

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

DEPARTMENT: Financial Services

AGENDA DATE: Consent Agenda December 22, 2009

CONTACT PERSON NAME AND PHONE NUMBER: Liza Ramirez-Tobias (915) 541-4074

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.

A resolution establishing a Public Utility Regulation Board to advise the Mayor and Council on the matters of the application of El Paso Electric Company to change rates filed with the City of El Paso on December 9, 2009 and the Texas Gas Service Statement of Intent to increase rates within the El Paso service area, filed on December 3, 2009.

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 resolution will establish a temporary Public Utility Regulation Board (PURB) to serve during the duration of the two matters listed above. The Board will have nine members, with each member of the Council nominating one member. The Board will automatically sunset at the time that the City Council has taken final action on both of these matters.

PRIOR COUNCIL ACTION:

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

The standing PURB was sunsetted on September 22, 2009, so it is necessary to create a temporary PURB to address the two pending matters.

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?

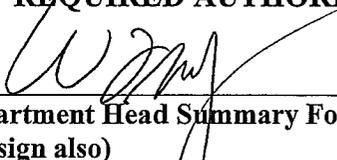
None _____

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, on September 22, 2009, the City Council repealed the City ordinances that established a standing Public Utility Regulation Board, so as to eliminate the need for staff to service a board that does not have regularly continuing matters before it;

WHEREAS, it is now appropriate to establish a temporary Public Utility Regulation Board to address two rate case filings and to provide that the temporary Board will automatically sunset upon the completion of the work relating to these two rate case filings.

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

1. That there is hereby established a Public Utility Regulation Board (hereinafter the "Board") to advise the Mayor and City Council regarding the following two matters:
 - a. Application of El Paso Electric Company to change rates, filed with the City of El Paso on December 9, 2009; and
 - b. Texas Gas Service, Statement of intent to increase rates within El Paso service area, filed on December 3, 2009.
2. That the Board will consist of 9 members. Each City Council member (including the Mayor) shall each nominate the appointment of one member, with the appointments approved by the Council in accordance with the requirements of the City Charter. Such nominations shall be submitted to the Office of the Mayor no later than January 6, 2010, and the appointments shall be voted on by the Council on January 12, 2010. In the event that a Council member fails to submit a nomination to the Office of the Mayor by January 6, 2010, the Mayor shall on January 7, 2010 include such additional nominations of his own so as to present a slate of nine nominations that shall be placed on the City Council agenda for consideration on January 12, 2010.

3. The City Manager or her designee will make necessary resources available to the Board and will establish the procedures for calling and holding the meetings.
4. The Board shall perform the following duties:
 - a. Investigate, conduct hearings, study and make recommendations to the Mayor and City Council on all matters relating to the two applications described in paragraph 1. In order to perform this duty, the Board is authorized to request testimony and information in the manner authorized under the Charter and by the ordinances and established procedures of the City, and to bring issues forward to the City Council for guidance and resolution.
 - b. Advise the Mayor and City Council on any matters regarding public utilities.
 - c. Any other duties specifically required of it by the City Council in the field of utility regulation.
5. The Board shall meet as often as is necessary for the conduct of its business. At the first meeting of the Board, the members shall elect a chair and vice-chair to facilitate the conduct of the meetings.
6. That the Board shall automatically sunset and dissolve at such time that the City Council has taken final action on the two matters stated in Paragraph 1.

ADOPTED this 22nd day of December 2009.

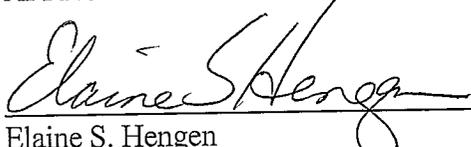
CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Liza M. Ramirez-Tobias,
Capital Assets Manager, Financial Services