

**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Aldersperson Place 1

**David Cantu**  
Aldersperson Place 2



**Miguel Najera Jr.**  
Aldersperson Place 3

**Maria Covernali**  
Aldersperson Place 4

**George Almanzar**  
Aldersperson Place 5

### **RESOLUTION NO. 1801R.11**

#### **A RESOLUTION BY THE CITY OF SAN ELIZARIO ENACTING A POLICY AND PROCEDURES FOR THE USE OF CITY BUILDINGS AND FACILITES AND RULES OF CONDUCT.**

#### **RECITALS**

**WHEREAS,** since incorporation, the City has acquired buildings and the use of buildings for city purposes, of which many are small and must accommodate many functions and work areas located in open spaces; and

**WHEREAS,** the City Council has determined that enactment of a policy and procedures for the use of city buildings and facilities and to establish rules of conduct is appropriate, as further set forth in section 1 of the policy; and

**WHEREAS,** the City is in the process of developing new facilities and relocating offices, so it is appropriate to task the Mayor or his designee with the responsibility to create and update the list of buildings and facilities for which this policy applies; and

**WHEREAS,** this policy is appropriate pursuant to Texas Local Government Code Section 51.034, which authorizes the city to hold real property within the city limits; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City Council finds that it is necessary and proper for the good government and order of the City to establish this policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of San Elizario, Texas, that:

1. The foregoing Recitals are hereby adopted as facts and are incorporated fully herein.

2. The City Council of the City of San Elizario hereby approves the *City of San Elizario Policy and Procedure for the Use of City Buildings and Adjacent Areas and Rules of Conduct*, attached hereto as "Exhibit A" and incorporated fully herein.
3. All resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, save for the City of San Elizario Subdivision Ordinance referenced herein, and the provisions of this Resolution shall be and remain controlling as to the matters regulated, herein.
4. Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.
5. This Resolution shall be effective immediately upon passage and approval.

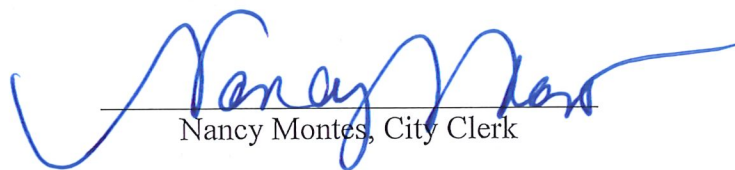
**PASSED AND APPROVED** this, the 11 day of December, 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

**CITY OF SAN ELIZARIO, TEXAS**



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk

## **CITY OF SAN ELIZARIO POLICY AND PROCEDURE FOR THE USE OF CITY BUILDINGS AND ADJACENT AREAS AND RULES OF CONDUCT.**

### **1 PURPOSE AND SCOPE**

#### **1.1 Purpose**

The purposes of these rules are to establish: 1) the hours City buildings and adjacent premises are open to the public; 2) that portions of some City buildings and adjacent premises are not open to the public at any time; 3) the rules of conduct that apply in City buildings and on adjacent premises; 4) that permission to remain in City buildings or on adjacent City premises is conditioned upon compliance with rules of conduct and with all applicable laws; and 5) the City's administrative process for establishing, modifying, and enforcing public operating hours, access, and rules of conduct for City buildings and premises

#### **1.2 Scope**

These rules apply to all City owned or occupied buildings and adjacent premises. These include but are not limited to the following specific buildings and their adjacent premises as set forth on Attachment A, as developed, amended and updated by the Mayor. In addition to these rules, the Mayor may adopt or post rules for specific City buildings and adjacent premises. To the extent that a written or posted rule for a specific City building or adjacent premises conflicts with one of these general rules, the particular rule shall govern for that building or adjacent premises.

#### **1.3 Enforcement**

Enforcement of these rules shall be conducted in a fair and reasonable manner. The San Elizario City Marshal and his deputy marshals and other City personnel or agents designated or authorized by the Mayor may: 1) intervene to stop activities that violate either applicable laws or these rules; 2) revoke the violator's permission to remain in City-owned or occupied property; and 3) issue an order that the violator not return to specified City property for a specified period of time from one day to up to one year. Sworn peace officers in the San Elizario Marshal's Office other law enforcement officers may issue citations or arrest a violator for criminal trespass or for other crimes.

### **2 DEFINITIONS**

#### **2.1 "City" means the City of Elizario"**

2.2 "City building(s)" means all City owned or occupied buildings that are under the jurisdiction of the City of San Elizario, including but not limited to those properties specifically listed on Attachment A, as created and updated by the Mayor.

2.3 "City Property" means both City buildings and adjacent premises, and any other property owned or occupied by the City of San Elizario and subject to the jurisdiction of the Fleets and Facilities Department or a successor agency.

2.4 "Designated Agents" means sworn members of the San Elizario Marshal's Office City and other City officials, employees or contractors authorized by the Mayor or the City Administrator to enforce these rules on City property.

2.5 "Mayor" means the Mayor of the City of San Elizario or his or her designee, including the City Administrator.

2.6 "City Administrator" means the employee hires as the City Administrator of the City of San Elizario or his or her designee.

2.7 "Entranceway" means the City premises adjacent to an entrance to a City building, not including areas that are part of a public sidewalk or other public right of way.

2.8 "Adjacent premises" or "adjacent areas" means the City-owned or occupied exterior real property adjacent to a City building and subject to the jurisdiction of the City. It does not include areas that are part of the public sidewalks or other public rights of way.

2.9 "Person" means a member of the public and does not include a City of San Elizario official or employee.

### 3 OPERATING HOURS

3.1 General City Operating Hours. Unless provided otherwise by rule or by posting, most City property is generally open to the public from 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. 12:00 p.m. Friday, except for City holidays. Additionally, certain portions of the building housing the Council Chambers and the courtroom will be open at such times when the City holds a meeting of the City Council and when the San Elizario Municipal Court is in session. These City properties are generally not open to the public on Saturdays, Sundays, City holidays and on weekdays between 5 p.m. and 8 a.m.

#### 3.2 Adjacent Premises and Patio Area

3.2.1 The premises adjacent to the properties at the Farm are not open to the public and have no operating hours.

3.2.2 The patio area adjacent to the building at 12710 Church Street is open for public use in accordance with the Ordinance 1801.03A or for such other events either sponsored or permitted by the City and have no general public operating hours.

#### 3.3 Building Entranceways and Lobbies

3.3.1 During the hours that a City building is not open to the public, entranceways to the building, including the premises adjacent to entrances, are also not open to the public.

3.3.1 (a) All entranceways into buildings covered by this rule are designed to help people entering or leaving the building.

3.3.1 (b) All fire exits must be kept clear as per applicable provisions of the Fire Code, as adopted by the El Paso County, Texas Emergency Services District No. 2.

3.3.2 Due to the small size of city buildings and their lobbies and the need for the City to conduct personal and private business with individuals relating to the operations of the Marshal's Office and the Municipal Court in the lobbies, a person may not remain in a lobby area longer than is necessary for the conduct of such person's official business with the City.

3.4 Other Posted Hours. The Mayor may, by posting: 1) establish other operating hours for any City property; or 2) temporarily close any City property (for example, building lockdowns required to protect public safety).

#### 4 RULES OF CONDUCT

4.1 Posted Rules of Conduct. The Mayor may post rules of conduct at any City property.

4.2 General Rules of Conduct.

4.2.1 A person may enter and remain in a city building only when it is officially open to the public.

4.2.2 A person in a city building must comply with all applicable laws, rules and regulations to include but not be limited to requests or requirements to submit to security screening which may include screening of all bags, equipment, and belongings.

4.2.3 A person may not leave a lobby area or enter into a private office area of a building without having permission to do so. If a person seeks to use the restroom, he or she shall first notify a city employee in the lobby area of the building and use the most direct route to and from the restroom.

4.3 Photography and Recording. A person may not take photographs, or make videos, and/or audio recordings of the inside of any City Building. Such prohibition is necessary due to the small size of City buildings which sometimes results in the conduct of private and personal business in many open areas of buildings.

4.3.1. Exclusions from this prohibition.

(a) taking photographs or making videos and/or audio recordings of the public meetings of the San Elizario City Council or other entity conducting a public meeting.

(b) taking photographs of postings on the community bulletin board.

(c) any other photograph or video and/or audio recording authorized by the Mayor, the City Administrator or a Department head. The denial of permission under this section cannot be appealed.

4.3.2 San Elizario City employees are subject to any City policy or regulation pertaining to the taking of photographs or making videos and/or audio recordings within City buildings.

4.4 Playing musical instruments, utilizing amplified sound, or noise that is loud enough that it reasonably could be expected to disturb others, is prohibited except for City approved/sponsored concerts and events that will be managed within the interests of the building tenants. The Mayor or Mayor Pro Tem has the authority to regulate the appropriate use of any amplified sound or audio during a city council meeting.

4.5 Public communication activities.

4.5.1 Persons may engage in public communication activities on public sidewalks located on the public right of way between City property and the public street, subject to compliance with applicable laws. The areas inside City buildings and on adjacent premises are not held open as a public forum. As may be provided by Ordinance, the Community Bulletin Board at City Hall or such other designated area of a City building is considered as a limited public forum.

4.5.2 Due to the small size of City buildings and the need for the use of all portions of building space for the conduct of City business, no portion of a City building is held open for public communication activities other than a community bulletin board created in accordance with official City policy as established by Ordinance or Resolution of the City Council.

4.5.3 Use of City Council Chambers as a limited public forum. The area that is used as the city council chambers for the conduct of the public meetings of the San Elizario City Council and the public meetings of other public entities is held as a limited public forum only for the time in which the City Council or other public entity is meeting. Other uses will be made of this space, such as for the courtroom of the San Elizario Municipal Court and for all other such uses, such area is not held as a limited public forum.

4.5.4 Signs. Signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial, or graphic material of any kind, structures, banners, and any other objects may not be posted or affixed to City property or City vehicles, except as may be allowed by Ordinance or Resolution of the City Council for the Community Bulletin Board. Signs carried by or on a person are permitted, provided the signs are not larger than 36 inches by 36 inches and are handled in a way that does not endanger others and does not obstruct the free flow of pedestrians or the view of participants attending an event.

4.6 The following are specifically prohibited in any City Building or on other City property, by this policy and as prohibited by applicable San Elizario City Ordinance or Texas State Law:

- (a) Any conduct prohibited by federal, state, or local law;
- (b) Animals, except disabled persons' service animals or law enforcement animals;
- (c) Weapons, except as specifically permitted by law;
- (d) Smoking and chewing tobacco, or other tobacco use;
- (e) Unreasonably disturbing others by engaging in loud or raucous behavior;
- (f) Blocking entrances, exits, fire exits, handicap access areas, public walkways or roadways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of City property;
- (g) Spitting, expectorating, urinating, or defecating except in restroom facilities;
- (h) Entering or remaining in City buildings barefooted, without a shirt, or being attired so as to be disruptive to City business;
- (i) Entering or remaining in nonpublic areas except while attending to City business or with other authorization (such as attending a City-authorized function, event, or activity to which the person is an invitee). Unless posted otherwise, entry lobbies are generally open to the public. Other areas inside City buildings, including offices, hallways, stairways, and elevators are open only to those attending to City business, or attending a City-authorized function, event, or activity to which the person is an invitee);
- (j) Possession of flammable liquids, explosives, acid, or any and other article or material capable of causing serious harm to others;
- (k) Discharging a laser-emitting device, unless such device is a laser pointer used for a presentation;
- (l) Littering, dumping, or creating unsanitary conditions;
- (m) Defacing, destroying, or otherwise vandalizing City property including the building, fixtures, grounds, signs, or other City property;
- (n) Tampering, misuse, abuse, or destruction of emergency or security equipment;
- (o) Assisting unauthorized access to buildings (for example propping open exterior doors);
- (p) Disrupting City business, events, or other City sponsored or authorized activities;
- (q) Unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation;

4.7 The Mayor may modify or suspend these rules in order to accommodate City-sponsored or City-approved events.

## 5 CHANGES TO ACCESS, HOURS, OR RULES OF CONDUCT

5.1 The Mayor may, by posting, close to the public or modify the operating hours of any City building or adjacent area, or a portion of a City building or adjacent area.

5.2 The Mayor may, by posting, modify the rules of conduct for a City building, adjacent area, or a portion of a building or adjacent area.

5.3 The Mayor may, by posting, establish access, public hours, or rules of conduct for particular City buildings, adjacent premises or property.

## 6 ENFORCEMENT

6.1 Engaging in any activity which requires a permit or authorization without such a valid permit or authorization constitutes a violation of these rules.

6.2 Any violation of these rules or other applicable rules or law may result in: 1) revocation of a person's permission to remain in City Buildings and/or on the adjacent premises; 2) issuance of a Notice of Exclusion; and/or 3) arrest or citation.

## 7 CRIMINAL TRESPASS AREAS NOT OPEN TO THE PUBLIC

Any person who enters or remains on City property when such areas are not open to the public is subject to arrest and prosecution for criminal trespass.

## 8 CRIMINAL TRESPASS NOTICES OF EXCLUSION

8.1 Notices of Exclusion. The Mayor may issue a notice of exclusion revoking any person's permission to remain on or in any City property, or imposing certain conditions under which such person may return to any City property, if that person violates any rule of conduct or any applicable law. Such an exclusion notice may be for a period of one day up to one year. The length of the period of exclusion may depend upon such factors as the seriousness of the violation, the number of violations, and the individual's prior record regarding conduct on property owned or operated by the City of San Elizario, including but not limited to City property subject to the jurisdiction of the City.

8.2 Criminal Trespass. Any person who fails to comply with an exclusion notice is subject to arrest for criminal trespass.

8.3 Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that his/her privileges to enter upon City property have been revoked. Receipt of the notice is also construed to have been accomplished two (2) days after an exclusion notice is placed in the U.S. mail to an individual's last known address.



8.4 The City hereby delegates to sworn San Elizario Police Department personnel the authority to enforce on City property these and any other applicable written or posted rules, and to issue the notices of exclusion for violations.

8.5 In addition, the Mayor may delegate to others the authority to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

## 9 ADMINISTRATIVE REVIEW OF NOTICES OF EXCLUSION.

9.1 A person who receives a Notice of Exclusion for a period greater than five (5) days may, within 14 business days of issuance of the notice, submit a written request for an administrative review. The person seeking the review shall include in the request any written documentation he or she seeks to have considered in the review process. The notice of exclusion shall remain in effect pending administrative review.

9.2 If a person timely requests an administrative review, the Mayor shall designate a Review Officer to conduct the administrative review. The administrative review is an informal process designed to give the individual the chance to explain his or her side of the events surrounding the alleged violation. Administrative reviews are typically confined to the written record and generally do not include witnesses or sworn testimony. The Review Officer may, at his or her discretion, allow the excluded individual the opportunity to meet with the Review Officer to orally present his/her side of the story.

### 9.3 Decision.

9.3.1 The Review Officer shall provide a written recommendation to the Mayor within 10 business days after the administrative review is completed. In making the recommendation, the Review Officer shall review the exclusion order, consider the written record, the individual's written administrative review request, and other information gathered by the Review Officer. The Review Officer may at his or her discretion conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion.

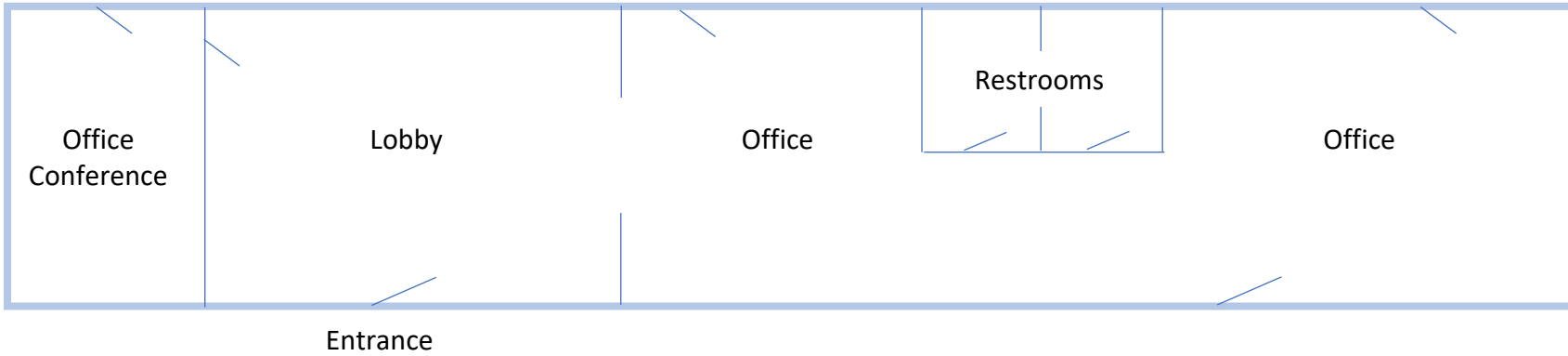
9.3.2 The Director shall consider the Review Officer's Recommendation and may then affirm, modify, terminate, or reverse the exclusion order. The Mayor's decision is final and may not be appealed.

## 10 PROCEDURES

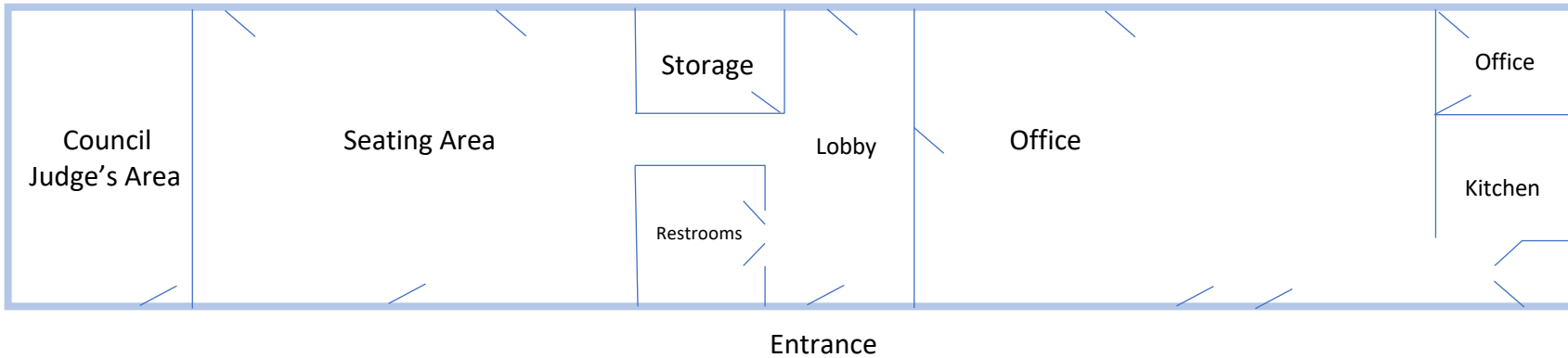
The Mayor is authorized to issue procedures regarding the implementation of this rule, including but not limited to developing special guidelines or procedures regarding specific buildings, locations and portions of buildings.

**City Hall – 12710 Church St., San Elizario, Texas**

**Attachment A**



**Marshals Office / Municipal Court – 12004 Socorro Rd., Spaces B, C, D, E, San Elizario, Texas**



**The Farm – 1201 Herring Rd., San Elizario, Texas**



\*Maps not to scale

