

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

DEPARTMENT: **Development and Infrastructure Services**

AGENDA DATE: **Introduction: May 15, 2007, Public Hearing: June 5, 2007**

CONTACT PERSON/PHONE: **Larry Nichols, Building Official – 541-4556**

DISTRICT(S) AFFECTED: **City-wide**

SUBJECT:

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.30 (Construction Board of Appeals), Section 2.30.060 (Powers) of the El Paso City Code to add additional powers to the Construction Board of Appeals.

BACKGROUND / DISCUSSION:

This amendment to Title 2 is necessary provide authorization for the Construction Board of Appeals to hear appeals in connection with administrative decisions or enforcement of Chapter 5 (Business Taxes, Licenses and Regulations).

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD: R. Alan Shubert

APPROVED FOR AGENDA:

CITY MANAGER: Patricia D. Adatao, Deputy City Manager **DATE:** _____

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.30 (CONSTRUCTION BOARD OF APPEALS), SECTION 2.30.060 (POWERS) OF THE EL PASO CITY CODE TO ADD ADDITIONAL POWERS TO THE CONSTRUCTION BOARD OF APPEALS.

WHEREAS, the Construction Board of Appeals (“Board”) was established for the purpose of providing for reasonable due process of law through the appeal of orders, decisions or determinations made by city officials relative to the application and interpretations of identified technical code requirements for specific projects, without further appeal to the city council; and,

WHEREAS, the El Paso Code sets forth the powers of the Board, and due to amendments as a result of the Building and Zoning Advisory Committee recommendations, it is desirable to allow the Board to hear and decide appeals as set forth herein; and,

WHEREAS, the City Council finds these amendments are the minimum requirements in order to secure and promote the public health, safety and welfare of the City.

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

SECTION 1. That Title 2 (Administration and Personnel), Chapter 2.30 (Construction Board of Appeals), Section 2.30.060 (Powers) of the El Paso City Code shall be amended to add Subsection A.5. to read as follows:

“2.30.060 A.5. The building official in connection with administrative or enforcement of Chapter 5 (Business Taxes, Licenses and Regulations).”

SECTION 2. Except as herein amended Title 2 (Administration and Personnel), Chapter 2.30 (Construction Board of Appeals), Section 2.30.060 (Powers) of the El Paso City Code shall remain if full force and effect.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E., C.B.O.
Director, Development Services Department

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