

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MEMORANDUM

TO: Mayor and Council
FROM: Susie Byrd, City Representative, District #2
DATE: December 7, 2005
RE: Agenda Item for Council Meeting of December 13, 2005

Dear Mayor and Council:

I would like you to consider amending the Council rules to increase the time allotted to speakers from 3 to 5 minutes. We routinely grant speakers more than 3 minutes which leads me to believe the 3 minute limit does not afford speakers enough time to make their case on an issue.

Additionally, it is distracting to a speaker to cut them off in the middle of their thought in order to grant them additional time. It is important however in setting a longer time limit to discontinue the practice of suspending the rules, except in extraordinary cases. The unintended consequence of routinely waiving the rules is that it can be perceived that only certain members of the public are afforded that discretion.

For your information, I have provided the Council rules as adopted in June.

Thank you for your kind consideration of this matter.

Sincerely,

Susie Byrd
City Council Representative, District 2

60

RESOLUTION
RULES OF ORDER
ADOPTED JUNE 14, 2005

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 Council's failure 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 decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 7. VOTING

The City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. At the time the Representative audibly indicates his or her vote, except as provided below, the Representative will simultaneously indicate his or her vote on the electronic voting system. Records of such roll call vote shall be incorporated in the Minutes of the meeting.

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 Municipal Clerk: (a) upon the announcement of the Municipal Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take of 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 Municipal 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.

SECTION 8. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his 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 or 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 may 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. Members of Council may move to grant

additional time to speakers. Such extended time will be determined by a simple majority vote of Council, present and voting.

A maximum of thirty minutes will be allotted for a public comment portion of each regular City Council meeting. Members of the public wishing to provide comment on items not already posted on the agenda 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 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 speak or otherwise make a presentation on only one topic 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 participate, but in no event will a speaker have more than five minutes to speak or otherwise make a presentation. 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.

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. ORDER OF AGENDA ITEMS

Proclamations will be presented first at the direction of the presiding officer commencing at 9:00 a.m., not to exceed thirty (30) minutes. The public comment 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. Reports or updates from the City's Committees, Boards and Commissions shall be considered following the introduction of ordinances.

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. Members of Council shall not make or take telephone calls, other than calls of an emergency nature, or send, open or otherwise view any electronic communications other than internal communications with staff while in Council chambers once a Council meeting has been called to order. 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.

As adopted, June 14, 2005.

CITY OF EL PASO:


John F. Cook, Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Elaine S. Hengen
Assistant City Attorney