AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.60 (FLOOD DAMAGE PREVENTION); SECTION 18.60.420 (DESIGNATION OF THE FLOODPLAIN ADMIMINSTRATOR), SECTION 18.60.430 (DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR), SECTION 18.60.440 (DUTIES AND RESPONSIBILITIES OF THE DEPUTY CHIEF ADMINISTRATIVE OFFICER) AND SECTION 18.60.450 (DUTIES AND RESPONSIBILITIES OF THE STREET DIRECTOR) OF THE EL PASO MUNICIPAL CODE.

WHEREAS in February 2004, the citizens of El Paso voted to amend the City Charter to change from a Strong Mayor form of government to a Council-Manager form of government; and

WHEREAS, such change makes it is necessary to revise the title of the Deputy Chief Administrative Officers to Deputy City Managers; and

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

Section 1. That Section 18.60.420 (Designation of the floodplain administrator.) of the El Paso Municipal Code is amended to read as follows:

Section 18.60.420 Designation of the flood plain administrator.

The Deputy City Manager of Municipal Services is appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

Section 2. That Section 18.60.430 (Duties and Responsibilities of the floodplain administrator.) of the El Paso Municipal Code is amended to read as follows:

Section 18.60.430 Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
B. Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;
C. Review, approve or deny all applications for development permits required by adoption of this chapter;
D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required;
E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;
F. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Department of Water Resources, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
G. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained; assign maintenance responsibility for the altered or relocated portion of the watercourse to the appropriate agency to assure that the flood-carrying capacity is not diminished;
H. When base flood elevation data has not been provided in accordance with Section 18.60.360, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article V of this chapter;
I. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;
J. Maintain surveillance over the operational and maintenance condition of the flood control system to ensure its safe and effective functioning; notify the streets director of any required maintenance and/or repair work;
K. Conduct an annual inspection of the flood control system and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness and maintenance condition of the system, and a line item list of required special maintenance or repairs, to the deputy chief administrative officer and the streets director;
L. Review the annual schedule of maintenance for flood-control facilities prepared by the streets director and forward the annual schedule to the Deputy City Manager

of Municipal Services with appropriate recommendations regarding any changes to frequency or nature of maintenance work proposed and/or requirements for special maintenance or repair.

Section 3. That Section 18.60.440 (Duties and responsibilities of the deputy chief administrative officer.) of the El Paso Municipal Code is amended to read as follows:

Section 18.60.440 Duties and responsibilities of the Deputy City Manager of Municipal Services.

The Deputy City Manager of Municipal Services shall:
A. Exercise overall management control of the construction, operation and maintenance of the flood-control system;
B. Review, revise and approve the annual schedule of maintenance of the flood control system submitted by the streets director;
C. Allocate resources as required to assure the timely execution of the annual maintenance schedule and the safe and effective operation of the flood-control system.

Section 4. That Section 18.60.450 (Duties and responsibilities of the street director.) of the El Paso Municipal Code is amended to read as follows:

Section 18.60.450 Duties and responsibilities of the streets director.

The streets director shall:
A. Be the custodian of the flood-control system, including all dams, detention and retention basins, outlet works, channels and pumping stations;
B. Maintain and repair the system to ensure its safety and operational capability;
C. Maintain full-time surveillance of the operational readiness of the system. Immediately notify the floodplain administrator of any system component that is in a state of reduced operational readiness;
D. Direct the operation of the system during storms and flooding to maximize the effectiveness of the system in reducing damage to public and private property and danger to public safety;
E. Participate in the annual inspection of the flood-control system conducted by the floodplain administrator and advise the floodplain administrator of any required maintenance, repairs or alterations to the system;
F. Prepare and submit to the floodplain administrator an annual schedule of maintenance and repair to the flood-control system;
G. Carry out the annual schedule of maintenance repair as approved by the Deputy City Manager of Municipal Services.

Section 5. This ordinance shall take effect on September 1, 2004.

Section 6. Except as herein amended, Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention), shall remain in full force and effect.

PASSED AND APPROVED this 24th day of August 2004.

CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

Ruth Reyes
Assistant City Attorney

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