# Agenda Item Form

**Agenda Date:** 06/08/04

**Districts Affected:** All
**Dept. Head/Contact Information:** Human Resources, Terry Bond, (915) 541-4509

**Type of Agenda Item:**

- ☐ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☐ Other _____
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☒ Introduction of Ordinance
- ☐ Grant Application

**Funding Source:**

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☒ Other Source: N/A

**Legal:**

☒ Legal Review Required  Attorney Assigned (please scroll down): Lupe Cuellar  ☒ Approved  ☐ Denied

**Timeline Priority:** ☒ High  ☐ Medium  ☐ Low  # of days:_____

**Why is this item necessary:**
After review by the Civil Service Commission and approval on 5/27/04, this amendment would address how Commission will conduct meetings and delineates the responsibilities of its officers.

**Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:**
None

**Statutory or Citizen Concerns:**
None Anticipated

**Departmental Concerns:**
None Anticipated

**AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 1, CIVIL SERVICE COMMISSION, TO CHANGE THE COMMISSION PROCEDURES**

**WHEREAS**, the Civil Service Commission is given the authority under Section 6.1-5(A) of the City Charter to recommend amendments to the City's Civil Service Rules; and,

**WHEREAS**, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommended changes to City Council; and,

**WHEREAS**, both the Civil Service Commission and the City Council have determined that Civil Service Rules should be amended by changing Rule 1, Civil Service Commission, as it relates to Commission procedures,

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

1. That Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, is amended as follows:

Section 2. Officers

a. Chair. The Chair shall be elected from the Commission by majority vote. The Chair shall preside over all meetings of the Commission; call the meetings to order at the time they are scheduled to convene; ensure that a quorum is present; put to vote all motions that are in order; initiate general consent when appropriate; recognize Commissioners and others present at the meeting who desire to speak; enforce such statutory provisions and rules affecting the Commission's meetings, including rules of debate; maintain order and decorum; rule on parliamentary inquiries, points of order, and any other motions that require action by the Chair; appoint committees of the Commission as needed, and perform such other duties as naturally inhere in that office. When, in the judgment of the Chair, it is necessary to limit the time that members of the public may address the Commission, (s)he shall impose reasonable time limits to ensure economy of time while allowing those who wish to address the Commission adequate opportunity to voice their views.

b. Vice-Chair. The Vice-Chair shall be elected from the Commission by majority vote. The Vice-Chair shall enjoy the same duties as the Chair in the absence of the Chair or upon the inability or refusal of the Chair to exercise its duties, and shall be governed by the same constraints as the Chair.

c. Secretary. The Secretary, who need not be a member of the Commission, shall supervise the Commission recorder, and shall review and assist the Commission Recorder

with the preparation of all minutes of Commission meetings, which minutes shall record the time and place of each meeting of the Commission, the names of those Commissioners present and absent, summaries of discussion on matters before the Commission and the votes given by the Commission, except when acts are unanimous. The Secretary will cause the minutes to be written and presented for approval or amendment. The minutes or a copy certified by the Chairman will be open to public inspection and filed with the Municipal Clerk in accordance with City ordinance. The Secretary shall also prepare the agenda for all meetings of the Commission and receive all requests from members of the public or groups who seek in writing to address the Commission and place those matters on the Commission's agenda as soon as practicable, taking into account the urgency of the request; sign all documents as required by statutory provisions or the rules of the Commission; prepare reports as required by law, or these rules and as otherwise directed by the Commission; post meetings of the Commission or its committees as required by law; require the assistance of the Director of Human Resources and Commission Recorder in the discharge of the duties specified in this paragraph; and perform such other duties as naturally inhere in that office.

Section 3. Election. The Chair, and Vice-Chair will be elected at the regular meeting in May of each year, and will serve until their successor assumes the office. The Secretary is appointed by the Commission and serves, at the pleasure of the Commission. In the event any officer's position becomes vacant for any reason, the Commission will immediately appoint a replacement to serve the unexpired portion of the term.

Section 4. Removal of Officers. The Chair and Vice-Chair may be removed from office for any cause specified in Article VI, Section 6.1-15 of the Charter or for substantial failure to perform the duties of their office. The procedure for removal will be the same as provided for the removal of Commissioners as set forth in Sec. 9 of this Rule, provided that the Commission will sit in lieu of Mayor and Council. In such action, the officer involved will not preside or participate as a voting member in the proceeding. No other Commissioner will be disqualified from voting. Removal will be effected by a two-thirds vote of the voting members of the Commission present at the meeting at which removal is considered.

Section 5. Meetings

a. Regular Meetings. The Commission will hold regular meetings on the second and fourth Thursdays of each month at 6:00 p.m., except during November and December when the Commission shall meet only on the second Thursday, or on such other weekday as the Commission may from time to time determine. In the event of the absence of the Chair and the Vice-Chair, the Commission shall select one of its members as presiding officer to serve at that meeting, and until the arrival of the Chair or Vice-Chair.

b. Special Meetings. Special meetings may be called by the Chair, or any three members of the Commission upon such notice, as required by law, to each Commissioner and the public.

Section 6. Committees. Committees shall be appointed as provided in this Rule and shall remain constituted until the completion of the assigned task. The Committee shall elect one of its members as Chair who shall preside over its meetings in the same manner as the Chair of the Commission presides over meetings of the Commission. The Chair shall have the responsibility of reporting to the Commission, as needed or required, concerning the mission tasked to the committee.

Section 7. Procedural Rules.

a. Action by the Commission. All actions by the Commission shall be upon Motion, duly made and seconded.

(1) Any Motion before the Commission may be amended with the consent of the Commissioner making the motion, or in the refusal of such consent, upon Motion to Amend, duly made and seconded. The Motion to Amend must be given priority over the main motion. Thereafter, discussion shall proceed on the main motion, as stated or amended. A second to any motion is a prerequisite to discussion and action on the motion. A Motion to Reconsider any previous action by the Commission may be made at anytime, provided however that such motion will be in order only if made by a Commissioner who voted with the majority on the matter the subject of the Motion to Reconsider. Discussion on any motion may be closed with unanimous consent by the Chair, and, failing unanimous consent, upon motion calling the question, duly seconded and without discussion.

(2) The following matters are privileged and must be taken up by the Commission when they are raised: Motions to Adjourn or Recess, Points of Order, and Appeals to the Ruling of the Chair or Presiding Officer.

b. Voting. Any member of the Commission may vote on any Motion, provided, however that the Chair or presiding officer shall vote only in the event of a tie. No member of the Commission may vote upon any motion involving himself. Motions shall pass upon a majority vote of Commissioners present, provided further, that any Motion to Reconsider a prior action of the Commission shall only be made and seconded by Commissioners who voted with the majority in the original action.

c. Appeal from a Ruling by the Chair. Any Commissioner may appeal any ruling by the Chair as to any point of order or any other matter ruled upon by the Chair on its own initiative. The appeal is appropriate for discussion which, in the absence of unanimous consent, may be terminated by motion, duly seconded, calling the question, upon which the issue before the Commission shall be whether the ruling of the Chair shall be sustained. The ruling of the Chair shall be sustained in the absence of a majority vote against the ruling.

Section 8. Robert's Rules of Order. Although not adopted as the Rules of the Commission, Robert's Rules of Order may be considered as advisory authority in resolving any issues related to any of the provisions of Sections 2-7 of this Rule.

Section 9. Suspension of Rules. Except as prohibited by law, the rules set forth in Section 7 of this Rule may be suspended temporarily by the Chair or by a majority vote of the Commission, to facilitate the flow of discussion, or for other purposes. No vote may be taken on any pending motion while the rules are suspended. The suspension shall be effective only for the duration of the agenda item during which they were suspended, provided further that at any time after the rules have been suspended, the Chair may invoke their applicability, subject to the provisions of Section 7c of these Rules.

Section 10 .Commission Recorder. The Commission Recorder serves at the pleasure of the Commission.

Section 11. Public Employee's Right to Privacy.

a. The public interest in public meetings and disclosure of minutes of open meetings is expressly recognized; however, the employee's constitutional right to privacy is also acknowledged. There are those limited instances when a public employee's individual interest in confidentiality might outweigh the public interest in disclosure. The Commission can, on its own motion, hear any proceeding in Executive Session in accordance with Article 6252-17 of Vernon's Annotated Texas Statutes.

b. In any proceeding before the Commission which may otherwise be required to be public, the City or any employee under the jurisdiction of the Commission may request a closed hearing in chambers to determine whether or not the employee's privacy interest is such that it outweighs the public's right to know.

Such privacy determination hearing must be requested in writing not less than five days prior to any scheduled hearing on the merits or else the privacy issue will be deemed waived and any hearing regarding the employee will be public.

c. After a hearing on privacy in accordance with due process of law, the Commission will reconvene in open session and publicly vote upon the issue. No judgment on the merits of any issue other than the privacy right of the public employee will be determined at the hearing.

d. No further action or hearing on the merits may be taken by the Commission for a period of ten days after a privacy rights determination, to permit either the employee or any member of the public to appeal the decision to the District Court. If no action is filed in the District Court within the ten day period, the privacy determination by the Commission will be final. At such closed in-chambers hearing, a transcript will be kept so that the Commission's decision may be properly reviewed in the chambers on appeal.

e. Any action previously taken against any employee from which the appeal to the Commission had been taken will remain in full force and effect until the determination of the privacy issue.

2. All other sections under Rule 1, not addressed in the above amendment, that require renumbering as a result of this amendment shall be renumbered accordingly.
3. Except as herein amended, all provisions of Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, remain the same.

PASSED AND APPROVED this 22nd day of June 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Guadalupe Cuellar
Deputy City Attorney

APPROVED AS TO CONTENT:

_____
Terry Bond
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON MAY 27, 2004.

By _____
SECRETARY