

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

DEPARTMENT: City Manager

AGENDA DATE: Introduction on July 26, 2011; public hearing on August 2, 2011

CONTACT PERSON NAME AND PHONE NUMBER: Joyce Wilson, City Manager, 541-4844

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.

An Ordinance establishing the deadlines and procedures for placing matters on the agenda for City Council meetings and repealing Ordinance No. 16086

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?

This ordinance will implement proposed new provisions in the Council Rules of Order to establish guidelines for the placement of the various matters on the Council agendas, so as to group like matters and provide better control over the length of each agenda. The ordinance also clarifies the deadlines for submitting matters during the times in which the City follows the 4-10 work schedule.

PRIOR COUNCIL ACTION:

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

The last ordinance establishing the deadlines and procedure for placing matters on the Council agenda was Ordinance No. 16086, adopted on July 5, 2005.

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?

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:

**AN ORDINANCE ESTABLISHING DEADLINES AND PROCEDURES
FOR PLACING MATTERS ON THE AGENDA FOR CITY COUNCIL
MEETINGS AND REPEALING ORDINANCE NO. 16086**

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

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

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

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

WHEREAS, Ordinance No. 16086, previously established deadlines and procedures for placing matters on the agenda for City Council Meetings; and

WHEREAS, the City Council finds those procedures should be revised.

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

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

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

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

a. During such time periods when the City Council has established a 4-10 work week and declared the business days of the City as Monday, Tuesday, Wednesday and Thursday, the deadline shall be at or before 6:00 p.m. on Wednesday prior to the Council meeting at which discussion or action is requested. Items received after the deadline may be placed on the “Additions to the Agenda” if they are received by 12:00 p.m. on Thursday prior to the meeting and if the request is accompanied by an authorization of a Council member or the City Manager or his or her designated Deputy City Manager. If the initial authorization for placement on the “Additions to the Agenda” is given orally, it shall be followed by the provision of a signature or electronic mail authorization no later than 2:00 pm on Thursday.

b. During such time periods when the City Council has established a five day work week and declared the business days of the City as Monday, Tuesday, Wednesday, Thursday and Friday, the deadline shall be at or before 12:00 p.m. on Thursday prior to the Council meeting at which discussion or action is requested. Items received after the deadline may be placed on the “Additions to the Agenda” if they are received by 5:00 p.m. on Thursday prior to the meeting and if the request is accompanied by an authorization of a Council member or the City Manager or his or her designated Deputy City Manager. If the initial authorization for placement on the “Additions to the Agenda” is given orally, it shall be followed by the provision of a signature or electronic mail authorization no later than 9:00 am on Friday or the close of business on Thursday should a Friday be a city holiday.

Any item placed on the “Additions to the Agenda” must contain an explanation why the requested item did not make the agenda deadline and an explanation of why the item cannot wait to be placed on the agenda for the next regularly scheduled meeting of the City Council. No item that is not timely submitted will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

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

If the City Council should change the day of its regular meeting from a Tuesday, the resolution changing the day of the meeting may include any adjustment to the deadlines for placement of agenda items. If the resolution is silent as to such adjustment, the City Clerk is authorized to establish revised deadlines for placement of agenda items and the submission of back-up material as are necessary to enable him or her to post the agenda in conformity with state law and the City's practice of allowing adequate time for the members of the City council to study the agenda items.

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

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

4. The head of each department on whose behalf an item is placed on the agenda shall submit to the City Clerk, a summary explanation and any other back-up material for those agenda items related to his or her department that will be posted with the agenda on the City's website no later than 12:00 p.m. on the Thursday before the meeting at which discussion or action is to take place. Any additional back-up that may be provided separately to each member of the City Council and the City Manager shall be submitted no later than 5:00 p.m. on the Thursday before the meeting at which discussion or action

is to take place. If any item placed on the agenda at the request of a City Council member specifically relates to City department which is readily identifiable by the City Clerk, the City Clerk shall notify the head of the affected department of such item on the same day on which the agenda is posted, or if such notice is not reasonably feasible on the same day, then the notice shall be given prior to 9:00 a.m. on the next working day.

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

6. In accordance with Section 3.5A of the City Charter, special meetings may be called by the Mayor or by a majority of the entire City Council. Such call shall be directed in writing to the City Clerk. In such cases, the notice of the meeting and the agenda must be posted in accordance with the requirements contained in the Texas Open Meetings Law.

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

8. A copy of all proposed legal documents, including resolutions, contracts and ordinances shall be delivered to the Mayor and each Representative by the responsible department at the time the proposed legal document is placed on the agenda or shall be submitted to the City Clerk for posting on the City's website as provided in section 4. If

a copy of any proposed legal document has not been provided to each member of the City Council by noon on the fourth day before the City Council meeting, the City Council shall table action on that document, unless a majority of the entire City Council determines, before voting on the proposed document, that failure to take action would be detrimental to the interests of the City.

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

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

11. Ordinance No. 16086 is hereby repealed.

12. This ordinance takes effect August 8, 2011 and applies to all the placement of matters on the City Council agenda for the meetings beginning on August 16, 2011. Provided however, any ordinances scheduled for public hearings by a vote of the City Council prior to August 8, 2011 shall be posted for such public hearings in accordance with the vote of the City Council.

ADOPTED this 2nd day of August 2011.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Assistant City Attorney

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make the ~~Thursday noon~~ agenda deadline and an explanation of why the item cannot wait to be placed on the agenda for the next regularly scheduled meeting of the City Council. No item that is not timely submitted ~~received after 5:00 p.m. on the Thursday prior to the meeting~~ will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

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containing all pertinent information has previously been filed at City Hall, give notice by telephone, facsimile transmission, or electronic mail ~~in person or by telegraph or facsimile~~ to news media requesting such notice and agreeing to reimburse ~~consenting to pay any and all expenses incurred by~~ the City for the cost of ~~in~~ providing such special notice.

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APPROVED AS TO FORM:

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