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

DEPARTMENT: **City Manager**

AGENDA DATE: **June 26, 2007 for introduction**

CONTACT PERSON/PHONE: **Elaine S. Hengen, City Attorney's Office, 541-4550, on behalf of Dr. Robert Galvan, El Paso City County Health and Environmental District, 771-5702.**

DISTRICT(S) AFFECTED: All

SUBJECT: An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), to eliminate the re-inspection fee for food operations; the penalty being as provided in Section 9.12.890 of the El Paso City Code

BACKGROUND / DISCUSSION: Dr. Robert Galvan, Interim Director of the El Paso City-County Health and Environmental District, proposes that the fee to re-inspect food operations that scored below 70 on their initial inspection score. The current fee for re-inspection was increased significantly in 2004 in an effort to recover some of the costs associated with a re-inspection. However, over the past three and one half years, there have been some perceptions by the regulated community that health inspectors are purposely scoring food operations below 70 solely for the purpose of securing the minimum $75.00 re-inspection fee. As other districts in the state do not assess this type of fee, eliminating the fee is appropriate and will end further misinterpretation of the purpose of the fee.

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PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING: The Health District advises that elimination of the fee will have minimal fiscal impact on their budget.

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:** 6/14/07

#31251/EHEN

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTIONS OF TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS). TO ELIMINATE THE REINSPECTION FEE FOR FOOD OPERATIONS; THE PENALTY BEING AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Section 9.12.125 (Fee schedule for other required fees) of the El Paso City Code be amended to delete Subsections D 1, 2, 3, 4 and 5 in their entirety, so as to eliminate the re-inspection fee, and to mark Subsection D as "reserved."

Section 2. . That Section 9.12.830, Subsection C (Inspection – Frequency) of the El Paso City Code be amended to read as follows:

Section 9.12.830, Subsection C, Inspection – Frequency

C. Re-inspection of a food establishment is conducted when a failing score is received or an imminent health hazard exists.

Section 3. Except as expressly herein amended, all other provisions of Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments) of the El Paso City Code, shall remain in full force and effect.

ADOPTED this 10th day of July 2007.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

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#30836/EHEN

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Robert Galvan, Dr.PH, MPH, MS, DAAS
Interim Director
City County Health & Environmental District

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