

CHARTER

Article III - THE CITY COUNCIL

Section 3.6 - LEGISLATIVE COMMITTEES.

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- A. The Representatives may resolve themselves into committees, both standing and special, when this is convenient for the conduct of legislative business, including the investigative powers described in Section 3.8. Rules governing the organization and procedures of these committees shall be made by the Council, and the Mayor shall have no power to veto any of those rules except upon grounds of illegality.
- B. The Council shall establish a Financial Oversight and Audit Committee "FOAC" for the purpose of providing legislative oversight of the function of the Internal Auditor, to review the financial policies of the City, and to formulate recommendations for the City Council regarding City finances and other matters referred by the City Council or City Manager. The FOAC shall be comprised of four members of the City Council, the Chief Internal Auditor, and the City Manager or designee and shall meet when needed, at least quarterly.

Section 3.20 - ETHICS AND ACCOUNTABILITY.

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- A. Ethics Review Commission. The Council shall, by ordinance, establish an independent ethics review commission to administer and enforce the ethics section of the City Code. To the extent permitted by Texas law, the Council shall authorize the commission to issue advisory opinions, conduct investigations, request witness testimony and production of evidence, and make determinations on whether a violation has occurred, and issue decisions and appropriate sanctions. The commission shall have the power to enforce its decisions by assessing civil fines and other sanctions as authorized by ordinance. The Council shall provide sufficient resources to the commission to enable it to perform the duties assigned to it under the Charter and City Code.
- B. Internal Audit Function.
 - 1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
 - 2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor.
 - 3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.
 - 4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
 - 5. 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. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

RESOLUTION

WHEREAS, by Resolution dated August 21, 2012, the City Council of the City of El Paso created the Financial and Audit Oversight Committee ("FAOC");

WHEREAS, the FAOC shall be comprised of four (4) members of City Council; the Internal Auditor; and the City Manager or her designee; and

WHEREAS, the appointment of the four (4) City Council members shall be made by a majority vote of the entire City Council (including the Mayor) and shall be appointed no later than September 15, 2012.

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

That the City of El Paso hereby appoints the following City Council members to the Financial and Audit Oversight Committee, each of which shall take effect on September 11, 2012 and will expire September 10, 2013:

1. Susie Byrd, Representative District 2;
2. Emma Acosta, Representative District 3;
3. Steve Ortega, Representative District 7; and
4. Cortney Niland, Representative District 8.

APPROVED this 11th day of September 2012.


THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
City Attorney

RESOLUTION

WHEREAS, the City Manager is the Chief Administrative Officer of the City of El Paso and as such is responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under the El Paso City Charter ("Charter");

WHEREAS, the Charter provides that City Manager shall direct and supervise the administration of all departments, offices and agencies of the City except as provided by the Charter or by law;

WHEREAS, the Charter provides that City Council may exercise the power to adopt any administrative code and establish, abolish, alter or combine any City department by adoption of an ordinance only;

WHEREAS, on August 24, 2010 the El Paso City Council adopted ordinance Number 017383 to amend Title 2 of the El Paso City Code (Administration and Personnel) to revise the structure of the City Manager's Office to create the internal audit function as well as other matters;

WHEREAS, the function of the internal auditor was established as a function of the City Manager's Office, shall be staffed by the City's Chief Internal Auditor ("Internal Auditor") and such other appropriate positions as are authorized by City Council; provided, however that the City Manager may assign duties to other departments and staff as she deems appropriate;

WHEREAS, the Internal Auditor and his designees shall perform such internal auditing functions relating to City operations as are needed and required by the City Manager and the City Council; and

WHEREAS, the City Council desires to create a Financial and Audit Oversight Committee for the purpose of providing legislative oversight of the function of the Internal Auditor; to review other financial policies of the City and to formulate recommendations for the City Council regarding City finances and other matters referred to the Financial and Audit Oversight Committee by the City Council; or which the City Manager presents to the committee for consideration.

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

1. **Creation of Committee:** By adoption of this Resolution, the City Council has established the Financial and Audit Oversight Committee ("FAOC") which shall be comprised of the following:

- 4 members of City Council;
- Internal Auditor
- City Manager or her designee

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The City Attorney's Office shall provide legal support services for the FAOC but shall not be a member of the committee.

Appointment of the four (4) City Council members to the FAOC shall be made by a majority vote of the entire City Council (including the Mayor). The initial FAOC shall be appointed no later than September 15, 2012. The term of membership for City Council members shall be for one (1) year, provided that all members will serve until such time as their replacement is appointed by City Council or their term of office ends, whichever occurs first.


2. Duties of the Committee: In addition to reviewing and making recommendations to the entire City Council regarding the financial affairs and policies of the City as either referred by the City Council or requested by the City Manager, the FAOC shall:

- Annually review the Internal Audit Charter of the City and recommend re-adoption or modification to the City Council, as may be necessary.
- Review the Annual Audit Plan recommended by the Internal Auditor and present it to City Council for review and approval.
- Meet quarterly to receive the Internal Auditor's Quarterly report.
- Convene meetings as required by the Internal Auditor to address issues that might arise between quarterly meetings.
- Keep the City Council apprised of internal audit findings.
- Review the results of the Quality Assurance and Improvement "Peer Review" conducted of the Internal Auditor functions every three (3) years.
- Review proposed City of El Paso Investment and Debt Policies before they are presented to City Council on an annual basis and make recommendations regarding same.
- Review City of El Paso's financial policies and procedures as requested by the City Manager or Chief Financial Officer.

3. Open Meetings: Meetings of the FAOC shall be open to the public and subject to the Open Meetings laws of the State of Texas.

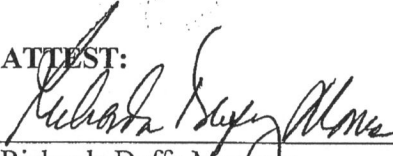
ADOPTED the 21st day of August 2012.

CITY OF EL PASO



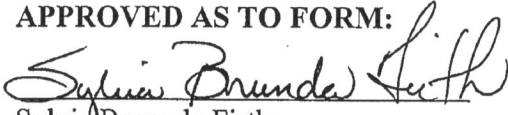
John F. Cook
Mayor

ATTEST:



Richarda Duffy Monsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
City Attorney

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ORDINANCE NO. 017383

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), TO AMEND CHAPTER 2.110 (CITY ORGANIZATIONAL STRUCTURE) IN ITS ENTIRETY; TO REVISE THE STRUCTURE OF THE DEPARTMENT KNOWN AS THE CITY MANAGER'S OFFICE; TO ASSIGN THE RISK MANAGEMENT FUNCTION TO THE HUMAN RESOURCES DEPARTMENT; TO REVISE THE DUTIES OF THE GENERAL SERVICES DEPARTMENT; AND TO DELETE DUPLICATE PROVISIONS RELATING TO DEPARTMENTAL AUTHORIZATION.

WHEREAS, a number of functions and departments are being restructured and reorganized to achieve efficiencies; and

WHEREAS, these changes include moving the Office of Management and Budget into the City Manager's office and will result in more economy and efficiency in operations; and

WHEREAS, it is appropriate to eliminate the provisions relating to the creation and function of other departments, as those provisions exist elsewhere in the City Code.

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

Section 1. That Chapter 2.110 (City Organizational Structure) be rewritten in its entirety, to read as follows:

Section 2. That Section 2.110.010 (City Manager's Office) be created to read as follows:

2.110.010 City Manager's Office.

- A. There is established a city manager's office as a department of the City of El Paso. The department shall be staffed by a city manager and such other appropriate positions as are authorized. The primary function of the department shall be the executive administration of the programs and policies established by the mayor and city council. The purpose of the department shall be to provide administrative management, through the departmental organization, of the services and staff operations of El Paso city government.
- B. The principal responsibilities and functions of the city manager shall be those stated in the City of El Paso Charter as well as administrative functions properly belonging with

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the city manager, including those specifically delegated to the city manager by the city council.

C. The city manager shall establish appropriate deputy city manager positions within the department to oversee and coordinate the various functions and services of the city, independently or through the city manager, and to report to the city manager.

D. The city manager shall designate a deputy city manager to be the deputy city manager for development and infrastructure services and any other deputy city manager position designated as having specific or required duties in this code for the purpose of exercising those duties and responsibilities under this code.

Section 3. That Section 2.110.020 (City Manager) be created to read as follows:

2.110.020 City Manager

A. The city manager is authorized to reassign any duty or obligation assigned by ordinance or council resolution to a specific department or particularly named staff person when necessary due to the reassignment of functions between departments resulting from departmental reorganization or the renaming of a department, or when the particular staff position is unfilled or has been renamed or eliminated. The city manager may authorize the delegation of authority to carrying out duties and responsibilities assigned by ordinance or council resolution, and in accordance with civil service rules, unless such delegation is prohibited by state or federal law or the city Charter.

B. The city manager shall designate a deputy city manager who shall be authorized to make all designations required by state law or ordinance of the employees authorized to perform purchasing and property disposition functions for the city, including the designation of the purchasing agent.

C. The city manager may develop and promulgate appropriate city organizational charts to set forth the structures established herein, as well as requirements set forth within any other city ordinance or budget resolution adopted by the city council, to include direct reporting requirements, if any, for each department to a deputy city manager.

Section 4. That Section 2.110.030 (Internal Auditor Function) be created to read as follows:

2.110.030 Internal Auditor Function

A. The function of the internal auditor is established as a function of the City Manager's Office.

B. The function shall be staffed by the City's Chief Internal Auditor and such other appropriate positions as are authorized by the Council, provided however, that the City Manager may reassign duties to other departments and staff, as he deems appropriate.

C. The Chief Internal Auditor and his designees shall perform such internal auditing functions relating to city operations as are needed and required by the City Manager and the City Council.

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Section 5. That Section 2.110.040 (Office of Management and Budget Function) be created to read as follows:

2.110.040 Office of Management and Budget Function

- A. The function of the Office of Management and Budget is established as a function of the City Manager's Office.
- B. The function shall be staffed by a chief budget officer and such other appropriate positions as are authorized by the Council, provided however, that the City Manager may reassign duties to other departments and staff, as he deems appropriate.
- C. The chief budget officer and his designees shall perform the budgetary and management functions relating to city operations as are needed and required by the City Manager and the City Council.
- D. The Risk Management function previously assigned to the Office of Management and Budget Function is moved to the Human Resources Department.

Section 6. That Section 2.110.050 (General Services Department) be created to read as follows:

2.110.050 General Services Department.

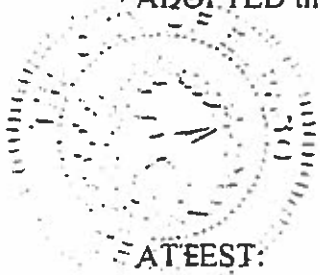
- A. There is established in the City of El Paso, the General Services Department, which shall generally provide for the general services as are needed by the City and its various departments, as determined by the City Manager.
- B. The primary function of the department shall be the fleet, facility and grounds maintenance, and city support services, and such duties as assigned by the city manager and his designees.
- C. The department shall be staffed by a department director and such other appropriate positions as are authorized by the Council.
- D. The department director shall be responsible for the performance of duties as determined and directed by the City Manager, provided however, that the City Manager may reassign duties to other departments and staff, as he deems appropriate.

Section 7. That the provisions numbered beginning with 2.110.060 and higher, as previously contained in Chapter 2.110 are deleted, with the entire Chapter to read only as set forth herein.

Section 8. This ordinance shall take effect on September 1, 2010.

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ADOPTED this 24th day of August 2010.



THE CITY OF EL PASO

John F. Cook
John F. Cook, Mayor

Richarda Duffy Momsen
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

William F. Studer, Jr.
William F. Studer, Jr.
Deputy City Manager

Patricia D. Adauto
Deputy City Manager
Development &
Infrastructure Services

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CITY CLERK
RICHARDA DUFFY MOMSEN