety (90) days from the date of this Ordinance.

3. That at such election, the following amendments to the Charter of the City of El Paso ("Propositions") shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for, or against, the proposed amendments with the ballots to contain such provisions, markings, and language required by law, and with such propositions to be expressed substantially as follows:

AMENDMENT NO. 1
Text of Amendment

Amending Sections 2.1 A and B, 2.2 E, 2.3 A, 2.4 A, and 8.7 of the City Charter, relating to conduct of elections, City officers, and terms of office, to read in pertinent part as follows:

Section 2.1 CITY ELECTIONS, subsections A and B.
A. **Regular Elections.** The regular City elections to be held in 2015 and 2017 shall be held on the uniform date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law. These terms of elected office to commence on the last Tuesday in June, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later. Beginning in 2018, the regular City elections shall be held on the uniform date established in the Texas Election Code during the month of November with a run-off election to be held on the

earliest date practicable in accordance with the law. All terms of elected office beginning with the November 2018 election to commence on the first Tuesday in January following the election, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later.

B. **Officers Elected.** The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers, as provided herein and under Section 2.4 A, at the regular elections: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. The Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 taking office in June 2013 shall serve four year terms. Commencing in June 2015, the District Representatives from districts numbers 1, 4, 5 and 8 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2018, and they shall thereafter be elected to four-year terms. Commencing in June 2017, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2020, and they shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.

Section 2.2 NOMINATIONS, subsection E.

E. **Petition for Candidacy.** In lieu of the payment of a filing fee, any person qualified for an elective office may become a candidate by petition of 25 qualified voters who are eligible to vote for that candidate or such other greater number of qualified voters as may be required by state law. The signed petitions shall be filed with the City Clerk at the time of filing for candidacy. Each signer next to his signature shall indicate voter registration number, date of signing and place of residence. Within five days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition, if other than the candidate, whether it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is insufficient. Within the regular time for filing petitions a corrected petition may be filed for the same candidate.

Section 2.3 ELECTIONS, subsection A.

A. **Conduct of Elections.** All elections shall be held in accordance with the laws of Texas. Notwithstanding any other provision of this Charter, when special election is required by a provision of this Charter to be ordered, it will be scheduled for the next uniform election date as specified in state law or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.

Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS, subsection A.

A. **Number of Districts.** There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1." At such time when the results of a decennial United

States census shows the population of the City to be one million or more, the Council may take the appropriate action to increase the number of District Representatives from eight to ten.

Section 8.7 TRANSITIONAL PROVISION TO THE 2013 AMENDMENTS.
No amendment that is approved at the election on May 11, 2013 shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment. In the event that an objection is interposed to the amendments made in Section 2.1 A and B, the provisions of Section 2.1 A and B establishing the terms of office as approved at the election on May 12, 2007 shall remain in force and effect.

Ballot Proposition

FOR ( ) Shall Sections 2.1 A and B, 2.2 E, 2.3 A, 2.4 A and 8.7, of the City Charter, relating to the conduct of elections, City officers, and terms of office: to move the City's general elections from May in odd numbered years to November in even numbered years beginning in 2018; to revise the requirements for filing for office to conform with state law; to provide for the scheduling of special elections on dates when the election will be conducted by the County Elections Administrator; and to provide that the Council may take action to increase the number of District Representatives from eight to ten at such time as the City's population reaches one million?

AGAINST ( )

AMENDMENT NO. 2
Text of Amendment

Amending Sections 3.5 A and D, 3.7, 3.9 B and C, 3.14, 3.18, and 4.1 B of the City Charter, relating to City Council processes, procedures and appointments, to read in pertinent part as follows:

Section 3.5 CITY COUNCIL PROCEDURES AND RULES, subsections A and D.
A. **Meetings.** Regular meetings of the Council shall be held in Council chambers a minimum of one time per week at such times as may be prescribed by resolution. Provided however, that the Council by resolution may cancel one or more regular meetings, not to exceed seven meetings during each calendar year, provided that the Council may not cancel more than two regular meetings in a row. Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meeting Act.
D. **Voting.** Voting, except on procedural motions, shall be by roll call and the vote shall be recorded in the minutes. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the members present and voting. Ordinances that impose taxes, grant franchises, or authorize conveyances shall not be valid unless adopted by a majority of the entire Council.

Section 3.7 APPOINTMENTS.

A. The City Attorney. Whenever a vacancy in the position of City Attorney or any Assistant City Attorney occurs, the City Council by a majority vote of its total membership shall appoint a City Attorney or Assistant City Attorney. The City Attorney shall be appointed solely on the basis of legal experience and qualifications. 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 a majority vote of the entire Council.

B. **Boards and Commissions.** Except where otherwise provided in this Charter, or by the laws of Texas, or of the United States, appointments to and removals from standing or special public boards, commissions or committees of the City shall be made by the Council. The Council is required to ensure that the ability to submit nominations for appointments is distributed uniformly among Representatives and the Mayor.

Section 3.9 ORDINANCES IN GENERAL, subsections B and C.

B. **Legislative Procedure.** Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. A reasonable number of copies shall be available in the office of the City Clerk, and be made available for examination by interested persons through any contemporary means of information sharing as the Council may designate. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to, publication in a newspaper of general circulation in the City or placement on a web site at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon after as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance, and where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

C. **Actions Requiring Ordinances.** The Council may exercise the following powers by ordinance only:

1. Authorize the conveyance of any City real property except as provided in section 3.18;
2. Amend, extend, or repeal any ordinance previously adopted;
3. Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
4. Adopt Civil Service Rules.

Section 3.14 AUTHENTICATION AND RECORDING; CODIFICATION; PRINTING.

A. All ordinances and resolutions of the Council shall be authenticated by the City Clerk and

qualifications; and to provide that the Mayor and Representatives each uniformly have the ability to submit nominations for the appointments to the City's boards and commissions?

AGAINST ( )

AMENDMENT NO. 3
Text of Amendment

Amending Section 3.19 of the City Charter, relating to the prohibition of the sale of alcoholic beverages in residential sections of the City, to read as follows:

Section 3.19 PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES IN RESIDENTIAL SECTIONS OF THE CITY.
The sale of beer and liquor is hereby prohibited in residential areas of the City. For purposes of this section, residential areas shall mean areas restricted exclusively to residential uses and not areas zoned to permit mixed commercial and residential uses.

FOR ( ) Shall Section 3.19 of the City Charter be amended, relating to prohibition of the sale of alcoholic beverages in residential sections of the City: to provide that this prohibition does not apply to areas zoned as mixed use developments?

AGAINST ( )

AMENDMENT NO. 4
Text of Amendment

Amending Sections 3.2 and 3.3 A of the City Charter, relating to the salaries of the Mayor and District Representatives, and prohibitions regarding other employment, to read in pertinent part as follows:

Section 3.2 SALARIES.
Prior to June 23, 2015, the annual base salary of the District Representatives shall be set at twenty-nine thousand dollars, and the annual base salary of the Mayor shall be set at forty-five thousand dollars. Commencing on June 23, 2015, the annual base salary of the District Representatives shall be set at the same amount as the program income limits median income or like indicator established by the United States Department of Housing and Urban Development or successor agency for the 2015 fiscal year for El Paso County, and the annual base salary of the Mayor shall be set at one-hundred and fifty percent of this amount. On and after September 1, 2016, the base salaries will be revised annually and be set according to the above formula based on the current fiscal year median income for El Paso County.

Section 3.3 PROHIBITIONS, Subsection A.
A. **Other Public Employment**. No Council member may hold any other compensated public office nor hold any public employment contrary to State law, and no former Council member shall

hold any compensated City position until one year has elapsed following the expiration of the term for which that member was elected to the Council.

FOR ( ) Shall Sections 3.2 and 3.3 A of the City Charter be amended, relating to the salaries of the Mayor and District Representatives, and prohibitions regarding other employment: to provide that beginning in 2015, the annual salary of the District Representatives shall be set each year at the same amount as the HUD program income limits median income for El Paso County, and the annual salary of the Mayor shall be set each year at 150% of that amount; and to prohibit Council members from holding any other public employment contrary to State law?

AGAINST ( )

AMENDMENT NO. 5
Text of Amendment

Amending Section 3.6, deleting Section 2.2 G, and adding Section 3.20 of the City Charter, relating to ethics and accountability, to read in pertinent part as follows:

Section 2.2 NOMINATIONS.
Section 2.2 G. Ethics Review Commission. Deleted [note: moved to Section 3.20 A].

Section 3.6 LEGISLATIVE COMMITTEES.
A. The Representatives may resolve themselves into committees, both standing and special, when this is convenient for the conduct of legislative business, including the investigative powers described in Section 3.8. Rules governing the organization and procedures of these committees shall be made by the Council, and the Mayor shall have no power to veto any of those rules except upon grounds of illegality.
B. The Council shall establish a Financial Oversight and Audit Committee "FOAC" for the purpose of providing legislative oversight of the function of the Internal Auditor, to review the financial policies of the City, and to formulate recommendations for the City Council regarding City finances and other matters referred by the City Council or City Manager. The FOAC shall be comprised of four members of the City Council, the Chief Internal auditor, and the City Manager or designee and shall meet when needed, at least quarterly.

Section 3.20 ETHICS AND ACCOUNTABILITY.
A. **Ethics Review Commission.** The Council shall, by ordinance, establish an independent ethics review commission to administer and enforce the ethics section of the City Code. To the extent permitted by Texas law, the Council shall authorize the commission to issue advisory opinions, conduct investigations, request witness testimony and production of evidence, make determinations on whether a violation has occurred, and issue decisions and appropriate sanctions. The commission shall have the power to enforce its decisions by assessing civil fines and other sanctions as authorized by ordinance. The Council shall provide sufficient resources to the commission to enable it to perform the duties assigned to it under the Charter and City Code.
B. **Internal Audit Function.**
1. The Council shall establish and create an internal audit function to ensure that appropriate

internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a chief internal auditor and such other appropriate positions as are authorized by the Council who shall report to the chief internal auditor.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the chief internal auditor as needed for the performance of the function.
4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed by the City Manager subject to the approval of the Council. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

Ballot Proposition

FOR ( ) Shall Section 3.20, Ethics and Accountability, of the City Charter be created, Section 3.6 be amended, and Section 2.2 G be deleted, relating to ethics and accountability: to move and amend the provision governing the Ethics Review Commission to give the Commission the power to enforce its decisions by assessing civil fines and sanctions as authorized by ordinance; and to create requirements for the establishment of an independent internal audit function and a Financial Oversight and Audit Committee to provide oversight of the audit function and review City financial policies?

AGAINST ( )

AMENDMENT NO. 6
Text of Amendment

Amending Sections 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-6 D, and 6.13-8 of the City Charter, relating to functions and duties of the Civil Service Commission, to read in pertinent part as follows:

Section 6.1-1 GENERAL.
The Civil Service system exists to ensure a personnel system that is based solely on merit. The Civil Service Commission of El Paso exists for the purposes of overseeing the City's Civil Service system, the purpose of which is to ensure fairness, economy and efficiency in the selection process and personnel system created for the classified employees, and performing the duty of hearing grievances by or against the classified employees. The Commission shall establish its own procedures within the framework of this Charter to carry out these functions.

Section 6.1-2 FUNCTIONS AND DUTIES OF THE CIVIL SERVICE COMMISSION.
Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a

quorum. It shall be the duty of the Commission to:

A. Recommend to the Council:

1. Adoption of Rules for the administration of the Civil Service provisions of this Charter, and
2. Thereafter, appropriate amendments.

B. Investigate matters concerning the enforcement and effect of the Civil Service provisions of this Charter in the manner prescribed by the Rules or by established Commission procedure.

C. Hear and determine appeals or complaints as may be further prescribed in the Rules.

D. Oversee the Civil Service provisions of this Charter ensuring fair and equitable treatment of all persons coming before the Commission.

E. Appoint hearing officers.

Section 6.1-3 APPOINTMENT.

The Commission shall consist of nine persons appointed by the Council. All members serving on the Commission when this amendment takes effect will continue to serve until their terms of office expire. Appointments shall be for three-year terms, provided however, the terms of all members as established on the effective date of this amendment shall be extended such that all terms shall end on January 31st of the next-following year, as applicable. All terms thereafter shall commence on February 1st. Commissioners serving consecutive terms shall be limited to two full successive three-year terms, regardless of the date of their original appointments. No person may serve as a member on the Commission for more than a total of ten years throughout their lifetime and no person may be appointed as a member on the Commission if, serving out the full length of the term to which they would be appointed would result in the person having more than a total of ten years of lifetime service. The one-time extension of a term under this section to provide for the uniform termination and commencement dates of the terms shall not be included in the calculation of the lifetime service of a member of the Commission.

Section 6.1-4 QUALIFICATIONS.

Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. No Commissioner shall be related in any manner described in Article III, Section 3.3 B to any employee of the City, the Public Service Board, or any entity that has a contract with the City to operate or manage any City facility or department, nor hold any salaried public office or other employment compensated by the City, and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. At least two Commissioners must hold or have retired from positions other than managerial or professional. No more than three Commissioners may be former city employees, and any such Commissioners are not eligible for appointment until two years following separation from the City. Any Commissioner may be either actively employed or retired.

Section 6.1-6 RULES, subsection D.

D. **Council Action.** The Human Resources Director shall submit the Commission's recommendations regarding proposed Rules to the Council without delay. Failure by Council to approve, amend and approve, or deny the Commission's changes within sixty days after the Commission's action shall result in their automatic adoption. In the event of disagreement, the Council may deny or amend the Commission's changes, additions or deletions only by a two-thirds majority vote of the Council.

Section 6.13 DISCHARGE, APPEAL, HEARINGS.
Section 6.13-8 SUBSEQUENT ACTION.
Upon receipt of the Hearing Officer's opinion and recommendations where applicable, the Commission will review the written record of the hearing, review any written briefs or oral arguments which the parties are permitted by the Commission to submit in accordance with the Rules, and take one of the following actions:
A. Accept or reduce the Hearing Officer's recommendations;
B. Remand the matter to the Hearing Officer for development of such additional facts and findings as the Commission deems necessary. Consistent with the remand, the Hearing Officer must conduct an additional hearing and render a further opinion or recommendations for its further action pursuant to this provision; or
C. Reject the Hearing Officer's recommendations and refer the matter to the Civil Service Commission for a de novo hearing.

Ballot Proposition

FOR ( ) Shall Sections 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-6 D, and 6.13-8 of the City Charter be amended, relating to the functions and duties of the Civil Service Commission: to state the purpose of the civil service system; to provide for the specific duties and functions of the Commission; to establish uniform starting dates for the terms of office for the members of the Commission; to prohibit the appointment of a person closely related to a city employee to the Commission; to specify the time for the City Council to take action on proposed Rules; and to provide when the Commission may reduce disciplinary action taken against an employee and re-hear a disciplinary appeal?

AGAINST ( )

AMENDMENT NO. 7
Text of Amendment

Amending Sections 6.1-11, 6.2-2, 6.4, 6.6, 6.10-4, 6.10-5, 6.13-2, 6.13-3, 6.13-4, 6.13-11 A, and 6.14 of the City Charter, relating to the appointment, discipline and termination of employees, and the terms of their employment, to read in pertinent part as follows:

Section 6.1-11 NON-DISCRIMINATION.
The City shall afford equal employment and benefit opportunities to all qualified individuals in compliance with all applicable laws, without regard to their race, gender, gender identity, sexual orientation, marital status, color, religion, ethnic background or national origin, age, disability, or any other characteristic or status that is protected by federal, state, or local law.

Section 6.2-2 UNCLASSIFIED SERVICES.
The unclassified services shall include only the following positions:
A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;
B. The Mayor's executive secretary(s) and Executive Assistant(s);
C. Hearing officer(s) and the Commission Recorder;

D. All elected officials;
E. Members of all City boards, commissions, and committees who serve without compensation;
F. Employees hired by contract, and short-term or limited-funding grant-funded employees as designated by the City Manager and hired on or after the effective date of this amendment;
G. The City Manager;
H All executive level employees, and executive staff or salaried professional employees reporting directly to the City Manager;
I. Employees hired on or after May 18, 2007 who work at the Metropolitan Planning Organization; and
J. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.
K. A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.

Section 6.4 CLASSIFICATION AND COMPENSATION.
Section 6.4-1 CLASSIFICATION PLANS.
The Human Resources Director shall update as necessary the classification and compensation plans of the City for the classified services and present such plans to the City Council as part of the annual budget. Such plans shall include the annual sick leave and vacation benefits to be provided, establish the factors that are authorized for use in the payment of different rates within the grades or calculating total compensation, and shall also include and address as necessary any reduction in compensation that is anticipated to occur during the next budget year. The classification and compensation plans may be adopted as part of the budget or by separate resolution or ordinance in conjunction with the adoption of the budget.

Section 6.4-2 APPOINTMENT OF CITY EMPLOYEES.
Appointment of City employees to classified positions shall be made at pay rates within the appropriate grade and in accordance with the Rules or administrative policies or procedures.

Section 6.4-3 COMPENSATION REDUCTION. Deleted

Section 6.4-4 SALARY STANDARDIZATION. Deleted

Section 6.6 APPOINTMENTS.
Section 6.6-1 APPOINTMENTS.
Employees may be appointed as regular full or part-time employees, provisional or temporary employees, or as contract appointments. The City Manager shall establish administrative policies and procedures for each category of appointment consistent with the provisions of this Article and all applicable federal and state employment laws. The Human Resources Director shall establish administrative policies and procedures for the entrance process consistent with the provisions of this Article and all applicable federal and state employment laws. Contracts for personal or professional services shall also be subject to any limitations and requirements for Council approval as set forth by ordinance or resolution.

Section 6.6-2 PROVISIONAL APPOINTMENTS. Deleted

Section 6.6-3 TEMPORARY APPOINTMENT. Deleted

Section 6.6-4 CONTRACTORS. Deleted

Section 6.10 LAY-OFF; LEAVE OF ABSENCE AND REINSTATEMENT.
Section 6.10-4 SICK LEAVE. Deleted

Section 6.10-5 VACATIONS. Deleted

Section 6.13 DISCHARGE, APPEAL, HEARINGS.
Section 6.13-2 DISCIPLINARY ACTION; REDUCTION.
A regular employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.

Section 6.13-3 CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE.
The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:
A. Conviction of, or deferred adjudication community supervision for, a felony or a Class A or B misdemeanor;
B. Abusive, threatening, or coercive treatment of another employee or a member of the public, the provocation or instigation of violence, brutality to a City prisoner, or abusive treatment to an animal in the care or control of the employee;
C. Being under the influence of intoxicants or drugs or the use thereof while on duty;
D. Being physically or mentally unfit for City service to the extent permissible under federal and state laws;
E. Being wantonly offensive in conduct or language;
F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
G. Dishonesty, theft, violation of a law, or violation of policies relating to the handling or procurement of property, or negligence in care or misuse of City property;
H. Abandonment of position, repeated unexcused absence or tardiness, abuse of leave privileges, or absence without notification or the provision of a valid or acceptable reason for absence;
I. Failure to meet or maintain qualifications, including but not limited to, failing to obtain or maintain required certificates, licenses or other credentials established for the employee's position or classification;
J. Inducing or assisting another to commit an unlawful act;
K. Deliberate or careless conduct endangering the safety of self or others;
L. Engaging in improper political activity;
M. Violates the City's Ethics Ordinance;
N. Refusal to follow the lawful order of a superior or supervisor;

O. Subjecting a fellow employee or subordinate to unlawful intimidation, harassment or retaliation; and
P. For just cause.

Section 6.13-4 APPEALS.
Any regular classified employee may appeal to the Commission any order which is believed to violate the rights granted employees by this Charter. This appeal must be filed with the Commission within thirty days from the date of the alleged violation and may be in any form clearly directing the attention of the Commission to the order complained of and the rights or provisions violated.

Section 6.13-11 PENSION PLANS, subsection A.
A. The Council shall continue a pension plan for all regular full time employees. Regular part-time and eligible contract employees may elect not to participate in the plan. Other employees of the City and employees of governmental agencies of the City, except policemen, firemen, and elected officials of the City, shall have the option of participating in the plan. Eligible employees of an adopting employer of the plan shall be participants of the plan.

Section 6.14 DEFINITIONS OF TERMS.
[Amending/adding the following two definitions:]
Executive Level Employees: Those employees designated as executive level employees in their job descriptions and/or scope of duties based on the high level of management responsibilities and duties performed as determined by the Human Resources Director.
Regular Employee: Any classified employee who has been regularly appointed service.

Ballot Proposition

FOR ( ) Shall Sections 6.1-11, 6.2-2, 6.4, 6.6, 6.10-4, 6.10-5, 6.13-2, 6.13-3, 6.13-4, 6.13-11 A, and 6.14 of the City Charter be amended, relating to the appointment, discipline and termination of employees, and the terms of their employment: to provide that all executive level employees and short-term grant funded employees shall be in the unclassified service; to provide that employees may be hired as regular full or part-time, provisional, temporary, or contract employees in accordance with City policies; to require the City Council to annually provide for the classification and compensation plans for employees and establish minimum requirements for what must be included in the plans; to provide for non-discrimination in employment and provision of benefits; to revise the list of causes for disciplinary action of employees; to change the term permanent employee to regular employee in all places where the term appears; and to re-title sections as necessary?

AGAINST ( )

AMENDMENT NO. 8
Text of Amendment

Amending Sections 6.5-1, 6.5-2, 6.7, 6.8, 6.9-5, 6.10-1, 6.10-3, 6.10-6, 6.10-7, 6.11, 6.12, and 6.14 of the City Charter, relating to the duties of the City Manager and the Human Resources Director and the creation of administrative procedures, to read in pertinent part as follows:

Section 6.5-1 CERTIFICATION PROCESS.
A. The Human Resources Director shall certify candidates eligible for hire or promotion based solely on their qualifications in accordance with established administrative policies and procedures or by Rule, which may allow a preference for the hiring and promotion of former employees separated without fault or delinquency, or for other just and reasonable cause in conformity with the Charter and consistent with the principles of the civil service system and established policies.
B. When appropriate, the Human Resources Director will establish administrative procedures as necessary for the certification and selection process, including procedures to allow for a fair and competitive selection process designed to meet the needs of the departments while ensuring that the most qualified candidates are certified for selection.
C. Deleted.
D. Deleted.

Section 6.5-2 RULE OF FIVE.
As necessary for the promotion process, the Human Resources Director shall certify the five highest names on a promotion-only eligible list for a vacancy, and additional names in situations where eligible persons are serving in the department in which the vacancy exists and as authorized by Rule.

Section 6.7 EXAMINATIONS.
Section 6.7-1 EXAMINATION STANDARDS. Deleted

Section 6.7-1 PENALTY FOR DECEIT IN EXAMINATION. [renumbered from 6.7-2]
An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules or policies and procedures.

Section 6.8 PROMOTION.
Section 6.8-1 EXAMINATION AND ELIGIBILITY.
The Human Resources Director shall establish administrative policies and procedures for the promotion process, including examination and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws. Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.

Section 6.8-2 ELIGIBILITY. Deleted

Section 6.9 SPECIAL PROVISIONS.
Section 6.9-5 ADMINISTRATIVE ACTION.

A. Policies and procedures utilized by the Human Resources Department shall be established administratively by the City Manager or the Human Resources Director as required or authorized by this Article or as necessary for the proper management and operation of the system. All administrative policies and procedures adopted by the City Manager or the Human Resources Director must be consistent with the provisions of this Article, the Civil Service Rules, and applicable state and federal laws.
B. The City Manager may delegate to appropriate individuals the execution of the functions, duties and responsibilities set forth in this Article. Appropriate designees may include department directors and other persons able and assigned to execute the specific functions, duties or responsibilities.

Section 6.10 LAY-OFF; LEAVE OF ABSENCE; AND REINSTATEMENT.
Section 6.10-1 CONDITIONS FOR LAYOFF.
Whenever it becomes necessary through lack of work or funds, or through the abolishment of a position or class, or for any other reason not involving delinquency on the part of the employee, to reduce the number of employees in any class, the City Manager may order a layoff. The reduction will be made in accordance with the principles established in the Rules and the administrative procedures established by the Human Resources Director, consistent with the provisions of this Article and all applicable federal and state employment laws.

Section 6.10-3 LEAVE OF ABSENCE; REINSTATEMENT.
The City Manager shall establish administrative policies and procedures regarding the eligibility of employees to take a leave of absence and to be reinstated, consistent with the provisions of this Article and all applicable federal and state employment laws.

Section 6.10-6 RESIGNATION. Deleted

Section 6.10-7 REINSTATEMENT FOLLOWING RESIGNATION. Deleted

Section 6.11 TRANSFER AND REDUCTION.
Section 6.11-1 TRANSFER AND REDUCTION.
The Human Resources Director shall establish administrative policies and procedures for the transfer and reduction process, including transfer and reduction for physical incapacity, consistent with the provisions of this Article and all applicable federal and state employment laws.

Section 6.11-2 REDUCTION FOR PHYSICAL INCAPACITY. Deleted

Section 6.12 STANDARDS OF EFFICIENCY.
The City Manager shall establish by written policy appropriate standards of efficiency for all positions in each class and grade in the classified positions.

Section 6.14 DEFINITIONS OF TERMS.
[Adding the following definition:]
Human Resources Director: The director of the Human Resources Department or designee.

Ballot Proposition

FOR ( ) Shall Sections 6.5-1, 6.5-2, 6.7, 6.8, 6.9-5, 6.10-1, 6.10-3, 6.10-6, 6.10-7, 6.11, 6.12, and 6.14 of the City Charter be amended, relating to the duties of the City Manager and the Human Resources Director and the creation of administrative procedures: to require that administrative policies and procedures conform to federal and state law and the charter; to allow for the creation of administrative policies and procedures to address the following employment processes: examination procedures, transfers and layoff procedures, leave of absence and reinstatement procedures, the certification process for hire and promotion, and the development of standards of efficiency; to provide for the use of the rule of five in the promotion process; to define the term human resources director; and to re-title and re-number sections as necessary?

AGAINST ( )

AMENDMENT NO. 9
Text of Amendment

Amending Section 6.13-11 D of the City Charter, relating to maximum amount of the increased appropriation contribution paid by the City for employees in the Firemen and Policemen Pension Fund, to read as follows:

Section 6.13-11, Subsection D
D. Firemen and Policemen Pension Fund of El Paso. The City shall continue to augment the Firemen and Policemen Pension Fund of El Paso in a manner consistent with the laws of Texas. To augment the Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after February, 1968, appropriate an amount equal to three times the amount paid into the fund by the participants therein; provided that the amount contributed by the City shall not exceed eighteen percent of the total amount expended for salaries of the participants.; provided further, however, that in the event age limits for participation in the pension fund, or any division of the fund, are increased as permitted by law and the raising of the age limits causes an increase in funding costs as determined by an actuary, the City shall appropriate an amount equal to such cost increase notwithstanding that such increased appropriation may exceed eighteen percent of the total amount expended for salaries of the participants, but such increased appropriation shall in no case exceed twenty percent of the total amount expended for salaries of the participants. Notwithstanding the foregoing, if the City elects to pick up participant contributions to the Firemen and Policemen Pension Fund of El Paso under Section 414(h) of the Internal Revenue Code of 1986, as amended (the "Code"), then the participant contributions picked up by the City shall be derived from a corresponding reduction in participant cash salaries and treated as a contribution by the City solely for determining tax treatment of such contributions under the Code. The picked up contributions by the City shall not be considered a contribution or required contribution by the City for any other purpose, including the limitations for the total amount expended for salaries of the participants designated in this Section 6.13-11.D. Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension

Fund to make a one time contribution (either in lump sum or installments) to the Firemen and Policemen Pension Fund solely for an underfunded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

FOR ( ) Shall Section 6.13-11 D of the City Charter be amended, relating to the Firemen and Policemen Pension Fund: to provide that the maximum rate of the City's pension contribution for each member be increased from eighteen and one-half percent of the member's salary to twenty percent?

AGAINST ( )

AMENDMENT NO. 10
Text of Amendment

Amending Sections 7.4, 7.7 and 7.17 and adding Section 7.23, of the City Charter, relating to the financial operations of the City, to read in pertinent part as follows:

Section 7.4 CASH RESERVE FUND.
A cash reserve fund in the general operating fund of the City shall be maintained in an amount no less than five percent (5%) of the prior year's adopted general fund operating expenditure budget. The cash reserve fund shall be maintained and reported as restricted under applicable Governmental Accounting Standards Board rules and must be invested in accordance with the laws of Texas. Short term borrowing from the cash reserve fund shall be for a period of no more than one calendar year and must be approved by the Council. Annual income from the cash reserve fund may be used only for capital improvements. "Capital improvements" shall be construed to include acquisition, construction, reconstruction, or improvement of facilities, equipment, or land for use by the City and all expense incidental thereto.

Section 7.7 DEPOSITORIES.
All monies received by any person, in connection with the business of the City, shall be deposited promptly in a City depository and, whenever possible, within one business day after its receipt.

All City bank accounts shall be carried in the name of the City, with such additional designations as are required to distinguish accounts for special purposes.

The City's investments shall be governed by a City Investment Policy which shall be adopted and reviewed as provided by state law, but in no event, shall the policy be adopted or reviewed by the council less frequently than annually.

Section 7.17 GENERAL OBLIGATION BONDS.
General obligation bonds may be issued for any lawful purpose in accordance with the laws of Texas and, where required by law, shall be issued only when authorized through a bond election.

The total principal amount of such bonds together with the principal amount of all other outstanding tax indebtedness of the City shall not exceed ten percent of the total assessed valuation of the City's tax rolls.

Section 7.23 LEASE AND LEASE PURCHASE.
The City may execute, perform, and make payments under a contract with any person for the use, purchase or other acquisition of any real or personal property, or the financing thereof, including a lease, a lease with an option or option to purchase, an installment purchase or other form considered appropriate by the Council.

Ballot Proposition

FOR ( ) Shall Sections 7.4, 7.7 and 7.17 of the City Charter be amended and Section 7.23, Lease and Lease Purchase, be created, relating to the financial operations of the City: to require the City to maintain a cash reserve in a minimum amount of 5% of the operating expense budget; to provide that City investments be governed by an annual investment policy; to establish that general obligations bonds may be approved by the voters for any lawful purpose; and to allow for the use of lease-purchase and similar agreements for the acquisition of property?

AGAINST ( )

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 4, 2013, and Sunday, May 5, 2013, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 29, 2013, through Friday, May 3, 2013, at the hours listed below; on Saturday, May 4, 2013, at all locations from 9:00 am – 6:00 pm; on Sunday, May 5, 2013, at all locations from 12:00 pm

– 5:00 pm; and from Monday, May 6, 2013, and Tuesday, May 7, 2013, at all locations from 7:00 am – 7:00 pm.

Location:	Address:	Hours for Apr 30 - May 3, 2013 only
a. Ana M. Garcia-Enriquez M.S.	12280 Socorro Rd.	8:00 am – 4:00 pm
b. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
c. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
d. Carolina Recreation Center	563 N. Carolina Dr.	9:00 am – 6:00 pm
e. Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
f. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
g. Marty Robbins Rec. Center	11600 Vista Del Sol Dr.	9:00 am – 6:00 pm
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. Pavo Real Recreation Center	9301 Alameda Ave.	9:00 am – 6:00 pm
j. Pebble Village Center	10780 Pebble Hills Blvd.	9:00 am – 6:00 pm
k. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
l. Socorro High School	10150 Alameda Ave.	8:00 am – 5:00 pm
m. Sunrise Shopping Center	8500 Dyer St.	9:00 am – 6:00 pm
n. Sun Valley Center	4525 Sun Valley Dr.	9:00 pm – 6:00 pm
o. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting at publicly owned buildings in the City as set forth in Exhibit "B." The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 12, 2013, and no later than the close of business on April 26, 2013, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That by approving and signing this ordinance, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.

10. A substantial copy of this ordinance shall serve as proper notice of said election.

11. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

12. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 12, 2013.

APPROVED this ____ day of February 2013.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Matthew K. Behrens
Assistant City Attorney

Doc # / Matter #: 161194 / 13-1065-020
Doc Descrip: 2013 Special Election / Ordinance Calling Election On Charter Amendments
Author: MKB

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
2-3	Village of Vinton City Hall	436 E. Vinton Rd.
5	Fire Station # 2	111 E. Borderland Rd.
6	Tennis West	One Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station # 15	115 Shorty Ln.
9 & 28	Zack White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11 & 12	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
13	Franklin 9th Grade Center	825 E. Redd Rd.
14	Tippin Elementary School	6541 Bear Ridge Dr.
15	Fire Station # 27	6767 Ojo De Agua Dr.
16	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
17	Franklin High School	900 N. Resler Dr.
18	Monte Vista Retirement Center	1575 Belvidere St.
19	Good Samaritan Society - White Acres	7304 Good Samaritan Ct.
20 & 176	Polk Elementary School	940 Belvidere St.
21 & 177	Peace Lutheran Church	5890 Via Cuesta Dr.
22	Fire Station # 22	6500 N. Mesa St.
23	Carlos Rivera Elementary School	6445 Escondido Dr.
24	Western Hills U.M.C.- Steward Family Life Center #A	524 Thunderbird Dr.
25	Dr. Green Elementary School	5430 Buckley Dr.
26 & 27	Putnam Elementary School	6508 Fiesta Dr.
29	L. B. Johnson Elementary School	499 Cabaret Dr.
30 & 31	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
32 & 33 & 34	Mesita Elementary School	3307 N. Stanton St.
35	El Paso Tennis Club	2510 N. St. Vrain St.
36	Vilas Elementary School	220 Lawton Dr.
37	Father Pinto Complex	1001 S. Ochoa St.
38	Fire Station # 3	721 E. Rio Grande Ave.
39	Sun Plaza Housing	1221 E. San Antonio Ave.
40	Lamar Elementary School	1440 E. Cliff Dr.
41	Career & Technology Center	1170 N. Walnut St.
42	Beall Elementary School	320 S. Piedras St.
43 & 44	Dr. Nixon Elementary School	11141 Loma Roja Dr.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
45 & 46	Bradley Elementary School	5330 Sweetwater Dr.
47	H.E. Charles Middle School	4909 Trojan Dr.
48	Fannin Elementary School	5425 Salem Dr.
49 & 50	Desertaire Elementary School	6301 Tiger Eye Dr.
51	El Paso Korean U.M.C.	4925 Fairbanks Dr.
52	Collins Elementary School	4860 Tropicana Ave.
53	Newman Elementary School	10275 Alcan St.
54	Parkland High School	5932 Quail Ave.
55 & 184-1	Whitaker Elementary School	4700 Rutherford Dr.
56	Dowell Elementary School	5249 Bastille Ave.
57	Fire Station # 23	5315 Threadgill Ave.
58 & 178	Dolphin Terrace Elementary School	9790 Pickerel Dr.
59	Crosby Elementary School	5411 Wren Ln.
60 & 186 & 188	Fire Station # 16	3828 Hercules Ave.
61 & 185	Park Elementary School	3601 Edgar Park Rd.
62	Nolan Richardson Recreation Center	4435 Maxwell Ave.
63	Magoffin Middle School	4931 Hercules Ave.
64	Stanton Elementary School	5414 Hondo Pass Dr.
65	Logan Elementary School	3200 Ellerthorpe Ave.
66	Burnet Elementary School	3700 Thomason Ave.
67	Travis Elementary School	5000 N. Stevens St.
68 & 187	Kathy White Housing Complex	2500 Mobile Ave.
69	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
70	Paul C. Moreno Elementary School	2300 San Diego Ave.
71	Memorial Park Senior Citizen Center	1800 Byron St.
72	Austin High School	3500 Memphis Ave.
73	Coldwell Elementary School	4101 Altura Ave.
74	Fire Station # 7	3200 Pershing Dr.
75	Cross of Grace Church	4700 Leeds Ave.
76 & 77	Fire Station # 13	5415 Trowbridge Dr.
78	Chelsea Plaza Housing	600 Chelsea St.
79	Fire Station # 5	4240 Alameda Ave.
80	Burleson Elementary School	4400 Blanco Ave.
81	San Juan Recreation Center	701 N. Glenwood St.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
82	Hawkins Elementary School	5816 Stephenson Ave.
83	Henderson Middle School	5505 Robert Alva Ave.
84	Clardy Elementary School	5508 Delta Dr.
85	Fire Station #14	6300 Delta Dr.
87 & 89 & 174 & 189	Bonham Elementary School	7024 Cielo Vista Dr.
90	Fire Station #20	8301 Edgemere Blvd.
91	Mac Arthur Elementary School	8101 Whitus Dr.
92	Cielo Vista Park Elementary School	9000 Basil Ct.
93 & 175	Scotsdale Elementary School	2901 Mc Rae Blvd.
94	Edgemere Elementary School	10300 Edgemere Blvd.
95	Gary Del Palacio Recreation Center	3001 Parkwood St.
96	Eastpoint Elementary School	2400 Zanzibar Rd.
97	Fire Station #19	2405 Mc Rae Blvd.
98	Eastwood Heights Elementary School	10530 Janway Dr.
99 & 100	Pebble Hills Elementary School	11145 Edgemere Blvd.
101	Eastside Senior Center	3200 Fierro Dr.
102	YWCA - East	10712 Sam Snead Dr.
103	Vista Hills Elementary School	10801 La Subida Dr.
104	Fire Station #24	1498 Lomaland Dr.
105	Indian Ridge Middle School	11201 Pebble Hills Blvd.
106	Glen Cove Elementary School	10955 Sam Snead Dr.
107	Hanks High School	2001 Lee Trevino Dr.
108	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
109	Desert View Middle School	1641 Billie Marie Dr.
110	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
111 & 112	Jane Hambric Pre K-8 School	3535 Nolan Richardson Dr.
113 & 114	Bill Sybert Pre K-8 School	11530 Edgemere Blvd.
115 & 182-1	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
116	Spec. Rafael Hernando III Middle School	3451 Rich Beem Blvd.
117 & 118	Benito Martinez Elementary School	2640 Robert Wynn St.
119	Helen Ball Elementary School	1950 Firehouse Dr.
120	O'Shea Keleher Elementary School	1800 Leroy Bonse Dr.
121	Montwood High School	12000 Montwood Dr.
122	Vista Del Sol Elementary School	11851 Vista Del Sol Dr

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
123	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
124 & 125 & 131	Sierra Vista Elementary School	1501 Bob Hope Dr.
126	Fire Station # 35	12230 Pine Springs Dr.
127-2	Red Sands Elementary School	4250 O'Shea Rd.
128-1 & 181-1	El Dorado 9th Grade Academy	14400 Pebble Hills Blvd.
129 & 130	Lujan-Chavez Elementary School	2200 Sun Country Dr.
132 & 134	Ramona Elementary School	351 Nichols Rd.
133	Del Norte Heights Elementary School	1800 Winslow Rd.
135	Ascarate Elementary School	7090 Alameda Ave.
136	Cedar Grove Elementary School	218 Barker Rd.
137	Ranchland Hills Middle School	7615 Yuma Dr.
138	Hacienda Heights Elementary School	7530 Acapulco Ave.
139	Mesa Vista Elementary School	8032 Alamo Ave.
140	Good Samaritan Towers	7750 Lilac Way
141	Fire Station #18	7901 San Jose Rd.
142	Riverside High School	301 Midway Dr.
143	Thomas Manor Elementary School	7900 Jersey St.
144 & 145	Loma Terrace Elementary School	8200 Ryland Dr.
146	Marian Manor Elementary School	8300 Forest Haven Ct.
147	Cadwallader Elementary School	7988 Alameda Ave.
148	Alicia R. Chacon School	221 Prado Rd.
149	Valley View Middle School	8660 Northloop Dr.
150	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
151 & 179	Capistrano Elementary School	240 Mecca Dr.
152 & 154	Lebarron Park Elementary School	920 Burgundy Dr.
153 & 155	Lancaster Elementary School	9230 Elgin Dr.
156	Pavo Real Recreation Center	9301 Alameda Ave.
157	South Loop Elementary School	520 Southside Rd.

EXHIBIT B

MOBILE VOTING: APRIL 29, 2013 - MAY 7, 2013
SPECIAL ELECTION, MAY 11, 2013

Date	Mobile #1	Mobile #2
April 29, 2013 **Monday** **9:00 am - 4:00 pm.**	South El Paso Senior Citizen Center 600 S. Ochoa St.	Hilos De Plata Senior Citizen Center 4451 Delta Dr.
April 30, 2013 **Tuesday** **8:00 am. - 5:00 pm.**	UTEP Union East 2nd Floor 500 W. University Ave.	EPCC Valle Verde 919 Hunter Dr.
May 1, 2013 **Wednesday** **9:00 am. - 5:00 pm.**	Galatzan Recreation Center 650 Wallenberg Dr.	Gary Del Palacio Recreation Center 3001 Parkwood St
May 2, 2013 **Thursday** **9:00 am. - 5:00 pm.**	Westside Branch Library 125 Belvidere St.	Armijo Branch Library 620 E. Seventh Ave.
May 3, 2013 **Friday** **9:00 am. - 5:00 pm.**	Don Haskins Recreation Center 7400 High Ridge Dr.	Pat O'Rourke Recreation Center 901 N. Virginia St.
May 4, 2013 **Saturday** **10:00 am. - 6:00 pm.**	Dorris Van Doren Regional Branch Library 554 Redd Rd.	Esperanza Acosta Moreno Regional Branch Library 12480 Pebble Hills Blvd.
May 5, 2013 **Sunday** **12:00 pm. - 5:00 pm.**	Westside Regional Command Center 4801 Osborne Dr.	Mission Valley Regional Command Center 9011 Escobar Dr.
May 6, 2013 **Monday** **8:00 am.- 5:00 pm.**	El Paso Police Headquarters 911 N. Raynor St.	Jose Cisneros Library 1300 Hawkins
May 7, 2013 **Tuesday** **8:00 am.- 5:00 pm.**	City of El Paso El Paso Times Bldg. 300 N. Campbell St.	Memorial Park Branch Library 3200 Copper Ave.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON MAY 11, 2013; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.

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

1. That pursuant to Section 3.9 of the City Charter, this Ordinance was introduced at the City Council meeting held on February 19, 2013, and a "Notice of Introduction of Ordinance" was published on February 26, 2013 in a newspaper of general circulation in this City, which notice summarized this Ordinance as introduced and gave notice of the time, date, and place of a public hearing to be held prior to the passage of this Ordinance, and the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended.

2. That pursuant to the Texas Election Code, as amended, an election shall be held in and throughout the City of El Paso, Texas, on May 11, 2013, which date is not less than seventy-one (71) nor more than ninety (90) days from the date of this Ordinance.

3. That at such election, the following amendments to the Charter of the City of El Paso ("Propositions") shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for, or against, the proposed amendments with the ballots to contain such provisions, markings, and language required by law, and with such propositions to be expressed substantially as follows:

AMENDMENT NO. 1
Text of Amendment

Amending Sections 2.1 A and B, 2.2 E ~~and~~ 2.3 A, 2.4 A, and 8.7 of the City Charter, relating to elections, to read in pertinent part as follows:

Section 2.1 CITY ELECTIONS, subsections A and B.
A. **Regular Elections.** The regular City elections to be held in 2015 and 2017 shall be held on the uniform date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law. These terms of elected office to commence on the last Tuesday in June, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later. Beginning in 2018, the regular City elections shall be held on the uniform date established in the Texas Election Code during the month of November with a run-off election to be held on the earliest date practicable in accordance with the law. All terms of elected office beginning with

the November 2018 election to commence on the first Tuesday in January following the election, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later.

B. **Officers Elected.** The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers, as provided herein and under Section 2.4 A, at the regular elections: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. The Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 taking office in June 2013 shall serve four year terms. Commencing in June 2015, the District Representatives from districts numbers 1, 4, 5 and 8 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2018, and they shall thereafter be elected to four-year terms. Commencing in June 2017, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2020, and they shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.

Section 2.2 NOMINATIONS, subsection E.

E. **Petition for Candidacy.** In lieu of the payment of a filing fee, any person qualified for an elective office may become a candidate by petition of 25 qualified voters who are eligible to vote for that candidate or such other greater number of qualified voters as may be required by state law. The signed petitions shall be filed with the City Clerk at the time of filing for candidacy. Each signer next to his signature shall indicate voter registration number, date of signing and place of residence. Within five days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition, if other than the candidate, whether it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is insufficient. Within the regular time for filing petitions a corrected petition may be filed for the same candidate.

~~SECTION~~ Section 2.3 ELECTIONS, subsection A.

A. **Conduct of Elections.** All elections shall be held in accordance with the laws of Texas. Notwithstanding any other provision of this Charter, when special election is required by a provision of this Charter to be ordered, it will be scheduled for the next uniform election date as specified in state law or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.

Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS, subsection A.

A. **Number of Districts.** There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1." At such time when the results of a decennial United States census shows the population of the City to be one million or more, the Council may take the

appropriate action to increase the number of District Representatives from eight to ten.

Section 8.7 TRANSITIONAL PROVISION TO THE 2013 AMENDMENTS.
No amendment that is approved at the election on May 11, 2013 shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment. In the event that an objection is interposed to the amendments made in Section 2.1 A and B, the provisions of Section 2.1 A and B establishing the terms of office as approved at the election on May 12, 2007 shall remain in force and effect.

Ballot Proposition

FOR ( ) ~~Shall Sections 2.2 E and 2.3 A of the City Charter be amended, relating to the filing requirements to run for office in lieu of paying the fee and the conduct of elections: to revise the requirements for filing for office to conform with state law, and to provide for the scheduling of special elections on dates allowed by state law when the election will be conducted by the County Elections Administrator?~~
Shall Sections 2.1 A and B, 2.2 E, 2.3 A, 2.4 A and 8.7, of the City Charter, relating to the conduct of elections, City officers, and terms of office: to move the City's general elections from May in odd numbered years to November in even numbered years beginning in 2018; to revise the requirements for filing for office to conform with state law; to provide for the scheduling of special elections on dates when the election will be conducted by the County Elections Administrator; and to provide that the Council may take action to increase the number of District Representatives from eight to ten at such time as the City's population reaches one million?

AGAINST ( )

~~**AMENDMENT NO. 2**~~
~~**Text of Amendment**~~

~~Amending Sections 2.1 B, 2.4 A and adding Section 2.4 C of the City Charter, relating to changing the number of District Representatives beginning in 2023, to read in pertinent part, as follows:~~

~~**Section 2.1 CITY ELECTIONS.**~~
~~B. **Officers Elected.** The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers at each regular election: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. Prior to the commencement of terms of office in 2023, there shall be eight Representatives. Commencing in June 2005, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 shall be elected to four-year terms. Commencing in June 2005, the District Representatives from districts numbers 1, 5, 6 and 8 shall be elected to two-year terms, and commencing in June 2007, they shall thereafter be elected to four-year terms. Beginning with the terms of office commencing in 2023 and continuing thereafter, there shall be ten Representatives.~~

~~The Representative elected from district number 9 in 2023 shall be elected to a two-year term and shall thereafter be elected to four-year terms. The Representative elected from district number 10 in 2023 shall be elected to a four-year term and shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.~~

~~**Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS.**~~
~~A. **Number of Districts.** Prior to the commencement of terms of office in 2023, there shall be eight Representative districts. Beginning with the terms of office commencing in 2023 and continuing thereafter, there shall be ten Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1."~~
~~C. **Expansion of Representative Districts.** During the redistricting process that will take place following the publication of the results of the 2020 decennial United States census, due consideration shall be given, to the extent consistent with or permitted by federal law, to assigning district numbers to the ten newly created districts so as to not remove from office an incumbent district Representative whose term of office will not expire until 2025. In the event that an irreconcilable conflict occurs during this redistricting process relating to the boundaries and numbering of the ten Representative districts, such conflict shall be resolved by the drawing of lots or by such other method allowed by state or federal law.~~

~~FOR ( ) Shall Sections 2.1, 2.4 A of the City Charter be amended and Section 2.4 C be added, relating to adding two additional District Representatives, to provide that effective with the terms of office beginning in 2023, there shall be ten District Representatives?~~

~~AGAINST ( )~~

AMENDMENT NO. ~~3~~ 2
Text of Amendment

Amending Sections 3.5 A and D, 3.7, 3.9 B and C, 3.14, 3.18, and 4.1 B of the City Charter, relating to City Council processes, procedures and appointments, to read in pertinent part as follows:

~~**Section 3.3 PROHIBITIONS.**~~
~~A. **Other Public Employment.** No Council member may hold any other compensated public office nor hold any public employment contrary to the law, and no former Council member shall hold any compensated City position until one year has elapsed following the expiration of the term for which that member was elected to the Council.~~

Section 3.5 CITY COUNCIL PROCEDURES AND RULES, subsections A and D.
A. **Meetings.** Regular meetings of the Council shall be held in Council chambers a minimum of one time per week at such times as may be prescribed by resolution. Provided however, that the

Council by resolution may cancel one or more regular meetings, not to exceed seven meetings during each calendar year, provided that the Council may not cancel more than two regular meetings in a row. Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meeting Act.

D. **Voting**. Voting, except on procedural motions, shall be by roll call and the vote shall be recorded in the minutes. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the members present and voting. Ordinances that impose taxes, grant franchises, or authorize conveyances shall not be valid unless adopted by a majority of the entire Council.

Section 3.7 APPOINTMENTS.

A. The City Attorney. Whenever a vacancy in the position of City Attorney or any Assistant City Attorney occurs, the City Council by a majority vote of its total membership shall appoint a City Attorney or Assistant City Attorney. The City Attorney shall be appointed solely on the basis of legal experience and qualifications. 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 a majority vote of the entire Council.

B. **Boards and Commissions.** Except where otherwise provided in this Charter, or by the laws of Texas, or of the United States, appointments to and removals from standing or special public boards, commissions or committees of the City shall be made by the Council. The Council is required to ensure that the ability to submit nominations for appointments is distributed uniformly among Representatives and the Mayor.

Section 3.9 ORDINANCES IN GENERAL, subsections B and C.

B. **Legislative Procedure.** Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. A reasonable number of copies shall be available in the office of the City Clerk, and be made available for examination by interested persons through any contemporary means of information sharing as the Council may designate. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to, publication in a newspaper of general circulation in the City or placement on a web site at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon after as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance, and where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

C. **Actions Requiring Ordinances.** The Council may exercise the following powers by ordinance only:
1. Authorize the conveyance of any City real property except as provided in section 3.18;
2. Amend, extend, or repeal any ordinance previously adopted;
3. Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
4. Adopt Civil Service Rules.

Section 3.14 AUTHENTICATION AND RECORDING; CODIFICATION; PRINTING.
A. All ordinances and resolutions of the Council shall be authenticated by the City Clerk and recorded in an indexed public record.
B. The Council shall provide for the preparation of a general codification of this Charter and its amendments, and of those ordinances selected by the Council. This codification shall be known and officially cited as the **El Paso City Code**. Copies of the Code shall be produced as required by State law and the City Clerk shall make the Code available to the public by any contemporary means of information sharing for free public reference.

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; provided however, the Council shall have the right by resolution to grant a lease of public property or a temporary use of a street, alley, public way or public property for a period not to exceed five years, by resolution, and also may establish a separate approval process for temporary uses of a street, alley, public way or public property of less than thirty days by ordinance or resolution.

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 or resolution), 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.

Section 4.1 POWERS OF THE MAYOR, subsection B.
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; make appointments as provided in Section 3.7 B and as provided by federal and state law; 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.

<u>Ballot Proposition</u>

FOR ( ) Shall Sections 3.5 A and D, 3.7, 3.9 B and C, 3.14, 3.18 and 4.1 B of the City Charter be amended, relating to City Council processes, procedures, and appointments: to allow for the cancelation of not more than seven regular Council meetings annually and not more than two in a row; to allow the Council to authorize leases of public property and temporary uses of streets and rights-of-way by resolution; to provide that ordinances and the City Code be made available by contemporary means such as the Internet; to provide that the City Attorney is appointed by the City Council solely on the basis of legal experience and qualifications; and to provide that the Mayor and Representatives each uniformly have the ability to submit nominations for the appointments to the City's boards and commissions?

AGAINST ( )

AMENDMENT NO. ~~4~~ 3
Text of Amendment

Amending Section 3.19 of the City Charter, relating to the prohibition of the sale of alcoholic beverages in residential sections of the City, to read as follows:

Section 3.19 PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES IN RESIDENTIAL SECTIONS OF THE CITY.
The sale of beer and liquor is hereby prohibited in residential areas of the City. For purposes of this section, residential areas shall mean areas restricted exclusively to residential uses and not areas zoned to permit mixed commercial and residential uses.

FOR ( ) Shall Section 3.19 of the City Charter be amended, relating to prohibition of the sale of alcoholic beverages in residential sections of the City: to provide that this prohibition does not apply ~~for the application of this provision~~ to areas zoned as mixed use developments?

AGAINST ( )

AMENDMENT NO. ~~5~~ 4
Text of Amendment

Amending Sections 3.2 and 3.3 A of the City Charter, relating to the salaries of the Mayor and ~~the~~ District Representatives, and prohibitions regarding other employment, to read in pertinent part as follows:

Section 3.2 SALARIES.
Prior to June 23, 2015, the annual base salary of the District Representatives shall be set at twenty-nine thousand dollars, and the annual base salary of the Mayor shall be set at forty-five thousand dollars. Commencing on June 23, 2015, the annual base salary of the District Representatives shall be set at the same amount as the program income limits median income or

like indicator established by the United States Department of Housing and Urban Development, or successor agency, for the 2015 fiscal year for El Paso County, and the annual base salary of the Mayor shall be set at one-hundred and fifty percent of this amount. On and after September 1, 201, the base salaries will be revised annually and be set according to the above formula based on the current fiscal year median income for El Paso County.

Section 3.3 PROHIBITIONS, Subsection A.
A. **Other Public Employment**. No Council member may hold any other compensated public office nor hold any public employment contrary to State law, and no former Council member shall hold any compensated City position until one year has elapsed following the expiration of the term for which that member was elected to the Council.

FOR ( ) Shall Section 3.2 and 3.3 A of the City Charter be amended, relating to the salaries of the Mayor and District Representatives, and prohibitions regarding other employment, to provide that beginning in 2015, the annual salary of the District Representatives shall be set each year at the same amount as the HUD program income limits median income for El Paso County, and that the annual salary of the Mayor shall be set each year at 150% of that amount; and to prohibit Council members from holding any other public employment contrary to State law?

AGAINST ( )

AMENDMENT NO. ~~6~~ 5
Text of Amendment

Amending Sections ~~2.2 G and~~ 3.6, deleting Section 2.2 G, and adding Section 3.20 of the City Charter, relating to ethics and accountability, to read in pertinent part as follows:

Section 2.2 NOMINATIONS.
Section 2.2 G. Ethics Review Commission. Deleted [note: moved to Section 3.20A].

Section 3.6 LEGISLATIVE COMMITTEES.
A. The Representatives may resolve themselves into committees, both standing and special, when this is convenient for the conduct of legislative business, including the investigative powers described in Section 3.8. Rules governing the organization and procedures of these committees shall be made by the Council, and the Mayor shall have no power to veto any of those rules except upon grounds of illegality.

B. The Council shall establish a Financial Oversight and Audit Committee "FOAC" for the purpose of providing legislative oversight of the function of the Internal Auditor, to review the financial policies of the City, and to formulate recommendations for the City Council regarding City finances and other matters referred by the City Council or City Manager. The FOAC shall be comprised of four members of the City Council, the Chief Internal auditor, and the City Manager or designee and shall meet when needed, at least quarterly.

Section 3.20 ETHICS AND ACCOUNTABILITY.
A. **Ethics Review Commission**. The Council shall, by ordinance, establish an independent ethics

review commission to administer and enforce the ethics section of the City Code. To the extent permitted by Texas law, the Council shall authorize the commission to issue advisory opinions, conduct investigations, request witness testimony and production of evidence, make determinations on whether a violation has occurred, and issue decisions and appropriate sanctions. The ethics review commission shall have the power to enforce its decisions by assessing civil fines and other sanctions authorized by ordinance. The Council shall provide sufficient resources to the commission to enable it to perform the duties assigned to it under the Charter and City Code.
~~**B. Interest in City Contracts Prohibited.** No member of the Council or member of a board, committee or commission of the City having independent decision-making authority shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City in conjunction with the performance of official duties. Any such member who is an employee of a bank that serves as the City's depository bank shall be deemed not to have a financial interest in the City's contract. Any willful violation of this section shall constitute malfeasance in office, and any such member guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved voidable by the City Manager or the Council.~~
B. ~~C.~~ **Internal Audit Function.**
1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a chief internal auditor and such other appropriate positions as are authorized by the Council who shall report to the chief internal auditor.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the chief internal auditor as needed for the performance of the function.
4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
5. The Chief Internal Auditor shall be appointed by the City Manager in the same manner as other unclassified employees of the City. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

Ballot Proposition

FOR ( ) Shall Section 3.20, Ethics and Accountability, of the City Charter be created, Section 3.6 be amended. and Section 2.2 G be deleted, relating to ethics and accountability: to move and amend the provision governing the Ethics Review Commission to give the Commission the power to enforce its decisions by assessing civil fines and sanctions as authorized by ordinance; and to create requirements for the establishment of an independent internal audit function and a Financial Oversight and Audit Committee to provide oversight of the audit function and review City financial policies?

AGAINST ( )

AMENDMENT NO. ~~7~~ 6
Text of Amendment

Amending Sections 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-6 D, and 6.13-8 of the City Charter, relating to functions and duties of the Civil Service Commission, to read in pertinent part as follows:

Section 6.1-1 GENERAL.
The Civil Service system exists to ensure a personnel system that is based solely on merit. The Civil Service Commission of El Paso exists for the purposes of overseeing the City's Civil Service system, the purpose of which is to ensure fairness, economy and efficiency in the selection process and personnel system created for the classified employees, and performing the duty of hearing grievances by or against the classified employees. The Commission shall establish its own procedures within the framework of this Charter to carry out these functions.

Section 6.1-2 FUNCTIONS AND DUTIES OF THE CIVIL SERVICE COMMISSION.
Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to:
A. Recommend to the Council:
1. Adoption of Rules for the administration of the Civil Service provisions of this Charter, and
2. Thereafter, appropriate amendments.
B. Investigate matters concerning the enforcement and effect of the Civil Service provisions of this Charter in the manner prescribed by the Rules or by established Commission procedure.
C. Hear and determine appeals or complaints as may be further prescribed in the Rules.
D. Oversee the Civil Service provisions of this Charter, the Rules or policies and procedures, ensuring fair and equitable treatment of all persons ~~appearing~~ coming before the Commission.
E. Appoint hearing officers.

Section 6.1-3 APPOINTMENT.
The Commission shall consist of nine persons appointed by the Council. All members serving on the Commission when this amendment takes effect will continue to serve until their terms of office expire. Appointments shall be for three-year terms, provided however, the terms of all members as established on the effective date of this amendment shall be extended such that all terms shall end on January 31st of the next-following year, as applicable ~~August 31st of the applicable year~~. All terms thereafter shall commence on February ~~September~~ 1st. Commissioners serving consecutive terms shall be limited to two full successive three-year terms, regardless of the date of their original appointments. No person may serve as a member on the Commission for more than a total of ten years throughout their lifetime and no person may be appointed as a member on the Commission if, serving out the full length of the term to which they would be appointed would result in the person having more than a total of ten years of lifetime service. The one-time extension of a term under this section to provide for uniform termination and commencement dates shall not be included in the calculation of the lifetime service of a member of the Commission.

Section 6.1-4 QUALIFICATIONS.
Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. No Commissioner shall be related in any manner described in Article III, Section 3.3 B to any employee of the City, the Public Service Board, or any entity that has a contract with the City to operate or manage any City facility or department, nor hold ~~Commissioner may~~ hold any salaried public office or other employment compensated by the City, ~~and no Commissioner shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the City Treasury,~~ and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. At least two Commissioners must hold or have retired from positions other than managerial or professional. No more than three Commissioners may be former city employees, and any such Commissioners are not eligible for appointment until two years following separation from the City. Any Commissioner may be either actively employed or retired.

Section 6.1-6 RULES, subsection D.
D. **Council Action**. The Human Resources Director shall submit the Commission's recommendations regarding proposed Rules to the Council without delay. Failure by Council to approve, amend and approve, or deny the Commission's changes within sixty days after the Commission's action shall result in their automatic adoption. In the event of disagreement, the Council may deny or amend the Commission's changes, additions or deletions only by a two-thirds majority vote of the Council.

Section 6.13 DISCHARGE, APPEAL, HEARINGS.
Section 6.13-8 SUBSEQUENT ACTION.
Upon receipt of the Hearing Officer's opinion and recommendations where applicable, the Commission will review the written record of the hearing, review any written briefs or oral arguments which the parties are permitted by the Commission to submit in accordance with the Rules, and take one of the following actions:
A. Accept or reduce the Hearing Officer's recommendations;
B. Remand the matter to the Hearing Officer for development of such additional facts and findings as the Commission deems necessary. Consistent with the remand, the Hearing Officer must conduct an additional hearing and render a further opinion or recommendations for its further action pursuant to this provision; or
C. Reject the Hearing Officer's recommendations and refer the matter to the Civil Service Commission for a de novo hearing.

Ballot Proposition

FOR ( ) Shall Sections 6.1-1, 6.1-2, 6.1-3, 6.1-4, 6.1-6 D, and 6.13-8 of the City Charter be amended, relating to the functions and duties of the Civil Service Commission: to state the purpose of the civil service system; to provide for the specific duties and functions of the Commission; to establish uniform starting dates for the terms of office for the members of the Commission; to prohibit the appointment of a person closely related to a city employee to the Commission ~~or one who is interested in a city contract~~; to specify the time for the City Council to take action on proposed Rules; and to provide when the Commission may reduce disciplinary action taken

against an employee and re-hear a disciplinary appeal?

AGAINST ( )

AMENDMENT NO. ~~8~~ 7
Text of Amendment

Amending Sections 6.1-11, 6.2-2, 6.4, 6.6, 6.10-4, 6.10-5, 6.13-2, 6.13-3, 6.13-4, 6.13-11 A, and 6.14 of the City Charter, relating to the appointment, discipline and termination of employees, and the terms ~~and conditions~~ of their employment, to read in pertinent part as follows:

Section 6.1-11 NON-DISCRIMINATION.
The City shall afford equal employment and benefit opportunities to all qualified individuals in compliance with all applicable laws, without regard to their race, gender, gender identity, sexual orientation, marital status, color, religion, ethnic background or national origin, age, disability, or any other characteristic or status that is protected by federal, state, or local law.

Section 6.2-2 UNCLASSIFIED SERVICES.
The unclassified services shall include only the following positions:
A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;
B. The Mayor's executive secretary(s) and Executive Assistant(s);
C. Hearing officer(s) and the Commission Recorder;
D. All elected officials;
E. Members of all City boards, commissions, and committees who serve without compensation;
F. Employees hired by contract, and short-term or limited-funding grant-funded employees as designated by the City Manager and hired on or after the effective date of this amendment;
G. The City Manager;
H All executive level employees, and executive staff or salaried professional employees reporting directly to the City Manager;
I. Employees hired on or after May 18, 2007 who work at the Metropolitan Planning Organization; and
J. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.
K. A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.

Section 6.4 CLASSIFICATION AND COMPENSATION.
Section 6.4-1 CLASSIFICATION PLANS.
The Human Resources Director shall update as necessary the classification and compensation plans of the City for the classified services and present such plans to the City Council as part of the annual budget. Such plans shall include the annual sick leave and vacation benefits to be provided, establish the factors that are authorized for use in the payment of different rates within the grades or total compensation, and shall also include and address as necessary any reduction in compensation that is anticipated to occur during the next budget year. The classification and compensation plans may be adopted as part of the budget or by separate resolution or ordinance in conjunction with the adoption of the budget.

Section 6.4-2 APPOINTMENT OF CITY EMPLOYEES.
Appointment of City employees to classified positions shall be made at pay rates within the appropriate grade and in accordance with the Rules or administrative policies or procedures.

Section 6.4-3 COMPENSATION REDUCTION. Deleted

Section 6.4-4 SALARY STANDARDIZATION. Deleted

Section 6.6 APPOINTMENTS.
Section 6.6-1 APPOINTMENTS.
Employees may be hired as regular full or part-time employees, provisional or temporary employees, or as contract appointments. The City Manager shall establish administrative policies and procedures for each category of appointment consistent with the provisions of this Article and all applicable federal and state employment laws. The Human Resources Director shall establish administrative policies and procedures for the entrance process consistent with the provisions of this Article and all applicable federal and state employment laws. Contracts for personal or professional services shall also be subject to any limitations and requirements for Council approval as set forth by ordinance or resolution.

Section 6.6-2 PROVISIONAL APPOINTMENTS. Deleted

Section 6.6-3 TEMPORARY APPOINTMENT. Deleted

Section 6.6-4 CONTRACTORS. Deleted

Section 6.10 LAY-OFF; LEAVE OF ABSENCE AND REINSTATEMENT.
Section 6.10-4 SICK LEAVE. Deleted

Section 6.10-5 VACATIONS. Deleted

Section 6.13 DISCHARGE, APPEAL, HEARINGS.
Section 6.13-2 DISCIPLINARY ACTION; REDUCTION.
A regular employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.

Section 6.13-3 CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE.
The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:
A. Conviction of, or deferred adjudication community supervision for, a felony or ~~of~~ a Class A or B misdemeanor;
B. Abusive, threatening, or coercive treatment of another employee or a member of the public, the provocation or instigation of violence, brutality to a City prisoner, or abusive treatment to an animal in the care or control of the employee;
C. Being under the influence of intoxicants or drugs or the use thereof while on duty;
D. Being physically or mentally unfit for City service to the extent permissible under federal and state laws;
E. Being wantonly offensive in conduct or language;

F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
G. Dishonesty, theft, violation of a law, or violation of policies relating to the handling or procurement of property, or negligence in care or misuse of City property;
H. Abandonment of position, repeated unexcused absence or tardiness, abuse of leave privileges, or absence without notification or the provision of a valid or acceptable reason for absence;
I. Failure to meet or maintain qualifications, including but not limited to, failing to obtain or maintain required certificates, licenses or other credentials established for the employee's position or classification;
J. Inducing or assisting another to commit an unlawful act;
K. Deliberate or careless conduct endangering the safety of self or others;
L. Engaging in improper political activity;
M. Violates the City's Ethics Ordinance;
N. Refusal to follow the lawful order of a superior or supervisor;
O. Subjecting a fellow employee or subordinate to unlawful intimidation, harassment or retaliation; and
P. For just cause.

Section 6.13-4 APPEALS.
Any regular classified employee may appeal to the Commission any order which is believed to violate the rights granted employees by this Charter. This appeal must be filed with the Commission within thirty days from the date of the alleged violation and may be in any form clearly directing the attention of the Commission to the order complained of and the rights or provisions violated.

Section 6.13-11 PENSION PLANS, subsection A.
A. The Council shall continue a pension plan for all regular full time employees. Regular part-time and eligible contract employees may elect not to participate in the plan. Other employees of the City and employees of governmental agencies of the City, except policemen, firemen, and elected officials of the City, shall have the option of participating in the plan. Eligible employees of an adopting employer of the plan shall be participants of the plan.

Section 6.14 DEFINITIONS OF TERMS.
[Amending/adding the following two definitions:]
Executive Level Employees: Those employees designated as executive level employees in their job descriptions and/or scope of duties based on the high level of management responsibilities and duties performed as determined by the Human Resources Director.
Regular Employee: Any classified employee who has been regularly appointed service.

Ballot Proposition

FOR ( ) Shall Sections 6.1-11, 6.2-2, 6.4, 6.6, 6.10-4, 6.10-5, 6.13-2, 6.13-3, 6.13-4, 6.13-11 A, and 6.14 of the City Charter be amended, relating to the appointment, discipline and termination of employees, and the terms of their employment: to provide that all executive level employees and short-term grant funded employees shall be in the unclassified service; to provide ~~combine separate subsections providing~~ that employees may be hired as regular full or part-time, provisional, ~~or~~

temporary, or ~~by~~ contract employees; to require the City Council to annually provide for ~~the annual approval of~~ the classification and compensation plans for employees and establish minimum requirements for what must ~~require that deleted Charter provisions~~ be included in the plans; to provide for non-discrimination in employment and provision of benefits;to revise the list of causes for disciplinary action of employees; to change the term permanent employee to regular employee in all places where the term appears; and to re-title sections~~.~~ as necessary?

AGAINST ( )

AMENDMENT NO. ~~9~~ 8
Text of Amendment

Amending Sections 6.5-1, 6.5-2, 6.7, 6.8, 6.9-5, 6.10-1, 6.10-3, 6.10-6, 6.10-7, 6.11, 6.12, and 6.14 of the City Charter, relating to the duties of the City Manager and the Human Resources Director and the creation of administrative procedures, to read in pertinent part as follows:

Section 6.5-1 CERTIFICATION PROCESS.
A. The Human Resources Director shall certify candidates eligible for hire or promotion based solely on their qualifications in accordance with established administrative policies and procedures or by Rule, which may allow a preference for the hiring and promotion of former employees separated without fault or delinquency, or for other just and reasonable cause in conformity with the Charter and consistent with the principles of the civil service system and established policies.
B. When appropriate, the Human Resources Director will establish administrative procedures as necessary for the certification and selection process, including procedures to allow for a fair and competitive selection process designed to meet the needs of the departments while ensuring that the most qualified candidates are certified for selection.
C. Deleted.
D. Deleted.

Section 6.5-2 RULE OF FIVE.
As necessary for the promotion process, the Human Resources Director shall certify the five highest names on a promotion-only eligible list for a vacancy, and additional names in situations where eligible persons are serving in the department in which the vacancy exists and as authorized by Rule.

Section 6.7 EXAMINATIONS.
Section 6.7-1 EXAMINATION STANDARDS. Deleted

Section 6.7-1 PENALTY FOR DECEIT IN EXAMINATION [renumbered from 6.7-2].
An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules or policies and procedures.

Section 6.8 PROMOTION.
Section 6.8-1 EXAMINATION AND ELIGIBILITY.
The Human Resources Director shall establish administrative policies and procedures for the promotion process, including examination and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws. Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.

Section 6.8-2 ELIGIBILITY. Deleted

Section 6.9 SPECIAL PROVISIONS.
Section 6.9-5 ADMINISTRATIVE ACTION.
A. Policies and procedures utilized by the Human Resources Department shall be established administratively by the City Manager or the Human Resources Director as required or authorized by this Article or as necessary for the proper management and operation of the system. All administrative policies and procedures adopted by the City Manager or the Human Resources Director must be consistent with the provisions of this Article, the Civil Service Rules, and applicable state and federal laws.
B. The City Manager may delegate to appropriate individuals the execution of the functions, duties and responsibilities set forth in this Article. Appropriate designees may include department directors and other persons able and assigned to execute the specific functions, duties or responsibilities.

Section 6.10 LAY-OFF; LEAVE OF ABSENCE; AND REINSTATEMENT.
Section 6.10-1 CONDITIONS FOR LAYOFF.
Whenever it becomes necessary through lack of work or funds, or through the abolishment of a position or class, or for any other reason not involving delinquency on the part of the employee, to reduce the number of employees in any class, the City Manager may order a layoff. The reduction will be made in accordance with the principles established in the Rules and the administrative procedures established by the Human Resources Director, consistent with the provisions of this Article and all applicable federal and state employment laws.

~~**Section 6.10 LAY-OFF; LEAVE OF ABSENCE AND REINSTATEMENT.**~~
Section 6.10-3 LEAVE OF ABSENCE; REINSTATEMENT.
The City Manager shall establish administrative policies and procedures regarding the eligibility of employees to take a leave of absence and to be reinstated, consistent with the provisions of this Article and all applicable federal and state employment laws.

Section 6.10-6 RESIGNATION. Deleted

Section 6.10-7 REINSTATEMENT FOLLOWING RESIGNATION. Deleted

Section 6.11 TRANSFER AND REDUCTION.
Section 6.11-1 TRANSFER AND REDUCTION.
The Human Resources Director shall establish administrative policies and procedures for the

transfer and reduction process, including transfer and reduction for physical incapacity, consistent with the provisions of this Article and all applicable federal and state employment laws.

Section 6.11-2 REDUCTION FOR PHYSICAL INCAPACITY. Deleted

Section 6.12 STANDARDS OF EFFICIENCY.
The City Manager shall establish by written policy appropriate standards of efficiency for all positions in each class and grade in the classified positions.

Section 6.14 DEFINITIONS OF TERMS.
[Adding the following definition:]
Human Resources Director: The director of the Human Resources Department or designee.

Ballot Proposition

FOR ( ) Shall Sections 6.5-1, 6.5-2, 6.7, 6.8, 6.9-5, 6.10-1, 6.10-3, 6.10-6, 6.10-7, 6.11, 6.12, and 6.14 of the City Charter be amended, relating to the duties of the City Manager and the Human Resources Director and the creation of administrative procedures: to require that administrative policies and procedures conform to federal and state law and the charter; to allow for the creation of administrative policies and procedures to address the following employment processes: examination procedures, transfers and layoff procedures, leave of absence and reinstatement procedures, the certification process ~~procedures~~ for hire or promotion, and the development of standards of efficiency; to provide for the use of the rule of five in the promotion process; to define the term human resources director; and to re-title and re-number sections as necessary?

AGAINST ( )

AMENDMENT NO. 9
Text of Amendment

Amending Section 6.13-11 D of the City Charter, relating to maximum amount of the increased appropriation contribution paid by the City for employees in the Firemen and Policemen Pension Fund, to read as follows:

Section 6.13-11, Subsection D
D. Firemen and Policemen Pension Fund of El Paso. The City shall continue to augment the Firemen and Policemen Pension Fund of El Paso in a manner consistent with the laws of Texas. To augment the Firemen and Policemen Pension Fund, the Council shall in each fiscal year beginning after February, 1968, appropriate an amount equal to three times the amount paid into the fund by the participants therein; provided that the amount contributed by the City shall not exceed eighteen percent of the total amount expended for salaries of the participants.; provided further, however, that in the event age limits for participation in the pension fund, or any division of the fund, are increased as permitted by law and the raising of the age limits causes an increase in funding costs

as determined by an actuary, the City shall appropriate an amount equal to such cost increase notwithstanding that such increased appropriation may exceed eighteen percent of the total amount expended for salaries of the participants, but such increased appropriation shall in no case exceed twenty percent of the total amount expended for salaries of the participants. Notwithstanding the foregoing, if the City elects to pick up participant contributions to the Firemen and Policemen Pension Fund of El Paso under Section 414(h) of the Internal Revenue Code of 1986, as amended (the "Code"), then the participant contributions picked up by the City shall be derived from a corresponding reduction in participant cash salaries and treated as a contribution by the City solely for determining tax treatment of such contributions under the Code. The picked up contributions by the City shall not be considered a contribution or required contribution by the City for any other purpose, including the limitations for the total amount expended for salaries of the participants designated in this Section 6.13-11.D. Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make a one time contribution (either in lump sum or installments) to the Firemen and Policemen Pension Fund solely for an underfunded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

FOR ( ) Shall Section 6.13-11 D of the City Charter be amended, relating to the Firemen and Policemen Pension Fund: to provide that the maximum rate of the City's pension contribution for each member be increased from eighteen and one-half percent of the member's salary to twenty percent?

AGAINST ( )

AMENDMENT NO. 10
Text of Amendment

Amending Sections 7.4, 7.7 and 7.17 and adding Section 7.23, of the City Charter, relating to the financial operations of the City ~~matters and policies~~, to read in pertinent part as follows:

Section 7.4 CASH RESERVE FUND.
A cash reserve fund in the general operating fund of the City shall be maintained in an amount no less than five percent (5%) of the prior year's adopted general fund operating expenditure budget. The cash reserve fund shall be maintained and reported as restricted under applicable Governmental Accounting Standards Board rules and must be invested in accordance with the laws of Texas. Short term borrowing from the cash reserve fund shall be for a period of no more than one calendar year and must be approved by the Council. Annual income from the cash reserve fund may be used only for capital improvements. "Capital improvements" shall be construed to include acquisition,

construction, reconstruction, or improvement of facilities, equipment, or land for use by the City and all expense incidental thereto.

Section 7.7 DEPOSITORIES.
All monies received by any person, in connection with the business of the City, shall be deposited promptly in a City depository and, whenever possible, within one business day after its receipt.

All City bank accounts shall be carried in the name of the City, with such additional designations as are required to distinguish accounts for special purposes.

The City's investments shall be governed by a City Investment Policy which shall be adopted and reviewed as provided by state law, but in no event, shall the policy be adopted or reviewed by the council less frequently than annually.

Section 7.17 GENERAL OBLIGATION BONDS.
General obligation bonds may be issued for any lawful purpose in accordance with the laws of Texas and, where required by law, shall be issued only when authorized through a bond election.

The total principal amount of such bonds together with the principal amount of all other outstanding tax indebtedness of the City shall not exceed ten percent of the total assessed valuation of the City's tax rolls.

Section 7.23 LEASE AND LEASE PURCHASE.
The City may execute, perform, and make payments under a contract with any person for the use, purchase or other acquisition of any real or personal property, or the financing thereof, including a lease, a lease with an option or option to purchase, an installment purchase or other form considered appropriate by the Council.

Ballot Proposition

FOR ( ) Shall Sections 7.4, 7.7 and 7.17 of the City Charter be amended and Section 7.23, Lease and Lease Purchase, be created, relating to the financial operations of the City: to require the City to maintain a cash reserve in a minimum amount of 5% of the operating expense budget; to provide that City investments be governed by an annual investment policy; to establish that general obligations bonds may be approved by the voters for any lawful purpose; and to allow for the use of lease-purchase and similar agreements for the acquisition of property?

AGAINST ( )

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early

voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 4, 2013, and Sunday, May 5, 2013, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 29, 2013, through Friday, May 3, 2013, at the hours listed below; on Saturday, May 4, 2013, at all locations from 9:00 am – 6:00 pm; on Sunday, May 5, 2013, at all locations from 12:00 pm – 5:00 pm; and from Monday, May 6, 2013, and Tuesday, May 7, 2013, at all locations from 7:00 am – 7:00 pm.

Location:	Address:	Hours for Apr 30 - May 3, 2013 only
a. Ana M. Garcia-Enriquez M.S.	12280 Socorro Rd.	8:00 am – 4:00 pm
b. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
c. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
d. Carolina Recreation Center	563 N. Carolina Dr.	9:00 am – 6:00 pm
e. Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
f. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
g. Marty Robbins Rec. Center	11600 Vista Del Sol Dr.	9:00 am – 6:00 pm
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. Pavo Real Recreation Center	9301 Alameda Ave.	9:00 am – 6:00 pm
j. Pebble Village Center	10780 Pebble Hills Blvd.	9:00 am – 6:00 pm
k. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
l. Socorro High School	10150 Alameda Ave.	8:00 am – 5:00 pm
m. Sunrise Shopping Center	8500 Dyer St.	9:00 am – 6:00 pm
n. Sun Valley Center	4525 Sun Valley Dr.	9:00 pm – 6:00 pm
o. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting at publicly owned buildings in the City as set forth in Exhibit "B." The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 12, 2013, and no later than the close of business on April 26, 2013, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That by approving and signing this ordinance, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.

10. A substantial copy of this ordinance shall serve as proper notice of said election.

11. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

12. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 12, 2013.

APPROVED this ____ day of February 2013.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Matthew K. Behrens
Assistant City Attorney

Doc # / Matter #: 161194 / 13-1065-020
Doc Descrip: 2013 Special Election / Ordinance Calling Election On Charter Amendments
Author: MKB

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
2-3	Village of Vinton City Hall	436 E. Vinton Rd.
5	Fire Station # 2	111 E. Borderland Rd.
6	Tennis West	One Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station # 15	115 Shorty Ln.
9 & 28	Zack White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11 & 12	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
13	Franklin 9th Grade Center	825 E. Redd Rd.
14	Tippin Elementary School	6541 Bear Ridge Dr.
15	Fire Station # 27	6767 Ojo De Agua Dr.
16	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
17	Franklin High School	900 N. Resler Dr.
18	Monte Vista Retirement Center	1575 Belvidere St.
19	Good Samaritan Society - White Acres	7304 Good Samaritan Ct.
20 & 176	Polk Elementary School	940 Belvidere St.
21 & 177	Peace Lutheran Church	5890 Via Cuesta Dr.
22	Fire Station # 22	6500 N. Mesa St.
23	Carlos Rivera Elementary School	6445 Escondido Dr.
24	Western Hills U.M.C.- Steward Family Life Center #A	524 Thunderbird Dr.
25	Dr. Green Elementary School	5430 Buckley Dr.
26 & 27	Putnam Elementary School	6508 Fiesta Dr.
29	L. B. Johnson Elementary School	499 Cabaret Dr.
30 & 31	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
32 & 33 & 34	Mesita Elementary School	3307 N. Stanton St.
35	El Paso Tennis Club	2510 N. St. Vrain St.
36	Vilas Elementary School	220 Lawton Dr.
37	Father Pinto Complex	1001 S. Ochoa St.
38	Fire Station # 3	721 E. Rio Grande Ave.
39	Sun Plaza Housing	1221 E. San Antonio Ave.
40	Lamar Elementary School	1440 E. Cliff Dr.
41	Career & Technology Center	1170 N. Walnut St.
42	Beall Elementary School	320 S. Piedras St.
43 & 44	Dr. Nixon Elementary School	11141 Loma Roja Dr.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
45 & 46	Bradley Elementary School	5330 Sweetwater Dr.
47	H.E. Charles Middle School	4909 Trojan Dr.
48	Fannin Elementary School	5425 Salem Dr.
49 & 50	Desertaire Elementary School	6301 Tiger Eye Dr.
51	El Paso Korean U.M.C.	4925 Fairbanks Dr.
52	Collins Elementary School	4860 Tropicana Ave.
53	Newman Elementary School	10275 Alcan St.
54	Parkland High School	5932 Quail Ave.
55 & 184-1	Whitaker Elementary School	4700 Rutherford Dr.
56	Dowell Elementary School	5249 Bastille Ave.
57	Fire Station # 23	5315 Threadgill Ave.
58 & 178	Dolphin Terrace Elementary School	9790 Pickerel Dr.
59	Crosby Elementary School	5411 Wren Ln.
60 & 186 & 188	Fire Station # 16	3828 Hercules Ave.
61 & 185	Park Elementary School	3601 Edgar Park Rd.
62	Nolan Richardson Recreation Center	4435 Maxwell Ave.
63	Magoffin Middle School	4931 Hercules Ave.
64	Stanton Elementary School	5414 Hondo Pass Dr.
65	Logan Elementary School	3200 Ellerthorpe Ave.
66	Burnet Elementary School	3700 Thomason Ave.
67	Travis Elementary School	5000 N. Stevens St.
68 & 187	Kathy White Housing Complex	2500 Mobile Ave.
69	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
70	Paul C. Moreno Elementary School	2300 San Diego Ave.
71	Memorial Park Senior Citizen Center	1800 Byron St.
72	Austin High School	3500 Memphis Ave.
73	Coldwell Elementary School	4101 Altura Ave.
74	Fire Station # 7	3200 Pershing Dr.
75	Cross of Grace Church	4700 Leeds Ave.
76 & 77	Fire Station # 13	5415 Trowbridge Dr.
78	Chelsea Plaza Housing	600 Chelsea St.
79	Fire Station # 5	4240 Alameda Ave.
80	Burleson Elementary School	4400 Blanco Ave.
81	San Juan Recreation Center	701 N. Glenwood St.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
82	Hawkins Elementary School	5816 Stephenson Ave.
83	Henderson Middle School	5505 Robert Alva Ave.
84	Clardy Elementary School	5508 Delta Dr.
85	Fire Station #14	6300 Delta Dr.
87 & 89 & 174 & 189	Bonham Elementary School	7024 Cielo Vista Dr.
90	Fire Station #20	8301 Edgemere Blvd.
91	Mac Arthur Elementary School	8101 Whitus Dr.
92	Cielo Vista Park Elementary School	9000 Basil Ct.
93 & 175	Scotsdale Elementary School	2901 Mc Rae Blvd.
94	Edgemere Elementary School	10300 Edgemere Blvd.
95	Gary Del Palacio Recreation Center	3001 Parkwood St.
96	Eastpoint Elementary School	2400 Zanzibar Rd.
97	Fire Station #19	2405 Mc Rae Blvd.
98	Eastwood Heights Elementary School	10530 Janway Dr.
99 & 100	Pebble Hills Elementary School	11145 Edgemere Blvd.
101	Eastside Senior Center	3200 Fierro Dr.
102	YWCA - East	10712 Sam Snead Dr.
103	Vista Hills Elementary School	10801 La Subida Dr.
104	Fire Station #24	1498 Lomaland Dr.
105	Indian Ridge Middle School	11201 Pebble Hills Blvd.
106	Glen Cove Elementary School	10955 Sam Snead Dr.
107	Hanks High School	2001 Lee Trevino Dr.
108	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
109	Desert View Middle School	1641 Billie Marie Dr.
110	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
111 & 112	Jane Hambric Pre K-8 School	3535 Nolan Richardson Dr.
113 & 114	Bill Sybert Pre K-8 School	11530 Edgemere Blvd.
115 & 182-1	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
116	Spec. Rafael Hernando III Middle School	3451 Rich Beem Blvd.
117 & 118	Benito Martinez Elementary School	2640 Robert Wynn St.
119	Helen Ball Elementary School	1950 Firehouse Dr.
120	O'Shea Keleher Elementary School	1800 Leroy Bonse Dr.
121	Montwood High School	12000 Montwood Dr.
122	Vista Del Sol Elementary School	11851 Vista Del Sol Dr

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
123	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
124 & 125 & 131	Sierra Vista Elementary School	1501 Bob Hope Dr.
126	Fire Station # 35	12230 Pine Springs Dr.
127-2	Red Sands Elementary School	4250 O'Shea Rd.
128-1 & 181-1	El Dorado 9th Grade Academy	14400 Pebble Hills Blvd.
129 & 130	Lujan-Chavez Elementary School	2200 Sun Country Dr.
132 & 134	Ramona Elementary School	351 Nichols Rd.
133	Del Norte Heights Elementary School	1800 Winslow Rd.
135	Ascarate Elementary School	7090 Alameda Ave.
136	Cedar Grove Elementary School	218 Barker Rd.
137	Ranchland Hills Middle School	7615 Yuma Dr.
138	Hacienda Heights Elementary School	7530 Acapulco Ave.
139	Mesa Vista Elementary School	8032 Alamo Ave.
140	Good Samaritan Towers	7750 Lilac Way
141	Fire Station #18	7901 San Jose Rd.
142	Riverside High School	301 Midway Dr.
143	Thomas Manor Elementary School	7900 Jersey St.
144 & 145	Loma Terrace Elementary School	8200 Ryland Dr.
146	Marian Manor Elementary School	8300 Forest Haven Ct.
147	Cadwallader Elementary School	7988 Alameda Ave.
148	Alicia R. Chacon School	221 Prado Rd.
149	Valley View Middle School	8660 Northloop Dr.
150	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
151 & 179	Capistrano Elementary School	240 Mecca Dr.
152 & 154	Lebarron Park Elementary School	920 Burgundy Dr.
153 & 155	Lancaster Elementary School	9230 Elgin Dr.
156	Pavo Real Recreation Center	9301 Alameda Ave.
157	South Loop Elementary School	520 Southside Rd.

EXHIBIT B

MOBILE VOTING: APRIL 29, 2013 - MAY 7, 2013
SPECIAL ELECTION, MAY 11, 2013

Date	Mobile #1	Mobile #2
April 29, 2013 **Monday** **9:00 am - 4:00 pm.**	South El Paso Senior Citizen Center 600 S. Ochoa St.	Hilos De Plata Senior Citizen Center 4451 Delta Dr.
April 30, 2013 **Tuesday** **8:00 am. - 5:00 pm.**	UTEP Union East 2nd Floor 500 W. University Ave.	EPCC Valle Verde 919 Hunter Dr.
May 1, 2013 **Wednesday** **9:00 am. - 5:00 pm.**	Galatzan Recreation Center 650 Wallenberg Dr.	Gary Del Palacio Recreation Center 3001 Parkwood St
May 2, 2013 **Thursday** **9:00 am. - 5:00 pm.**	Westside Branch Library 125 Belvidere St.	Armijo Branch Library 620 E. Seventh Ave.
May 3, 2013 **Friday** **9:00 am. - 5:00 pm.**	Don Haskins Recreation Center 7400 High Ridge Dr.	Pat O'Rourke Recreation Center 901 N. Virginia St.
May 4, 2013 **Saturday** **10:00 am. - 6:00 pm.**	Dorris Van Doren Regional Branch Library 554 Redd Rd.	Esperanza Acosta Moreno Regional Branch Library 12480 Pebble Hills Blvd.
May 5, 2013 **Sunday** **12:00 pm. - 5:00 pm.**	Westside Regional Command Center 4801 Osborne Dr.	Mission Valley Regional Command Center 9011 Escobar Dr.
May 6, 2013 **Monday** **8:00 am.- 5:00 pm.**	El Paso Police Headquarters 911 N. Raynor St.	Jose Cisneros Library 1300 Hawkins
May 7, 2013 **Tuesday** **8:00 am.- 5:00 pm.**	City of El Paso El Paso Times Bldg. 300 N. Campbell St.	Memorial Park Branch Library 3200 Copper Ave.