

**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 17 (Housing), Chapter 17.04 (Housing Code Adopted), Section 17.04.070 (Section 107 Amended-Appeals) of the El Paso City Code to perform the following: amend section 17.04.070 (Section 107 Amended-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 17 (HOUSING), CHAPTER 17.04 (HOUSING CODE ADOPTED), SECTION 17.04.070 (SECTION 107 AMENDED-APPEALS) OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: AMEND SECTION 17.04.070 (SECTION 107 AMENDED-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 Construction 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 Section 17.04.070 – Appeals, of the El Paso City Code be amended as follows:

Section 17.04.070 – Appeals.

A. Any person receiving written notice from the building official of structural deficiencies in his property under this Code may, within thirty (30) days following the date of such notice, enter an appeal in writing to the Appeals Officer, depending upon the deficiencies for which the person received notice. Such appeal shall state the location of the property, the date of the notice of violations and the number of such notice. The appellant must state the variance or modification

requested, the reasons therefor and the hardships or conditions upon which the appeal is made. A fee of twenty-five dollars (\$25) shall accompany such notice of appeal.

Notices from the building official which address existing buildings and requirements for new construction, shall be appealed to the Appeals Officer, as identified in Chapter 2.30 of the El Paso City Code.

B. Upon appeal, the Appeals Officer will permit, in appropriate cases where the application of the requirement of this Code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision of the Appeals Officer. Such requests for additional extensions of time shall be filed with the Appeals Officer not less than thirty (30) days prior to the expiration of the current extension.

Upon appeal, the Appeals Officer shall consider and determine appeals whenever it is claimed that the true intent and meaning of this Code or any of its regulations have been misconstrued or wrongly interpreted.

C. An appeal should not be considered where an appeal case has been previously decided involving the same premises.

All decisions of the Appeals Officer to vary the application of any provision of this Code or to modify an order of the building official shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor. Every decision shall be in writing and shall indicate the vote upon the decision. A copy of all decisions shall be promptly filed in the office of the building official. The Appeals Officer shall notify the appellant in writing of the final action.

SECTION 2. Except as herein amended, Title 17 of the El Paso City Code shall remain in full force and effect.

*(signatures following page)*

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