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

**DEPARTMENT:** City Manager

**AGENDA DATE:** November 6, 2007 for Introduction. Public Hearing on November 13, 2007

**CONTACT PERSON/PHONE:** Elaine S. Hengen, City Attorney's Office 541-4550.

**DISTRICT(S) AFFECTED:** All

**SUBJECT:** An Ordinance amending Title 9 (Health and Safety), to create Chapter 9.02 (Department of Public Health), and sections thereunder, in the El Paso City Code, to create and establish the functions of the Department known as the Department of Public Health.

**BACKGROUND / DISCUSSION:** The City Charter requires that City departments be created by ordinance. This ordinance will establish the Department of Public Health and its functions and duties. The ordinance also addresses the appointment of the director and the health authority for the City. The ordinance will take effect on November 19, 2007 to enable staff to administratively set up the department so that it will be functional on January 1, 2008, upon the dissolution of the Health District.

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

_____

**AMOUNT AND SOURCE OF FUNDING:** Once the Department is created, staff will begin the process for the budget for the new Department.

**BOARD / COMMISSION ACTION:**

_____

**********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 OCT 29 PM 2:59

#34532/EHEN

**ORDINANCE NO. _____**

CITY CLERK DEPT.
07 OCT 29 PM 2:59

**AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), TO CREATE CHAPTER 9.02 (DEPARTMENT OF PUBLIC HEALTH), AND SECTIONS THEREUNDER, IN THE EL PASO CITY CODE, TO CREATE AND ESTABLISH THE FUNCTIONS OF THE DEPARTMENT KNOWN AS THE DEPARTMENT OF PUBLIC HEALTH.**

**WHEREAS,** the City desires to create a Department of Public Health to provide appropriate health and related services after the dissolution of the El Paso City-County Health and Environmental District on December 31, 2007; and

**WHEREAS,** such Department is created as a local health department pursuant to Chapter 121, Subchapter D, Texas Health and Safety Code; and

**WHEREAS,** the City Council desires to have the employment of the director of the Department of Public Health be handled in the same manner as all other City Department directors.

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

Section 1. That Chapter 9.02 (Department of Public Health) of the El Paso City Code be created as follows.

Section 2. That Section 9.02.010 (Creation and Purpose of the Department of Public Health) be created as follows:

**Section 9.02.010. Creation and Purpose of the Department of Public Health.**

a. There is hereby established the Department of Public Health in the City of El Paso, which shall generally provide for the protection of the public health of the residents of the City and within other areas in the County in which the employees working in the department are authorized to act.

b. The primary function of the department shall be the performance of public health functions, including the provision of health and animal related regulatory services, by providing appropriate services, to include services for the payment of fees; the issuance and revocation of licenses and permits; ordinance, statutory and other regulatory enforcement; including inspections of premises and equipment; and to generally perform

duties and services relating to areas of public health concerns as to be determined by the city manager.

Section 3. That Section 9.02.020 (Staffing of the Department of Public Health) be created as follows:

**Section 9.02.020. Staffing of the Department of Public Health.**

a. The department shall be staffed by a department director and such other appropriate positions as are authorized by City Council.

b. The status of the department director shall be as provided in Section 121.033, Texas Health and Safety Code, and shall, under the City Charter and system of departmental operations, be a department director and hold an unclassified position under Section 6.2-2 H of the City Charter.

c. As permitted by Section 121.033 (c), Texas Health and Safety Code, and in conformity with the City Charter, the City Council delegates its authority to appoint the department director to the city manager, and to approve the director's appointment of a health authority, in the event that the director is not a physician.

d. The city manager shall negotiate and establish the terms and conditions of the compensation paid to a separate health authority for the services provided.

Section 4. That Section 9.020.030 (Effective Date)

**Section 9.02.030. Effective Date.**

a. This ordinance and the creation of Chapter 9.02 of this Code shall be effective on November 19, 2007.

b. On and after November 19, 2007, the City Manager and his designees are authorized to administratively set up and create appropriate administrative processes for the implementation of the Department, to include establishing appropriate budgets and job classifications for the employees within the department. The City Manager and his designees are authorized to make appropriate budget transfers, and to take the necessary steps for the hiring and compensation of all necessary personnel, to enable the Department to be fully functional on January 1, 2008.

c. The Department shall begin operations and the provision of its services on January 1, 2008.

CITY CLERK DEPT.
07 OCT 29 PM 2:59

Section 5. Except as herein provided, Title 9 (Health and Safety) shall remain in full force and effect.

ADOPTED this 13th day of November 2007.

**THE CITY OF EL PASO**

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Joyce Wilson
City Manager

CITY CLERK DEPT.
07 OCT 29 PM 2:59

Document #: 34321-10/26/07
Document Name: Ord-07/creation of Department of Public Health
Document Author: EHEN