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

DEPARTMENT: ENVIRONMENTAL SERVICES

AGENDA DATE: INTRODUCTION: APRIL 17, 2007; PUBLIC HEARING: MAY 1, 2007

CONTACT PERSON/PHONE: ELLEN A. SMYTH P.E., DIRECTOR, ENVIRONMENTAL SERVICES 621-6719

DISTRICT(S) AFFECTED: ALL

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 9.04 (SOLID WASTE MANAGEMENT IN ORDER TO ALLOW FOR QUALIFIED RESIDENTS TO RECEIVE BOTH A CURBSIDE EXEMPTION AND THE SENIOR AND DISABLED CITIZENS DISCOUNT. THE PENALY BEING AS PROVIDED IN SECTION 9.04.390 OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:
On March 27, 2007, City Council took action to reconsider amendments to Chapter 9.04.390. The Council voted to allow qualified residents to receive both Curbside Waiver and the Senior Citizen/Disabled discount.

PRIOR COUNCIL ACTION:

Introduction of Chapter 9.04 in its entirety on February 6, 2007 and public hearing on February 20, 2007.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No budget transfer is required.

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

**********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:** _____

CITY CLERK DEPT.
07 APR -5 PM 12:22

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 9.04 (SOLID WASTE MANAGEMENT) IN ORDER TO ALLOW FOR QUALIFIED RESIDENTS TO RECEIVE BOTH A CURBSIDE EXEMPTION AND THE SENIOR AND DISABLED CITIZENS DISCOUNT. THE PENALTY BEING AS PROVIDED IN SECTION 9.04.390 OF THE EL PASO CITY CODE

WHEREAS, City Council approved an amendment of Chapter 9.04 of the El Paso City Code on February 20, 2007, which included a restriction that qualified residents choose between receiving the curbside exemption or the senior and disabled citizens discount for the residential refuse service provided by the City of El Paso; and

WHEREAS, City Council has revisited that restriction, and now desires to allow for the disabled and senior citizens to have access to both the curbside exemption and the discount.

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

Section 1. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) of the El Paso City Code shall be and hereby is amended by replacing Article III (Storage), Subsection 9.04.060 (Container Location), A. (Type A and Type R Containers), 3.b.v. with the following language:

3.b.v. Persons receiving the curbside exemption service are entitled to a discount under Section 9.04.400.

Section 2. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) of the El Paso City Code shall be and hereby is amended by replacing Article IX (Fees), Subsection 9.04.400 (Fees), A. (Collection Service,) 2. (Senior and Disabled Citizens Discount), p. with the following language:

2.p. Persons receiving the curbside exemption service of Section 9.04.060 are eligible for the discount.

Section 3. Except as herein amended, Title 9 (Health and Safety), shall remain in full force and effect.

(All signatures follow on next page)

07 APR -5 PM 12:23
CITY CLERK DEPT.

PASSED AND APPROVED this _____ day of _____, 2007.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:

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

CITY CLERK DEPT.
07 APR -5 PM 12:23

ORDINANCE NO._____

SWM/1/ORD CHAPTER 9.05
Document #: 295317v1/JFLO