

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Attorney

AGENDA DATE: February 28, 2012

CONTACT PERSON/PHONE: Sylvia Borunda Firth, City Attorney, 541-4550

DISTRICT(S) AFFECTED: All

SUBJECT: Discussion and action regarding a Resolution to rescind the City Council Resolution dated January 31, 2012 calling a special election in the City of El Paso for the recall of three members of the City Council is rescinded, and the City Manager is authorized to approve payment of the expenses incurred in preparation for the special election.

BACKGROUND / DISCUSSION: This item is brought forward in compliance with the order of the Court of Appeals, Eighth District of Texas, issued on February 17, 2012 in the case of John F. Cook v. Tom Brown Ministries, et al, no. 08-11-00367-CV, following the City Clerk's decertification of the recall petitions as ordered by the Court.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council called the special election at its January 31, 2012 City Council meeting.

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, on February 20, 2012, the City Clerk decertified the recall petitions calling for the recall of Mayor John Cook, District #2 Representative Susie Byrd and District #7 Representative Steve Ortega, in compliance with the order of the Court of Appeals, Eighth District of Texas, El Paso, Texas, issued on February 17, 2012 in the case of John F. Cook v. Tom Brown Ministries, et al., no. 08-11-00367-CV; and

WHEREAS, this resolution is brought forward in compliance with the order of the Court of Appeals, which stated that no recall election may be called or held, and to authorize payment of the costs that had been incurred in preparation for the conduct of a special election.

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

That the Resolution of the City Council dated January 31, 2012 calling a special election in the City of El Paso for the recall of three members of the City Council is rescinded, and the City Manager is authorized to approve payment of the expenses incurred in preparation for the special election.

APPROVED this 28th day of February 2012.

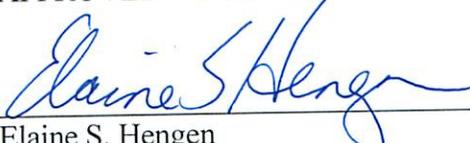
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney