



# Proposed Charter Amendments

Special Election: May 6, 2023

# WHAT EACH PART COVERS

## Part One



Charter Amendments Timeline



State Notice Requirements



Community Outreach



Proposed Charter Amendments  
A through J



Next Steps

## Part Two



How was Proposition K (Citizen-led Petition  
for Climate Policy) Developed?



What is Prop K? What is the Ballot Language  
for Prop K?



Cost Breakdown for Prop K



Municipalization Costs



Next Steps



# Proposed Charter Amendments: PART ONE

Props A through J



# PROPOSED CHARTER AMENDMENTS TIMELINE







# Notice Requirement – Texas Local Government Code 9.004

(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:

- 1) include a substantial copy of the proposed amendment;
- 2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and
- 3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.



# Community Meetings

## Tuesday, April 4, 2023

**6 p.m.**

In Person: City Hall (300 N. Campbell)  
Main Conf. Room, 2nd Floor

Virtual: <https://tinyurl.com/2p8psncx>  
Meeting ID: 249 490 891 629  
Passcode: c7i7ET

Phone: (915)213-4096, 905 414 555#

## Wednesday, April 5, 2023

**5:30 p.m.**

Clardy Fox Library (5515 Robert Alva)

## Thursday, April 6, 2023

**6 p.m.**

Hispanic Chamber of Commerce Offices  
(4141 Pinnacle, Ste. 120)

## Monday, April 10, 2023

**6 p.m.**

Eastside Regional Command (10780 Pebble Hills)

## Tuesday, April 11, 2023

**6 p.m.**

Westside Regional Command (4801 Osborne)

## Thursday, April 13, 2023

**6 p.m.**

Mission Valley Regional Command (9011 Escobar)

## Monday, April 17, 2023

**6 p.m.**

Northeast Regional Command (9600 Dyer)

## Thursday, April 20, 2023

**11 a.m.**

Greater El Paso Assoc. of Realtors Offices  
(6400 Gateway Blvd. East)



# Special Election: May 6, 2023

## CITY COUNCIL APPROVED PROPOSED CITY CHARTER AMENDMENTS:

- A. Section 3.1:** to allow District Representatives to appoint and remove District Office Staff
- B. Section 3.18:** to allow City Council to authorize leases for an initial term of 40 years or less by Resolution or Ordinance
- C-D. Section 3.5A:** to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to a Declared Emergency (2 measures)
- E. Section 3.9B, 3.10B, and 6.1-12:** to align to State law and update obsolete references
- F. Section 3.11:** to remove the requirement for a second petition in initiatives and provide a procedure for citizens to Initiate City Ordinances
- G. Section 6.1-4:** to authorize the City to create a policy regarding appointments to the Civil Service Commission to reflect the community and City workforce
- H. Section 6.7-1 and 6.8-1:** to allow the City to establish more flexible policies in promoting employees, removing the requirement for exams
- I. Section 6.13-11D:** to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution
- J. Section 3.20B:** to change the reporting structure for the Chief Internal Auditor to report directly to City Council





# Proposition A

## ARTICLE III SECTION 3.1 – CREATION: COMPOSITION; POWERS AND DUTIES:

to allow each Representative the discretion and full authority to appoint and remove district staff as allowed by the budget.

### BALLOT LANGUAGE:

- Should section 3.1 of the City Charter, relating to creation, composition; powers and duties of Council be amended to allow City Council Representatives to appoint and remove district office staff?

### PROPOSED AMENDED LANGUAGE:

Each Representative shall have the discretion and sole authority to appoint and remove ~~legislative aide~~ district office staff.



# Proposition B

**ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE:** to allow City Council to authorize leases for an initial term of 40 years or less by Resolution or Ordinance.

## **BALLOT LANGUAGE:**

- Should section 3.18 of the City Charter relating to Leases, Franchises, and Conveyances be amended to authorize Council to lease City-owned property for 40 years or less by Council resolution or ordinance?

# Proposition B

## ARTICLE III SECTION 3.18 – LEASE; FRANCHISE; AND CONVEYANCE

### PROPOSED AMENDED LANGUAGE:

The right of control, ownership, and use of streets, alleys, parks, and public places of the City is declared to be inalienable except as provided by an ordinance passed by the Council and except for uses of less than thirty days which may have a separate approval process as established by ordinance.

Any authorization ~~ordinance providing~~ for the conveyance, lease, or grant of a franchise regarding the property of the City shall provide for payment to the City of a reasonable fee as consideration for that conveyance, lease, or franchise.

Any sale of City-owned property in fee simple, franchise, or lease for an initial term longer than forty years shall be approved by ordinance.

In addition, any authorization ~~ordinance providing~~ for ~~a~~ the lease or franchise ~~shall~~ must provide that:  
~~1. At the termination of the lease or franchise, the property involved, together with any improvements thereto, made or erected during the term of the lease or franchise, shall (either without further compensation or upon payment of a fair valuation therefore as determined by the terms of the ordinance), become the property of the City; and~~ 2. Every lease or franchise the City may ~~be~~ revoke it ~~and~~ by the City if necessary to secure efficiency of public service at a reasonable rate, ~~or to~~ and must assure that the property is maintained in good ~~order~~ condition throughout the life of the lease or franchise grant.

# Proposition C & D

**ARTICLE III SECTION 3.5 A – CITY COUNCIL MEETINGS:** to allow Council to adjust for emergencies or City holidays and allow less than a majority to call special meetings.

## **BALLOT LANGUAGE:**

- Should section 3.5A of the City Charter be amended to allow Council to reschedule meetings by resolution to allow for City holidays but shall hold no less than two regular meetings per month?
- Should section 3.5A of the City Charter be amended to allow the Mayor to cancel a meeting if necessary due to a Federal, State, or Local declared emergency?

## **PROPOSED AMENDED LANGUAGE:**

Regular meetings of the Council shall be held in Council chambers no less than once every other week at such times as may be prescribed by resolution, except that Council may reschedule meetings by resolution to allow for City holidays but must have no less than two regular meetings per month. The Mayor may cancel a meeting if necessary due to a Federal, State or Local declared emergency.

# Proposition E

**ARTICLE III SECTION 3.9 B – ORDINANCES IN GENERAL:** to have copies of all ordinances available electronically.

**ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES:** to align to State Law that requires 1-hour notice for the introduction of Emergency Ordinances.

**ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION:** to clarify the process for hearing officers to serve on behalf of the Commission and align to the regular process.

## **BALLOT LANGUAGE:**

- Shall Sections 3.9B, 3.10B, 6.1-12 of the City Charter be amended to eliminate provisions that have become inoperative because they have been superseded by state law; replace obsolete references, and update terminology to current legal usage?



# Proposition E

## ARTICLE III SECTION 3.9 – ORDINANCES IN GENERAL

**PROPOSED AMENDED LANGUAGE:** ~~A reasonable number of copies shall be available in the office of the City Clerk, and at such other public places as the Council may designate, for examination by interested persons.~~

## ARTICLE III SECTION 3.10 B – EMERGENCY ORDINANCES

**PROPOSED AMENDED LANGUAGE:** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on one ~~two~~ hours' public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Council members ~~Representatives~~ present, and the consent of the Mayor, shall be required for adoption.

## ARTICLE VI SECTION 6.1-12 – CIVIL SERVICE COMMISSION

**PROPOSED AMENDED LANGUAGE:** The hearing officers will serve at the Commission's pleasure, and ~~will not be classified. Reasonable compensation shall be paid by the City.~~ will be procured through the City's procurement process.



# Proposition F

**ARTICLE III SECTION 3.11 INITIATIVE:** to review the initiative petition process for benchmarking purposes.

## **BALLOT LANGUAGE:**

- Should section 3.11 relating to the initiative petition of the City Charter be amended to remove the requirement for a second petition, and institute a process for the public to initiate a City ordinance?

# Proposition F

## ARTICLE III SECTION 3.11 INITIATIVE PROPOSED AMENDED LANGUAGE:

Any registered voter may initiate an ordinance that complies with federal, state, and local law by filing with the City Clerk a statement that they intend to circulate a petition. Such statements must include the names and addresses of the petitioner and the full text of the proposed ordinance.

The City Clerk shall place the proposed Ordinance on the City Council Agenda for introduction within thirty days after receiving the statement, followed by a public hearing at the second reading. If City Council fails to adopt the ordinance or adopts it with amendments, the City Clerk will notify the petitioners.

If the petitioners still wish to seek adoption of the ordinance after Council fails to adopt, or does not agree to Council's amendments, it will then have 365 calendar days after notice from the City Clerk to complete the petition by gathering signatures in the form required by state law, including but not limited to the original signature, printed name, residence address and date of birth or voter registration ~~Whenever~~ of a number of registered voters equal to at least five percent of the voters who voted in the last general City election, or 7,500, whichever number is smaller. ~~sign-a~~ The petition must ~~set~~ting forth the precise content of ~~an~~ the ordinance desired by the petitioners. ~~signers.~~

# Proposition F cont.

## ARTICLE III SECTION 3.11 INITIATIVE

### PROPOSED AMENDED LANGUAGE:

The City Clerk shall review the petition without delay, but no more than 60 City Clerk office working days, to verify if it meets all requirements, and if authenticated with the required number of signatures, ~~the Council~~ must place that ordinance on the agenda of a Council meeting to be held within thirty working days of the ~~receipt,~~ authentication by the City Clerk, of the petition bearing the authenticated names and addresses of the petitioners. Such an item shall be treated by the Council exactly as any other proposed ordinance.

~~Should an ordinance proposed by such petition not be enacted by the~~ If Council does not adopt, or ~~should it be enacted~~ adopts the proposed ordinance in an amended form, ~~a second petition, signed by a number of registered voters equal to at least five percent of the voters who voted in the last general City election, may be submitted to~~ the City Council ~~and that official shall have twenty working days in which to authenticate the signatures and~~ thereafter must place the ~~re~~proposed ordinance on the ballot at one of the next two uniform elections, no later than the next citywide general election specified in State law meeting all deadlines. If the proposal receives the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance. Initiative ordinances adopted or approved by the electors shall be published and may be amended or repealed by the Council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under an initiative may be amended or repealed by the Council within two years of adoption.

The Council is not obliged to consider the same ordinance initiated by petition, or one that is substantially the same, more often than once in two years.

# Proposition G

**ARTICLE VI SECTION 6.1-4 – CIVIL SERVICE COMMISSION:** to clarify language for appointment to the commission and align to best practices.

## **BALLOT LANGUAGE:**

- Should 6.1-4 of the City Charter be amended to change the qualifications requirements for Civil Service Commissioners to allow for the appointment of Commissioners that reflect the diversity of the community and City workforce?

**PROPOSED AMENDED LANGUAGE:** ~~At least two Commissioners must hold or have retired from positions other than managerial or professional.~~ The City should adopt rules that reflect the diversity of the community and City workforce. No more than three Commissioners may be former city employees, and any such Commissioners are not eligible for appointment until two years following separation from the City. Any commissioner may be either actively employed or retired.

# Proposition H

**ARTICLE VI SECTION 6.7-1 and 6.8-1 – CIVIL SERVICE COMMISSION:**  
to streamline processes and be competitive in recruitment and promotion.

## **BALLOT LANGUAGE:**

- Should Sections 6.7-1 and 6.8-1 be amended to establish policies and procedures for the promotion of City employees?

## **PROPOSED AMENDED LANGUAGE (Sec. 6.7-1):**

~~EXAMINATIONS. An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules or policies and procedures.~~

**PROPOSED AMENDED LANGUAGE (Sec. 6.8-1):** The Human Resources Director shall establish administrative policies and procedures for the promotion process, ~~including examination~~ and eligibility, consistent with the provisions of this Article and all applicable federal and state employment laws. ~~Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.~~



# Proposition I

## ARTICLE VI SECTION 6.13-11 D – CIVIL SERVICE COMMISSION:

to eliminate the Police/Fire Department Pension Cap and align to State statute for changes in City contribution.

### BALLOT LANGUAGE:

- Should section 6.13-11D relating to the police and fire pension fund be amended to establish that the City of El Paso shall contribute to the El Paso Policemen and Firemen Pension Fund no less than eighteen percent of the total amount expended for wages of the participants, and any increase to the contribution rate shall be as allowed by state law?

# Proposition I

## ARTICLE VI SECTION 6.13-11 D – CIVIL SERVICE COMMISSION

**PROPOSED AMENDED LANGUAGE:** Fireman and Policemen Pension Fund of El Paso. The City shall continue to augment the Firemen and Policemen Pension Fund of El Paso in a manner consistent with the laws of Texas. To augment the Fireman and Policemen Pension Fund, the Council shall in each fiscal year beginning after May 2023, ~~February, 1968~~ appropriate no less than eighteen percent of the total amount expended for wages of the participants, and may increase this contribution rate as allowed by the relevant state law requirements based on a qualified actuary's report; ~~an amount equal to three times the amount paid into the fund by the participants therein; provided that the amount contributed by the City shall not exceed eighteen percent of the total amount expended for salaries of the participants.;~~ provided ~~further~~, however, that in the event age limits for participation in the pension fund, or any division of the fund, are increased as permitted by law and the raising of the age limits causes an increase in funding costs as determined by an actuary, the City shall appropriate an amount equal to such cost increase notwithstanding that such increased appropriation may exceed the otherwise determined ~~eighteen percent of the total amount expended for salaries of the participants, but such increased appropriation shall in no case exceed eighteen and one-half~~ percent of the total amount expended for **wages** ~~salaries~~ of the participants.

# Proposition J

## ARTICLE III SECTION 3.20 B.5 – INTERNAL AUDIT FUNCTION:

to change the reporting structure for the Chief Internal Auditor to report directly to City Council.

## BALLOT LANGUAGE:

- Should Section 3.20B of the El Paso City Charter be amended to change the reporting structure of the Chief Internal Auditor so the position reports directly to City Council?

# Proposition J

## ARTICLE III SECTION 3.20 B.5 – INTERNAL AUDIT FUNCTION

### PROPOSED AMENDED LANGUAGE:

On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by ~~the City Manager subject to the approval of the Council,~~ and report to the Council. The ~~City Manager~~ Chairman of the Financial Oversight and Audit Committee shall maintain operational oversight over the internal audit function ~~and~~ The City Manager shall be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

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# Next Steps

**April 4 – April 20**

Community Meetings/Information Sessions About Proposed Amendments

**April 24 to May 2**

Early Voting

**May 6**

Election Day

Learn more at [www.ElPasoTexas.gov/EPCharter](http://www.ElPasoTexas.gov/EPCharter)

## MISSION



Deliver exceptional services to support a high quality of life and place for our community

## VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## VALUES

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople