

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



DEPARTMENT: Planning and Inspections and City Attorney's Office

AGENDA DATE: 6/24/25

PUBLIC HEARING DATE: 7/22/25

CONTACT PERSON NAME: Javier A. De La Cruz

PHONE NUMBER: 915-212-1589

2nd CONTACT PERSON NAME: Robert Aguinaga - CAO

PHONE NUMBER: 915-212-1117

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 5- Promote Transparent & Consistent Communication Amongst all Members of the Community

SUBGOAL:

5.1 Set a climate of respect, collaboration and team spirit among Council, city staff and the community

SUBJECT:

APPROVE ordinance related to the Sunsetting of the Construction Board of Appeals.

An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.16 (Section 111.1 Board of Appeals established, amended) of the El Paso City Code, to perform the following: amend Section 111.1 (Board of Appeals) to replace Construction Board of Appeals with appeals officer; and Section 9.52.110.4 (section 3201.1.4, appeals, added), of the El Paso City Code to perform the following: amend section 3201.1.4 (Appeals) to replace Construction Board of Appeals with appeals officer.

BACKGROUND / DISCUSSION:

On May 12, 2025- Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:
....
Sunset of the Construction Board of Appeals

COMMUNITY AND STAKEHOLDER OUTREACH:

None

PRIOR COUNCIL ACTION:

Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:
• Develop and adopt a uniform Ordinance to standardize boards and commissions by addressing
Membership requirements and composition
Board terms
Responsibilities of board members to include a Code of Conduct agreement, handbook
Clarification of operational and advisory roles
Standardize boards to be enacted by Resolution instead of Ordinance
Closed session guidelines
Mandatory annual training for all board liaisons and relevant City staff
Streamline directives, reports and communications from boards/commissions via City Manager's Office ... Sunset of the

AMOUNT AND SOURCE OF FUNDING:

None

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

None

NAME	AMOUNT (\$)
N/A	\$ 0.00

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

DEPARTMENT HEAD: Kevin Smith
(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.030.16 (SECTION 111.1 BOARD OF APPEALS ESTABLISHED, AMENDED) OF THE EL PASO CITY CODE, TO PERFORM THE FOLLOWING: AMEND SECTION 111.1 (BOARD OF APPEALS) TO REPLACE CONSTRUCTION BOARD OF APPEALS WITH APPEALS OFFICER; AND SECTION 9.52.110.4 (SECTION 3201.1.4, APPEALS, ADDED), OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: AMEND SECTION 3201.1.4 (APPEALS) TO REPLACE CONSTRUCTION BOARD OF APPEALS WITH APPEALS OFFICER

WHEREAS, by Ordinance No. 015962, the El Paso City Council created the Building Board of Appeals for the purpose of providing for reasonable due process of law through the appeal of orders, decisions or determinations made by city officials relative to the application and interpretations of the requirements in the codes specified in section 2.30.060A for specific projects, without further appeal to the city council; and

WHEREAS, by Ordinance No. 016492, the El Paso City Council renamed the Board as the Construction Board of Appeals; expanded the duties of the Board to include the ability to hear requests for variances and appeals involving staff interpretations of the El Paso City Code Chapters on grading stormwater management, outdoor lighting, landscaping, and flood damage prevention and named the members of the Building Board of Appeals as the members of the Const4ruction Board of Appeals; and

WHEREAS, by Ordinance No. 016658, the El Paso City Council added additional powers to the Construction Board of Appeals; and

WHEREAS, the Construction Board of Appeals has not been required to meet to resolve an appeal on an order, decision or determination made by city officials in the last ten years; and

WHEREAS, appeals of orders, decisions or determinations made by city officials will be handled administratively by the El Paso City Manager or designee; and

WHEREAS, on May 12, 2025 the El Paso City Council voted to sunset the Construction Board of Appeals.

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

SECTION 1: That Title 9.52.030.16-Section 111.1 – Board of appeals established, of the El Paso City Code be amended as follows:

111.1 Appeals.

Appeals of orders, decisions or determinations by the AHJ relative to the application and interpretation of Fire Code may be appealed to the Appeals Officer in accordance with Chapter 2.30 of the City Code.

SECTION 2: That Title 9.52.110.4 – Section 3201.1.4 – Appeals, of the El Paso City Code be amended as follows:

3201.1.4 Appeals.

The owner of a building or an owner's duly authorized agent may appeal a decision of the Fire Code Official or the Building Official related to this Section. All appeals shall be directed to the Appeals Officer, in accordance with Chapters 2.30 and 18.02 of the El Paso City Code.

SECTION 3. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2025.

CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Robert Aguinaga Jr
Robert Aguinaga
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe
Philip F. Etiwe, Director
Planning & Inspections Department