

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

DEPARTMENT: Engineering and Construction Management Department
AGENDA DATE: Introduction: July 10, 2012 Public Hearing: July 17, 2012

CONTACT PERSON/PHONE: R. Alan Shubert, 915-541-4423

DISTRICT AFFECTED: City Wide

SUBJECT:

Discussion and action on an ordinance amending Title 2 (Administration and Personnel), Chapter 2.94 (Regulation of Lobbying Activities), Section 2.94.090 (Restricted Activities) of the El Paso City Code to amend the type of solicitations in which persons are restricted from engaging in lobbying activities.

BACKGROUND / DISCUSSION:

The proposed ordinance amendment is a companion item to the resolution establishing the City of El Paso guidelines relative to solicitation for public-private partnerships. The amendment revises provisions relating to Restricted Activities (Cone of Silence) to add public-private partnership and design-build solicitations/proposals.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

(N/A)

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

DEPARTMENT HEAD: _____



Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.94 (REGULATION OF LOBBYING ACTIVITIES), SECTION 2.94.090 (RESTRICTED ACTIVITIES) OF THE EL PASO CITY CODE TO AMEND THE TYPES OF SOLICITATIONS IN WHICH PERSONS ARE RESTRICTED FROM ENGAGING IN LOBBYING ACTIVITIES.

WHEREAS, the City Council of the City of El Paso has determined that to preserve and maintain the integrity of the government decision-making process in the city, it is necessary that the identify, expenditures, and activities of certain persons who engage in efforts to influences a city official on matters within their official jurisdictions, either by direct communication to the official, or by solicitation of others to engage in such efforts, be regulated and be publicly and regularly disclosed; and

WHEREAS, the City Council desires to include Public-Private Partnerships in the types of solicitations in which persons are restricted from engaging in lobbying activities and clarify the other types of solicitations that are covered by the restriction.

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

SECTION 1: That Title 2 (Administration and Personnel), Chapter 2.94 (Regulation of Lobbying Activities), Section 2.94.090 (Restricted Activities) of the City Code shall be amended as follows:

2.94.0 – Restricted activities

- E. During the period of in which the City has issued a solicitation, including a competitive bid, request for proposal (RFP), request for qualifications (RFQ), highest qualified bid (best value), competitive sealed proposals, design-build, public-private partnership, any other type of solicitation required by law,, or the giving of a notice of a proposed project, which shall begin on the day that it is advertised and end on the date that the notice of the award has been posted by the city clerk for placement on the agenda, no person or registrant shall engage in any lobbying activities with city officials and employees. For an unsolicited or competing proposal for a public-private partnership, the period in which no person or registrant shall engage in any lobbying activities with city officials and employees shall begin on the date that the City receives an unsolicited proposal and end on the date the notice of award has been posted by the city clerk for

placement on the agenda. If contact is required with city employees, such contact will be done in accordance with procedures incorporated into the solicitation document and the city's contracting policies. Any person or entity that violates this provision may be disqualified in accordance with Section 2.94.130 of this chapter.

SECTION 2: Except as herein enumerated, Title 2 (Administration and Personnel), Chapter 2.94 (Regulation of Lobbying Activities), Section 2.94.090 (Restricted Activities) of the City Code shall remain in full force and effect.

PASSED AND ADOPTED this ___ day of _____, 2012

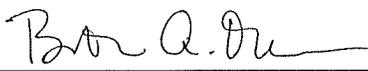
CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

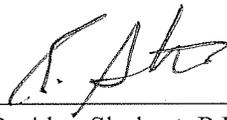
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:



Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E., City Engineer
Engineering & Construction Management