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

DEPARTMENT: **Municipal Clerk**

AGENDA DATE: **June 25, 2013**

CONTACT PERSON NAME AND PHONE NUMBER: **Richarda Duffy Momsen**
(915) 541-4127

DISTRICT(S) AFFECTED: **All**

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

Approve the City Council's Rules of Order.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

City Council establishes Rules of Order for the City Council meeting whenever a new Council is installed.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes, City Councils have adopted or modified Rules of Order many times.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No budgetary impact.

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

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE EL PASO CITY COUNCIL REVISED, AS EFFECTIVE _____, 2013

SECTION 1. PURPOSE OF RESOLUTION

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

SECTION 2. EFFECT OF FAILURE TO FOLLOW THESE RULES

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

SECTION 3. STANDING

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

SECTION 4. SUSPENSION OF RULES

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

SECTION 5. PRESIDING OFFICER

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

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects.

SECTION 6. QUESTIONS OF ORDER

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

SECTION 7. VOTING

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

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

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

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

SECTION 8. RECORDED DEBATE

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

SECTION 9. ORDER OF PRECEDENCE OF MOTIONS

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

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

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

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

SECTION 10. MOTION TO RECONSIDER

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

SECTION 11. OBTAINING THE FLOOR

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

SECTION 12. RIGHT OF CITIZENS TO BE HEARD

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

A maximum of thirty minutes will be allotted for a public comment portion of each regular City Council meeting. Members of the public will have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 am on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 am. Any person signing up to provide

comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

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

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

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the

City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

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

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

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

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

SECTION 13. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 8:30 a.m. Thereafter, the proceedings will take place as specified on the Attached **Exhibit "A"**.

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

Beginning with the agenda for the City Council meeting on August 9, 2011, except as otherwise determined by the presiding officer based on the existence of unusual circumstances, the meetings held on the first and third Tuesdays of each month shall be utilized for the consideration of the following matters:

- Public hearings on all ordinances.
- Briefings and discussion on major policy items
- Resolutions on major policy issues.

Beginning with the agenda for the City Council meeting on _____, 2013, except as otherwise determined by the presiding officer based on the existence of unusual circumstances, the meetings held on the second and fourth Tuesdays of each month shall be utilized for the consideration of the following matters:

- Resolutions on regular business activities such as grants
- Regular business items such as the placement of liens
- Bid awards and other contracts and contractual matters to include Interlocal Agreements, easements, leases, amendments and terminations
- Presentations and discussions on general updates such as reports from the City Manager, or from individual Council Members or the Legislative Review Committees

When an ordinance is introduced at any meeting on and after August 9, 2011, the public hearing date for such ordinance shall be set in conformity with the above schedule. Items will be scheduled for any fifth Tuesday of a month as necessary to meet any priorities or special needs to expeditiously hear such items.

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

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

SECTION 14. PARLIAMENTARIAN

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

SECTION 15. USE OF ELECTRONIC DEVICES

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

ADOPTED this ___ day of _____ 2013.

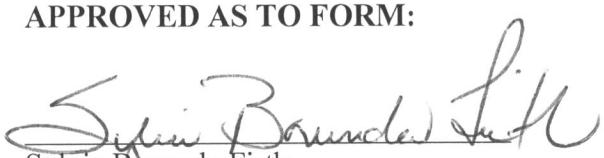
THE CITY OF EL PASO

_____
Oscar Leeser
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
City Attorney

ALTERNATE I

EXHIBIT "A"

9 – 10 am	**Ceremonial Items and Call to Public**
10 am – 12 noon	**Standing LRC** • **Staff Updates** • **Council Items** • **Briefings on Major Issues Coming Forward in Near Future**
12 noon – 1 pm	**Lunch and Executive Session**
1 pm	**Business Meeting** • **1st and 3rd Tuesdays (Public Hearings/Development and Land Use Items)** • **2nd and 4th Tuesdays (Contracts/Procurements/Regular Business)**

ALTERNATE II

EXHIBIT "A"

8:30 am Ceremonial Items

9:00 am Business Meeting

- 1st and 3rd Tuesdays (Public Hearings/Development Issues)
- 2nd and 4th Tuesdays (Contracts/Procurements/Routine Business)

Call to Public following conclusion of business

12 noon Break for Lunch and Executive Session if necessary

1:00 pm LRC/Work Session

- Staff Updates
- Council Items
- Briefings on Major Issues Coming Forward in Near Future