

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), to amend Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit Denial, Suspension, Revocation - Appeal) to replace "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow Municipal Associate Judges to preside over Taxicab Zone Permit Suspension, Revocation- Appeal hearings .

PRIOR COUNCIL ACTION:

August 9, 2016; January 8, 2019

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (TRANSPORTATION FOR HIRE), CHAPTER 6.04 (TRANSPORTATION FOR HIRE), SECTION 6.04.140 (OPERATING AUTHORITY TO PERMIT AND TAXICAB ZONE PERMIT DENIAL, SUSPENSION, REVOCATION – APPEAL) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 6, Chapter 6.04, Section 6.04.140 Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation –Appeal to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 6 (Transportation for Hire), Chapter 6.04 (Transportation for Hire), Section 6.04.140 (Operating Authority to Permit and Taxicab Zone Permit, Suspension, Revocation - Appeal), is hereby amended to read as follows:

- A. The chief of police shall notify an applicant for an operating authority permit or a taxicab zone permit of a denial, suspension or revocation of a permit. Such notice shall be made in writing via certified U.S. Mail. The notification shall include a statement as to the reason(s) for denial, suspension or revocation and the option and process for appeal, including a notice provision in informing the applicant of his or her right to appeal the decision of the chief of police by submitting a written notice requesting an administrative hearing before a municipal associate judge. The applicant, referred to as the respondent for purposes of the appeal, will submit the written statement to the chief of police not later than the fifteenth city business day after the date of the written notice of denial, suspension or revocation of a permit. The respondent's written statement requesting the appeal shall clearly state why the respondent contends that there is not a valid basis for the denial, suspension or revocation of a permit.
- B. During the pendency of an appeal for a denial, suspension or revocation of an operating authority permit or taxicab zone permit, the action by the chief of police shall remain in effect. However, if the denial is for the respondent's renewal application for an operating authority permit, and such denial is not for a reason that could result in the suspension or revocation of that permit pursuant to Section 6.04.130, the existing permit will remain valid and in effect during the pendency of the appeal and until such time as the decision of the municipal associate judge becomes final.
- C. If the respondent submits a written statement appealing the denial, suspension or revocation of a permit, the chief of police will immediately contact the city attorney's office in order to coordinate the retention of a municipal associate judge and to schedule a hearing. The notice of the hearing will specify a hearing date, not less than fifteen city business days nor more than thirty city business days after the date the applicant or permit holder files the written notice requesting an administrative hearing. The municipal associate judge will

conduct a hearing on the denial, suspension or revocation of the permit. The hearing may be continued to a sooner or later date by agreement of the parties, and with the municipal associate judge's approval, or upon the finding of good cause by the municipal associate judge for the granting of an earlier or later hearing date.

- D. At the hearing, the respondent will have the opportunity to present all of the respondent's arguments and to be represented by counsel at respondent's expense, present evidence and witnesses on his or her behalf, and cross-examine any of the witnesses for the chief of police. The chief of police, who may also be represented by counsel, bears the burden of proving the grounds for denying, suspending or revoking the permit by a preponderance of the evidence. The hearing will take no longer than one business day, unless extended by agreement of the parties or at the request of either party, and with approval of the municipal associate judge, to meet the requirements of due process and the proper administration of justice.
- E. The municipal associate judge will issue a written decision, including findings of fact and conclusions of law, to the respondent within five city business days from the completion of the hearing. The municipal associate judge's decision is final.
- F. If the decision is to affirm denial, suspension or revocation of a permit, the effective date of the denial, suspension or revocation remains the date of the action by the chief of police. If the municipal associate judge's decision finds that no grounds exist for the denial of a permit, the municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the denial of the permit and notify the respondent in writing by certified mail of such action. If the respondent is not yet permitted, the license official will contemporaneously therewith issue the permit to the applicant. If the municipal associate judge's decision finds that no grounds exist for suspension or revocation of a permit, the municipal associate judge will, contemporaneously with the issuance of the decision, order the chief of police to immediately withdraw the suspension or revocation of the permit and notify the respondent in writing by certified U.S. Mail of such action.
- G. If a person whose operating authority permit or taxicab zone permit is suspended or revoked and the person opts to not appeal, or the suspension or revocation is affirmed by the municipal associate judge, the person is not eligible to apply for a subsequent permit for a period of three years from the date of suspension or revocation. Such application shall be considered a new application and shall be processed accordingly.

SECTION 2. Except as herein amended, Title 6 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

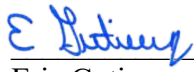
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

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Oscar Leaser
Mayor

ATTEST:

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City Clerk

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Eric Gutierrez
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