

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

DEPARTMENT: Department of Public Health

AGENDA DATE: Introduction – December 11, 2007
Public Hearing – December 18, 2007

CONTACT PERSON/PHONE: Elaine S. Hengen (915) 541-4550—for the department

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 6 (Vehicles for Hire) of the El Paso City Code to change the references to the City-County Health District to the Department of Public Health; and to correct references made to the Department of State Health Services; the penalty as is provided in Sections 1.08.010-1.08.030 of the El Paso City Code.

BACKGROUND / DISCUSSION:

On December 31, 2007, the El Paso City-County Health and Environmental District will cease to exist. The City has made plans to assume the governmental responsibilities of the District and has created a Department of Public Health. This proposed amendment assigns the duties of the District under this Title to the Department of Public Health and corrects a reference to a State Agency that has changed its name.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

*****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: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH; AND TO CORRECT REFERENCES MADE TO THE DEPARTMENT OF STATE HEALTH SERVICES; THE PENALTY AS IS PROVIDED IN SECTIONS 1.08.010-1.08.030 OF THE EL PASO CITY CODE .

WHEREAS, the El Paso City-County Health and Environmental District ("Health District") will cease to exist after December 31, 2007; and

WHEREAS, the City Council has created a City Department of Public Health to provide for public health and other services following the dissolution of the Health District; and

WHEREAS, some of the environmental services and code compliance functions of the Health District are being moved to the Department of Public Health; and

WHEREAS, one state agency referenced in Title 6 has changed its name, so it is now necessary to change and correct that name; and

WHEREAS, the El Paso City Code contains many references to the Health District and to individuals or positions at the Health District by their job or other official title, so it is now necessary to change and correct those names and titles so that the responsibilities and references are properly directed to the Department of Public Health and/or the Department of Environmental Services.

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

Section 1. That all references in Title 6 (Vehicles For Hire) of El Paso City Code to the term "Texas Department of Health" shall be substituted with the term "Texas Department of State Health Services".

Section 2. That all references in Title 6 (Vehicles for Hire) of El Paso City Code, to the term "El Paso city-county health unit", "city-county health district" shall be substituted with the term "department of public health".

Section 3. That all references in Title 6 (Vehicles For Hire) of El Paso City Code, to the term "health authority", "city-county health unit", "director of the El Paso city-county health unit" and "director of city-county health unit", shall be substituted with the term "director of the department of public health", except in 6.40.060 Subsection B, 6.40.100 Subsection B and 6.40.110, where references to "director of city-county health unit" and "director of city-county health unit" shall be substituted with the term "chief of the fire department or designee".

Section 4. That all references in Title 6 (Vehicles for Hire) of El Paso City Code, to the term "(city-county health district)" shall be omitted in each of the following sections: 6.34.130.C.6., 6.34.160 Subsection B, 6.34.160 Subsection E., and 6.34.160 Subsection I.

Section 5. That Title 6 (Vehicles for Hire), Chapter 6.04 (General Provisions), Section 6.04.040, Subsection D. be amended as follows:

6.04.040.D. If the chief of police determines that a violation constitutes an imminent and serious threat to the public health or safety or to the health, safety or well-being of a horse, the chief shall order the holder or operator to correct the violation immediately and, if the holder or operator fails to comply, the chief of police shall promptly take or cause to be taken such action as he considers necessary to enforce the order immediately, including revocation or suspension of the right to operate a vehicle or use a horse under the operating license. The chief of police may, in lieu of formal revocation or suspension, order the holder to take the vehicle out of service until the violation has been corrected, or in the case of a violation involving a horse, order the holder or operator to immediately cease use of the horse, to transport the horse back to its stable by horse trailer and to require an examination and certification by a veterinarian as provided for in Section 6.34.160(E) before the horse may be used again as part of a nonmotorized vehicle for hire service. A veterinarian or animal control officer employed with or contracted by the city has the same authority to order the holder to immediately cease use of a horse as the chief has under this section.

Section 6. That all references in Title 6 (Vehicles for Hire), Chapter 6.40 (Emergency and Transfer Ambulance Services), of the El Paso City Code to the term "EMSS" shall be substituted with the term "EMS".

Section 7. That Title 6 (Vehicles for Hire), Chapter 6.40 (Emergency and Transfer Ambulance Services), Section 6.04.100, Subsection B. be amended in its entirety as follows:

6.40.100 Ambulance operations.

B. Unless authorized to do so by the chief of the fire department or his designee, it is unlawful for ambulance service operators, their agents, or their employees to go to the scene of an emergency within the city limits with the intent to provide emergency service and transportation; provided, however, if persons operating a transfer or emergency vehicle discover an emergency situation within the city limits, they shall immediately notify the EMS central dispatcher and shall remain to render aid until an EMS vehicle arrives.

Section 8. It is the intent of the City of El Paso that the changes directed by this ordinance in Sections 1, 2, 3, 4 and 6 shall not apply to any ordinance passed on or after the date this ordinance is passed and any changes in terms that are necessary for any ordinance passed on or after the date this ordinance is passed shall be included within such other ordinance. Therefore, the changes directed to be made by the publisher of the City Code by this ordinance shall not apply to any section of the El Paso City Code enacted or amended by the El Paso City Council on and after January 2, 2008.

Section 9. Except as herein amended, Title 6 (Vehicles For Hire) shall remain in full force and effect.

ADOPTED this 18th day of December, 2007.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
07 DEC -6 AM 9:43

APPROVED AS TO FORM:

J. Flores
Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:

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