

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

**DEPARTMENT:** City Clerk

**AGENDA DATE:** December 6, 2005

**CONTACT PERSON/PHONE:** Richarda Duffy Momsen, 541-4127

**DISTRICT(S) AFFECTED:** All

**SUBJECT:** An ordinance to change the date of the City general election for officers to an authorized uniform election date and to adjust the terms of office to conform to the new election date.

**BACKGROUND / DISCUSSION:** The Texas Legislature adopted H.B. 57, which changes the date of the May uniform election date from the first Saturday to the second Saturday. As this conflicts with the provisions in the Charter setting the general election on the first Saturday in May, the City now needs to adjust the date of the election to be in conformity with the uniform election date and to adjust the starting date for the terms of office. A provision in H.B. 57 allows the City to make these changes before December 31, 2005.

**PRIOR COUNCIL ACTION:**

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

No.

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**AMOUNT AND SOURCE OF FUNDING:** No funding required relating to this change.

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Elaine S. Hengen    **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(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:** \_\_\_\_\_



## OFFICE OF THE CITY ATTORNEY

### MEMORANDUM

CONFIDENTIAL ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT COMMUNICATION  
NOT INTENDED FOR PUBLIC DISSEMINATION

TO: Mayor John F. Cook  
Representatives Ann Morgan Lilly, Susannah M. Byrd; J. Alexandro  
Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega  
and Beto O'Rourke  
Joyce Wilson, City Manager

FROM: Richarda Duffy Momsen, Municipal Clerk  
Elaine S. Hengen, Assistant City Attorney

SUBJECT: Ordinance for Introduction December 6, 2005  
Changing election date and adjusting the terms of office

DATE: December 1, 2005

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Section 2.1A of the El Paso City Charter provides that the regular City election shall be held on the first Saturday in May with a runoff election to be held on either the last or next to last Saturday in May. The Charter further provides that all terms of elected officers commence on the second Tuesday in June.

Earlier this year, the 79<sup>th</sup> Texas Legislature adopted H.B. 57, which changed the May uniform election date from the first Saturday in May to the second Saturday in May. Under the election code, the City is required to hold its general election on an approved uniform election date. The bill included an amendment to Section 41.0052, Election Code, which provides that the City Council may, not later than December 31, 2005, change the date on which it holds its general election for officers to a uniform election date and adjust the terms of office to conform to the new election date.

Accordingly, the City needs to change the date of the May general election from the first Saturday in May to the second Saturday. This change also necessitates a change in the start of the terms of office. The following schedule is proposed :

General Election	Second Saturday in May
Canvass of votes	Special Council meeting on the following Thursday
Runoff election	First or Second Saturday in June (depending on how the days of the week fall on the calendar)
Canvass of votes	Special Council meeting on the following Thursday
Start of terms of office	Fourth Tuesday in June

Under this schedule, the Council will hold special meetings to canvass the votes and it will extend the lame duck session by one week. However, there is some time within this schedule to make slight adjustments to the date that the votes are canvassed if that becomes necessary. It also allows additional time to plan and hold the inauguration ceremony for new Council members in comparison to the last election.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO CHANGE THE DATE OF THE CITY GENERAL ELECTION FOR OFFICERS TO AN AUTHORIZED UNIFORM ELECTION DATE AND TO ADJUST THE TERMS OF OFFICE TO CONFORM TO THE NEW ELECTION DATE.**

**WHEREAS**, Section 2.1A of the El Paso City Charter provides that the regular City election shall be held on the first Saturday in May with a runoff election to be held on either the last or next to last Saturday in May; and

**WHEREAS**, this section further provides that all terms of elected officers commence on the second Tuesday in June; and

**WHEREAS**, the 79<sup>th</sup> Texas Legislature adopted H.B. 57, signed by the Governor, which changes the May uniform election date from the first Saturday in May to the second Saturday in May; and

**WHEREAS**, the City is required to hold its general election on an approved uniform election date; and

**WHEREAS**, Section 41.0052, Election Code, provides that the City Council may, not later than December 31, 2005, change the date on which it holds its general election for officers to another uniform election date and that the City shall also adjust the terms of office to conform to the new election date; and

**WHEREAS**, statutory requirements for run-off elections are also a determining factor in conjunction with the adjustment of the start of the terms of office for the City's elected officials.

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

Section 1. The regular City election for the election of officers to fill expired terms shall be held on the second Saturday in May or on the date otherwise established under the Texas Election Code as the uniform election date in the month of May.

Section 2. The runoff election shall be held the Saturday following the twentieth day after the date on which the general election ballots are canvassed or otherwise in conformity with the Texas Election Code.

Section 3. The terms of elected officers shall commence on the fourth Tuesday in June.

ADOPTED THIS 20<sup>th</sup> day of December 2005.

CITY OF EL PASO

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John F. Cook, Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Elaine S. Hengen  
Assistant City Attorney

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Richarda Duffy Momsen  
Municipal Clerk