



Antonio Araujo
Mayor

Leticia Miranda
Alderson Place 1

David Cantu
Alderson Place 2

Lorenzo E. Leyva Sr.
Alderson Place 3

Maria Covernali
Alderson Place 4

George Almanzar
Alderson Place 5

ORDINANCE NO. 1915.10.01

AN ORDINANCE OF THE CITY OF SAN ELIZARIO, TEXAS AMENDING ORDINANCE NO. 1615.10, TO REVISE THE PROVISIONS RELATING TO THE COMPOSITION AND DUTIES OF THE HISTORIC PRESERVATION BOARD OF REVIEW AND TO ESTABLISH THE POSITION OF HISTORIC PRESERVATION OFFICER AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

RECITALS

WHEREAS, the City Council of the City of San Elizario adopted Ordinance No. 1615.10 on April 12, 2016 to establish the Historic Preservation Ordinance, based on the City's authority under the law as stated in that Ordinance; and

WHEREAS, the City has accepted delegation from the County of El Paso, Texas to perform the duties of the County's San Elizario Historical Landmark Commission, a commission established pursuant to the El Paso Mission Trail Historical Area Zoning Regulations; and

WHEREAS, the City Council, on September 13, 2016, adopted Resolution No. 1606R.02 creating the City of San Elizario Historical Landmark Commission, and authorizing the Mayor to appoint the Commission members in accordance with the Regulations; and

WHEREAS, the City Council finds it to be appropriate for purposes of uniformness in regulation and efficiency to have the same persons serve on both board and be appointed in the same manner, and therefore makes amendments to the Ordinance and the Resolution for this purpose as well as to establish the position of Historic Preservation Officer.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. ADOPTION AND ENACTMENT

The City Council of the City of San Elizario hereby adopts and enacts this amendment to the Historic Preservation Ordinance, contained in *Attachment A*, amending only those non-penal provisions of the Ordinance contained therein, as attached hereto and incorporated fully herein.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein; and further that the provision in Resolution No. 1606R.02, Section II 3 is repealed effective October 24, 2019 and the provisions of this Ordinance shall thereafter govern the appointment of the members of the San Elizario Historical Landmark Commission; provided however, this provision shall not preclude the holding over in office of such members until they are reappointed or replaced.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance 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 Ordinance.

ARTICLE IV. EFFECTIVE DATE

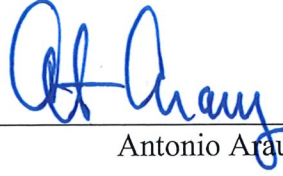
This Ordinance shall be effective immediately upon passage.

SECTION V. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

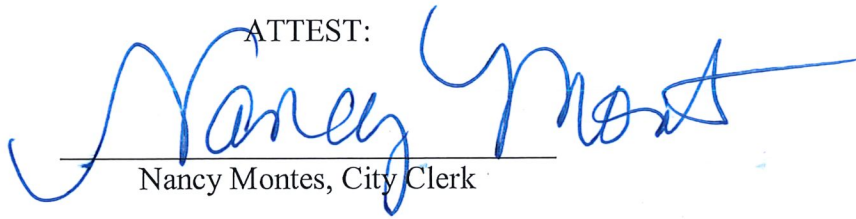
PASSED AND APPROVED this, the 28 day of May, 2019, by a vote of 5
(*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS

A handwritten signature in blue ink, appearing to read "Antonio Araujo".

Antonio Araujo, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Nancy Montes".

Nancy Montes, City Clerk

3.2 Historic Preservation Board of Review/Historic Preservation Officer (HPO)

- A. The Historic Preservation Board of Review, also known as the San Elizario Historical Landmark Commission (“Board of Review”) is entrusted the responsibilities of carrying out the sections of the Historic Preservation Ordinance.
- B. Board of Review; membership.
1. The Board of Review will consist of five members appointed by the City Council as set forth herein.
 2. Those persons appointed as members of the Members of the City of San Elizario Historical Landmark Commission, if willing to serve as the members of the Board of Review, will serve as the members of the Board of Review through the end of their current term of office on October 24, 2019. Should any member of the Historical Landmark Commission be unwilling to serve as a member of the Board of Review, the Council will appoint other member(s) meeting the below qualifications as necessary to serve until October 24, 2019. Thereafter, members will be appointed to jointly serve on the San Elizario Historical Landmark Commission and the Board of Review, upon application and demonstration of their qualifications to the extent available among those eligible for appointment, and the membership shall include the following:
 - a. At least one architect registered and licensed to practice in Texas.
 - b. Other members shall be appointed from such other individuals and organizations as the City Council may, in its discretion, select, provided that no one business, economic, or professional interest shall constitute a majority of the members. Members should be considered from a variety of areas with consideration given to representatives from the following fields: law, architecture, history, urban design and planning, archeology, or other disciplines related to local or historic preservation. When a professional in the fields of history, architecture, architectural history, planning or archaeology is not represented in the membership, then the City shall seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.
 3. All members, regardless of background, shall have a demonstrated interest competence, or knowledge in historic preservation within the County of El Paso and/or the City of San Elizario.
 4. Members will be appointed or reappointed to three-year terms effective October 25, 2019, and every three years thereafter. Vacancies shall be filled by the City Council within 60 days.
 5. The position of a member appointed effective on and after October 25, 2019 is automatically considered vacant if the member is absent for:

- a. Three consecutive regular or called meetings of either the City of San Elizario Historical Landmark Commission or the Board of Review or fails to attend at least eight percent of all such regular or called meetings of either body during any six-month period, unless the failure to attend was the result of circumstances beyond the member's control; or
 - b. Verification of attendance shall be based exclusively on the minutes of each meeting, unless the Commission or the Board has excused the member's absence from one or more meetings due to unusual circumstances beyond the member's control.
6. The Board of Review shall elect from among its membership, a chairperson, and a vice-chairperson. Each officer shall hold office for one year.–The City will provide the services of an employee to serve as secretary. The secretary shall be responsible for preparing and maintaining written meeting minutes and recording Board action and findings.
7. The Board of Review shall make rules, regulations and bylaws for its own governance, subject to approval by the City Council, and shall include provisions for the following:
 - a. Regular and special meetings (other than executive sessions);
 - b. A record of its proceedings, to be open for inspection by the public;
 - c. Reporting to the City Council annually regarding expenses and anticipated budget needs, Board goals and objectives, and the work completed during the previous year.
8. A quorum for the transaction of business by the Board of Review shall consist of not less than 3 members.
9. The Board of Review may create sub-committees from among its membership and delegate to these committees, the responsibility to carry out the purposes of the Historic Preservation Ordinance.
10. The Board of Review shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairperson, vice-chairperson or the HPO, or at the written request of at least three members of the Board of Review.

C. The Board of Review shall conduct those duties in the manner outlined in the Historic Preservation Ordinance The Board is empowered to:

1. Initiate, review and take action regarding the designation of Landmarks and the delineation of historic districts, and make recommendations for action to the Planning and Zoning Commission and the City Council, as appropriate.
2. Recommend and confer recognition upon the owners of Landmarks or properties within historic districts by means of certificates, plaques or markers.
3. Review and recommend to the Planning and Zoning Commission and/or the City Council proposed changes to the Zoning Ordinance, building code, plans and other adopted policies of the City that may affect the purpose of the Historic Preservation Ordinance.

4. Initiate and administer the City's Preservation Plan, as developed and adopted by the City.
5. Conduct public hearings and provide comment to the Texas Historic Commission on buildings, objects, sites, structures and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
6. Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and properties located within designated historic districts. Such information shall be maintained by the HPO, made accessible to the public, and should be updated at least every ten years.
7. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Antiquities Landmark, National Register property and any locally designated Landmark as deemed necessary.
8. Work to increase awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
9. Review and take action on Certificates of Appropriateness applications for compliance with adopted Design Guidelines and any other applicable standards, as provided by the Historic Preservation Ordinance, provided however, in the event that the Historical Landmark Commission is required to issue a Certificate of Appropriateness under the El Paso Mission Trail Historical Area Zoning Regulations, an application under the Historic Preservation Ordinance for a Certificate of Appropriateness shall be referred to the Historical Landmark Commission for the issuance of one Certificate of Appropriateness based on the application of the higher standards, as provided in Section 231.183(a) of the Texas Local Government Code, as amended.
10. Review and take action on appeals of action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications.
11. Develop, prepare and recommend the approval of specific Design Guidelines for use in the review of all Certificates of Appropriateness applications.
12. Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and historic districts within the city.
13. Make recommendations to the City Council for the acquisition of Landmarks endangered by demolition where their preservation is essential to the purpose of the Historic Preservation Ordinance and where private preservation is not feasible.
14. Propose preservation-related incentive programs to the City Council for local property

owners of historic Landmarks or within local historic districts, and review and make recommendations on all program applications.

15. Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.
16. Make recommendations to the City Council on the acceptance of donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation.

D. Historic Preservation Officer. The City will hire or retain the services of a person or the City Manager may appoint a qualified City employee to serve as Historic Preservation Officer (HPO). The HPO must have an interest, knowledge and demonstrated background in the disciplines of architecture, history, urban planning, real estate, law, archeology or other disciplines related to historic preservation, and preferably will meet the Secretary of the Interior's Professional Qualifications Standards as published in 36 CFR Part 61.

The duties and responsibilities of the HPO shall include:

1. To administer the Historic Preservation Ordinance and advise the Board of Review on matters submitted to it.
2. To receive and review all applications pursuant to the Historic Preservation Ordinance to ensure their completeness.
3. To review and take action on the Certificate of Appropriateness applications subject to administrative review pursuant to the Historic Preservation Ordinance.
4. To review and forward with any recommendations the Certificate of Appropriateness applications subject to review by the Board of Review pursuant to the Historic Preservation Ordinance.
5. To ensure proper posting of all Board of review meetings, schedule applications for review by the Board of Review, record meeting minutes and facilitate all Board of Review meetings.
6. To review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state and national preservation organizations in the private sector.

In the absence of the HPO, the City Administrator or his/her designee may take actions under the Historic Preservation Ordinance so as to meet deadlines imposed by the Historic Preservation Ordinance or when such person determines action is necessary to meet the purposes of the Historic Preservation Ordinance.