

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

DEPARTMENT: Department of Public Health

AGENDA DATE: Introduction – December 18, 2007
Public Hearing – January 2, 2008

CONTACT PERSON/PHONE: Elaine S. Hengen (915) 541-4550—for the department

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 13 (Streets, Sidewalks and Public Places) of The El Paso City Code to change the references to the City County Health and Environmental District; to assign the duties of the District to the Department of Public Health or the Department of Environmental Services, as appropriate; to revise definitions; to correct Titles and Code References; and to correct references made in the code to a state agency.

BACKGROUND / DISCUSSION:

On December 31, 2007, the El Paso City-County Health and Environmental District ceased to exist. The City has created a Department of Public Health, and has been reassigning the duties previously performed by the District to that department and the Department of Environmental Services. There are several regulatory and inspection functions contained in the provisions in Title 13 that are being reassigned to both of these departments, as are appropriate to their functions. Additionally, some incorrect references to state agencies, which have changed their names, are being corrected.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY COUNTY HEALTH AND ENVIRONMENTAL DISTRICT; TO ASSIGN THE DUTIES OF THE DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS APPROPRIATE; TO REVISE DEFINITIONS; TO CORRECT TITLES AND CODE REFERENCES; AND TO CORRECT REFERENCES MADE IN THE CODE TO A STATE AGENCY.

WHEREAS, the El Paso City-County Health and Environmental District ("Health District") will cease to exist after December 31, 2007; and

WHEREAS, the City Council has created a City Department of Public Health to provide for public health and other services following the dissolution of the Health District; and

WHEREAS, some of the environmental services and code compliance functions of the Health District are being moved to the existing City Department of Environmental Services; and

WHEREAS, most of the food service functions of the Health District are being moved to the Department of Public Health; and

WHEREAS, one state agency referenced in Title 13 have changed its name, so it is now necessary to change and correct that name; and

WHEREAS, the El Paso City Code contains many references to the Health District and to individuals or positions at the Health District by their job or other official title, so it is now necessary to change and correct those names and titles so that the responsibilities and references are properly directed to the Department of Public Health and/or the Department of Environmental Services.

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

Section 1. That all references in Title 13 (Streets, Sidewalks and Public Places) of El Paso City Code to the term "Texas Natural Resource Conservation Commission" and "Texas Water Commission" shall be substituted with the term "Texas Commission on Environmental Quality".

Section 2. That all references in Title 13 (Streets, Sidewalks and Public Places) of El Paso City

Code to the term "INRCC" shall be substituted with the term "TCEQ".

Section 3. That all references in Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations) of El Paso City Code to the term "El Paso city-county health district", "El Paso City-County Health District", and "environmental health services section of the city-county health district" shall be substituted with the term "director of the department of environmental services".

Section 4. That all references in Title 13 (Streets, Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulation), to the term "health authority" shall be substituted with the term "director of the department of public health or designee".

Section 5. That the following definition in Title 13 (Streets, Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulation), Section 13.20.040 (Selling merchandise prohibited on and near public right-of-way), Subsection A.5. (Definitions) be deleted:

Section 13.20.040, Subsection A. Definitions (delete the following definition as number "5" and renumber all remaining definitions, as needed).

5. "Health authority" shall the meaning as defined in Section 9.12.010 of this code.

Section 6. It is the intent of the City of El Paso that the changes directed by this ordinance in Sections 1, 2, 3 and 4 shall not apply to any ordinance passed on or after the date this ordinance is passed and any changes in terms that are necessary for any ordinance passed on or after the date this ordinance is passed shall be included within such other ordinance. Therefore, these changes directed to be made by the publisher of the City Code by this ordinance shall not apply to any section of the El Paso City Code enacted or amended by the El Paso City Council on and after January 2, 2008.

Section 7. This ordinance shall take effect at 12:00:01 a.m., January 1, 2008.

Section 8. Except as herein amended, Title 13 (Streets, Sidewalks and Public Places) shall remain in full force and effect.

ADOPTED this ____ day of _____ 200 ____.

CITY OF EL PASO

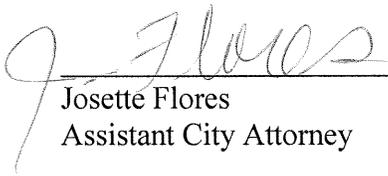
ATTEST:

John F. Cook, Mayor

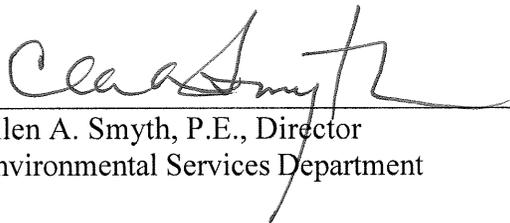
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Josette Flores
Assistant City Attorney



Ellen A. Smyth, P.E., Director
Environmental Services Department

CITY CLERK DEPT.
07 DEC 10 AM 11:04