CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Human Resources**

AGENDA DATE: **08/14/07**

CONTACT PERSON/PHONE: **Human Resources, Linda Ball Thomas, (915) 541-4509**

DISTRICT(S) AFFECTED: **City Wide**

SUBJECT: **Introduction of an Ordinance to repeal Ordinance No. 16072**

APPROVE:

BACKGROUND / DISCUSSION:

Upon approval by the City Council this ordinance would allow the City Manager or Department Head to enter into and sign certain personal and professional service contract and all employment and volunteer service contracts on behalf of the City.

PRIOR COUNCIL ACTION:

Ordinance 016072 approved by City Council on June 21, 2005

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

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

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

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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING AUTHORITY TO THE CITY MANAGER OR THE DEPARTMENT HEAD TO ENTER INTO AND SIGN CERTAIN PERSONAL AND PROFESSIONAL SERVICE CONTRACTS, AND ALL EMPLOYMENT AND VOLUNTEER SERVICE CONTRACTS ON BEHALF OF THE CITY, AND TO REPEAL ORDINANCE NO. 16072, PERTAINING TO THE SAME SUBJECT.

WHEREAS, on May 12, 2007, a Charter election was held and the voters of El Paso approved amendments to the Charter relating to the approval of certain personal, professional and employment contracts; and,

WHEREAS, under Section 252.022(a)(4) of the Local Government Code, personal and professional service contracts are exempt from the bidding requirements of that Section; and,

WHEREAS, the City enters into many personal and professional services contracts, including employment contracts, due to the part time, seasonal or temporary nature of certain non-civil service positions within the City and employee positions previously determined by the Civil Service Commission to be appropriate for contracted services and,

WHEREAS, there are often factors such as a high turn over rate in some of the positions falling under Section 6.6-5 of the City Charter, thereby creating an immediate need, for reasons of economy and efficiency, to fill the positions expeditiously to enable the City to continue to provide the same level of services to the public;

WHEREAS, the City Council has determined that for purposes of efficiency that the City Manager or his or her designee or a Department Head be designated to enter into and sign certain contracts on behalf of the City;

WHEREAS, the Council desires to repeal Ordinance No. 16072 for the purpose of creating this new ordinance to clarify the authority granted to the City Manager pursuant to the recent amendments to the City Charter.

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

1. That Council hereby grants authority to the City Manager or his or her designee or the Department Head as specified below to enter into, sign and bind the City of El Paso for those contracts specified below.

    a. Employment services contracts to retain the ongoing services of an employee of the City for positions not included within the Civil Service System, for positions

for which the Civil Service Commission has authorized the use of employment contracts outside of the Civil Service System to include employees within the Economic Development Department, the Information Technology Department, and specified high level positions within the El Paso Water Utilities, and as determined to be appropriate by the City Manager within the unclassified services, may be entered into and signed by the City Manager or her designee.

b. Personal services, professional and temporary services contracts, for either part-time or full time services during an identified, limited period of time or project other than employment services contracts set forth in Section 1 a, that do not exceed a base annual salary of fifty thousand dollars or a total non-salaried compensation of fifty thousand dollars, may be entered into and signed by the City Manager or his or her designee. Personal services, professional and temporary services contracts for either part-time or full time services during an identified, limited period of time or project, that do not exceed a base annual salary of ten thousand dollars or a total non-salaried compensation of ten thousand dollars, may be entered into and signed by the affected Department Head. The base salary does not include fringe benefits.

c. Volunteer services contracts, as determined to be appropriate or necessary by the City Manager or the appropriate Department Head to include those required under Section 12.08.230 of the El Paso City Code, may be entered into and signed by the City Manager or his or her designee or the appropriate Department Head.

2. The authority to sign contracts as specified in Section 1 above, shall also include the authority to terminate such contracts as permitted under the contract and to sign an amendment to the contracts specified in Section 1 b when the amount of the amendment when added to the original amount of the contract does not exceed the applicable maximum amount or when the amount of the amendment does not exceed twenty-five percent of the original amount of the contract, whichever is greater. Such authority does not permit the extension of a temporary services contract beyond one year.

3. All contracts or standard contract forms shall be approved as to form by the City Attorney or a Deputy or Assistant City Attorney prior to execution.

4. The City Clerk shall file and maintain the originals of all contracts entered into and signed pursuant to this ordinance in accordance with applicable records retention requirements.

5. The City Manager or his or her designee shall have the authority to sign personal, professional and all other services contracts authorized in the City Charter , as may be approved by the City Council.

6. That Ordiannce no. 16072 pertaining to the same subject, adopted on June 21, 2005, is hereby repealed.

ADOPTED this 21st day of August 2007.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Assistant City Attorney

APPROVED AS TO CONTENT:

Linda Ball Thomas
Director, Human Resources Department