ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING DEADLINES AND PROCEDURES FOR PLACING MATTERS ON THE AGENDA FOR CITY COUNCIL MEETINGS AND REPEALING ORDINANCE NO. 010397, ORDINANCE NO. 011042, ORDINANCE NO. 011573, AND ORDINANCE NO. 15264

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. 010397, as amended by Ordinance No. 011042, Ordinance No. 011573 and Ordinance No. 15264, established deadlines and procedures for placing matters on the agenda for City Council Meetings; and

WHEREAS, the City Council finds those procedures should be clarified;

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.

2. **Present procedure.** Unless otherwise provided in this ordinance the City Clerk shall place on the City Council agenda only those items which are submitted at or before 2 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 3 p.m. on the Friday prior to the meeting and if the request is accompanied by the signature of a Council member or the Chief Administrative Officer or if the request is approved by a Council member or the Chief Administrative Officer via electronic mail. No item received after 3 p.m. on the Friday prior to the meeting will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5, unless personally directed by a member of City Council.

Option 1 Unless otherwise provided in this ordinance, the City Clerk shall place on the City Council agenda only those items that are received by the City Clerk at or before 2 p.m. on Thursday prior to the Council meeting at which discussion or action is requested. No item received after 2 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.

Option 2 Unless otherwise provided in this ordinance the City Clerk shall place on the City Council agenda only those items which are submitted at or before 2 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 3 p.m. on the Friday prior to the meeting and if the request is accompanied by the signature of a Council member or the Chief Administrative Officer or if the request is approved by a Council member or the Chief Administrative Officer via electronic mail. Any item placed on the "Additions to the Agenda" must contain an explanation as to why the requested item did not make the Thursday agenda deadline and an explanation of why the item can not wait be placed on the agenda for the next regularly scheduled

meeting of the City Council. No item received after 3 p.m. on the Friday prior to the meeting will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

Option 3 Unless otherwise provided in this ordinance the City Clerk shall place on the City Council agenda only those items which are submitted at or before 2 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 3 p.m. on the Friday prior to the meeting and if the request is accompanied by the signature of a Council member or the Chief Administrative Officer, or if the request is approved by a Council member or the Chief Administrative Officer via electronic mail. Any item place on the "Additions to the Agenda" must contain an explanation as to why the requested item did not make the Thursday agenda deadline and a justification of what financial benefit or opportunity would be lost by the City if the item is placed on the agenda for the next regularly scheduled meeting of the City Council. No item received after 3 p.m. on the Friday prior to the meeting will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

Option 4 Unless otherwise provided in this ordinance the City Clerk shall place on the City Council agenda only those items which are submitted at or before 2 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 9 a.m. on the Friday prior to the meeting and if the request is accompanied by the signature of a Council member or the Chief Administrative Officer, or if the request is approved by a Council member or the Chief Administrative Officer via electronic mail. Any item placed on the "Additions to the Agenda" must contain an explanation why the requested item did not make the Thursday agenda deadline and an explanation of why the item can not wait be placed on the agenda for the next regularly scheduled meeting of the City Council. No item received after 9 a.m. on the Friday prior to the meeting

will be placed on the agenda except for an Urgent Public Necessity (UPN) as provided in Paragraph 5.

If the City Council should change the day of its regular meeting from a Tuesday, the resolution changing the day of the meeting will include any adjustment to the deadlines for placement of agenda items

3. Any request to place an item on the agenda shall be made in writing, facsimile, electronic mail, or by any other electronic means, unless express authorization is received by the City Clerk from a City Council member or the Chief Administrative Officer to accept an oral request to place an item on the agenda. All requests shall include the name and telephone number of the individual making the request, and the department name if applicable.
4. The head of each department on whose behalf an item is placed on the agenda shall submit to each member of the City Council, the Chief Administrative Officer and the Director of Office of Management and Budget, a summary explanation and any other back-up material of those agenda items related to his or her department no later than 5 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 or a citizen 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 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 Chief Administrative Officer. 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. 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 p.m. on the day before the City Council meets.

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, in person or by telegraph or facsimile to news media requesting such notice and consenting to pay any and all expenses incurred by the City in 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. 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.

10. Any proposal for submission of a grant to a federal, state or private agency shall be given to the Office of Management and Budget in sufficient time before it is placed on the City Council Agenda to allow review. The Office of Management and Budget shall notify the City Council of any costs to be incurred by the City if the grant is approved, and whether the grant requires a commitment by the City to maintain services at its own expense after the grant has expired.
11. Agenda items requesting the expenditure of money or the transfer of funds among budgeted accounts must state the amount of money involved and 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. The department proposing the expenditure or budget transfer shall provide the Office of Management and Budget such details and support data as required to permit a timely and orderly review. Justification information for the transfer must show on the agenda which must include the purpose for the transfer.
12. The Office of Management and Budget is instructed to prepare a written fiscal note identifying any agenda item for which there is not a current appropriation. The Office of Management and Budget 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 and Representatives on the Friday prior to the Council meeting. In the case of additions to the agenda, the Office of Management and Budget shall respond as soon as possible. The Mayor or any Representative can request a fiscal note on any agenda item.
13. On September 1, 2004, for purposes of this ordinance, the position of Chief Administrative Officer shall be replaced with the position of City Manager.

14. Ordinance No. 010397, as amended by Ordinance No. 011042, Ordinance No. 011573 and Ordinance No. 15264, are hereby repealed.

PASSED AND APPROVED this _____ day of _____, 2004.

CITY OF EL PASO

ATTEST:

_____
Joe Wardy
Mayor

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Omarosa Cullen Attorney
Deputy City Attorney

APPROVED AS TO CONTENT:

_____
Richarda Duffy Momsen
City Clerk

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