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



**DEPARTMENT: ENGINEERING & CONSTRUCTION
MANAGEMENT DEPARTMENT**

**AGENDA DATE: INTRODUCTION: OCTOBER 25, 2011
PUBLIC HEARING: NOVEMBER 1, 2011**

**CONTACT PERSON NAME AND PHONE NUMBER: R. ALAN
SHUBERT (915) 541-4423**

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code) Section 18.02.108.5.2. (Bond Requirements), of the El Paso City Code, decreasing the term of the required bond from Two years to One year, the penalty being as provided in the Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

This proposed amendment is responsive to the City Council direction received on October 18, 2011 to decrease the required permit bond term for contractors from two years to one year. This direction stemmed from discussion and action relative to reducing the bond amount and providing comparative data from other Texas cities.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Nee

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson

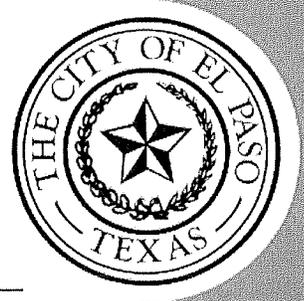


Engineering & Construction Management
Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799

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Enter appropriate comments or N/A



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

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

Mayor
John F. Cook

City Council

District 1
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El Paso



2010

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) SECTION 18.02.108.5.2 (BOND REQUIREMENTS), OF THE EL PASO CITY CODE, DECREASING THE TERM OF THE REQUIRED BOND FROM TWO YEARS TO ONE YEAR, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

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

Section 1. That 18.02 (Building and Construction Administrative Code), Section 18.02.108.5.2 (Bond Requirements), Paragraph 1, of the El Paso City Code be amended to read as follows:

18.02.108.5.2 Bond Requirements.

1. No permit shall be issued under this chapter to any person, firm, or corporation applying for a permit until such applicant has filed with the City, the required bond signed by a surety company authorized to do business in Texas. The City and the person for whom the work is to be done shall be named as co-obligees under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this code and the technical codes and that the principal shall pay damages which are sustained by the City or by the person for whom the work is done and that are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this code and the technical codes, and that the principal shall indemnify the City against all claims arising out of such failure to comply. Bonds shall be issued and maintained for the time period from the issuance of the permit through one year after the date of completion of the work for which the bond was required. The surety shall be acceptable to the City as to solvency; and if the City becomes dissatisfied that the surety is solvent, a new bond may be required.

Section 2. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.

Section 3. The effective date of this ordinance shall be the date signed by the Mayor for the City of El Paso. This ordinance shall be applicable to all permit applications received on or after that date.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer