

RESOLUTION OF THE CITY OF EL PASO, TEXAS

Final Draft

WHEREAS the American Smelting and Refining Company and its predecessors operated a smelter located in El Paso, Texas, from 1888 to 2004; and

WHEREAS the smelter employed thousands of hard-working El Pasoans throughout the years of its operation; and

WHEREAS the smelter employees supported their families well, leaving a legacy of tens of thousands of El Paso citizens who are fully engaged in every segment of our community to this day; and

WHEREAS the smelter owners through the years made important contributions to the growth and development of our community, not the least of which included supporting the establishment of the Texas State School of Mines and Metallurgy, later Texas Western College, now known as the University of Texas at El Paso; and

WHEREAS the combined economic power of a large industrial facility and a dedicated and competent workforce drove El Paso's economy and prosperity for decades, placing us at the top of the mountain of cities of the Southwest through much of the 20th Century; and

WHEREAS by the turn of the 21st Century the location of the smelter was no longer compatible with the health and safety of the community at large, for which reason the City of El Paso and many of its citizens protested against the smelter continuing to operate with an air permit from the Texas Commission on Environmental Quality ("TCEQ"); and

WHEREAS despite the determined efforts of the TCEQ to approve the air permit needed for the smelter to continue operating, the City of El Paso and its citizens prevailed, successfully ensuring that the smelter would close and never again operate at its historical location; and

WHEREAS the long struggle to close the smelter caused a significant amount of social turmoil in El Paso, sometimes dividing households that wanted both good jobs and environmental quality; and

WHEREAS the closing of the smelter has not fully healed the rift in the community caused by the struggle to protect the environment while keeping good jobs; and

WHEREAS the City of El Paso wishes to create a monument citizens of the region affected and to the ex-Asarco workers who gave so much of themselves in order to support their families and create a safe, healthy and economically vibrant community, and

WHEREAS the premises of the closed smelter facility contain certain historically, architecturally and culturally significant structures which would form the perfect physical component of a monument to the workers of the smelter, including two chimneys, one of which measures 826 feet in height; and

WHEREAS the Remedial Trust charged with remediating the smelter properties has the authority to determine whether the significant structures on-site are destroyed or preserved for posterity and, as of now, has chosen important but low-stature structures to preserve in perpetuity; and

WHEREAS the TCEQ is the Trustor of the property in question and therefore exercises supervisory control over the actions of the Remedial Trust and its Trustee; and

WHEREAS the Trustee has announced his intention to demolish the chimneys on the premises unless certain specific conditions are met on or before December 4, 2012, including finding a proposed owner for the chimneys, indemnifying the Trustee for liability attached to them, proving them to be architecturally and structurally sound, and financing their preservation and maintenance in perpetuity; and

WHEREAS the community of El Paso has engaged to meet the Trustee's conditions, but despite diligent efforts has found certain of the conditions to be unreasonable and unfeasible; and

WHEREAS the efforts of the Save The Stacks non-profit organization have shown that the long-term cost of preserving and maintaining the chimneys is much less than the Trustee's initial estimate of cost indicated it would be, which initial estimate was not based on accurate scientific or engineering data, and thereby contributed to the confusion in the community over what investment would be required in order to preserve the chimneys; and

WHEREAS prior to the confusion caused by the initial estimate of cost, a poll of interested El Pasoans showed that 75 percent favored preserving the chimneys;

NOW, THEREFORE, be it resolved:

The City of El Paso announces its intention to receive ownership in fee simple of the historically, architecturally and culturally significant chimneys and a small area of land to provide access to the site and parking spaces, for the purpose of creating a monument to the many workers who populated the plant through its productive life-cycle;

The City of El Paso requests the TCEQ and the Remedial Trust and its Trustee use all means in their power to facilitate the City's goal of creating a monument to all the affected citizens of the region and ex-Asarco workers of the smelter, including the chimneys, such means to include: removing the December 4 deadline for the community to meet reasonable conditions to ensure the preservation of these significant structures; allowing Trust resources to be spent on performing due diligence and actual work on the structures in insuring the structural soundness of the chimneys; engaging the community in a dialogue to determine the highest and best use of the entire site, incorporating a site map indicating other significant structures on the site; the Trust using all budgeted resources now earmarked for demolition and associated control, abatement and remediation (direct and related, immediate and long term) instead for stabilization, remediation, preservation and beautification of the monument site; and working with the City of El Paso staff to transfer the significant assets to the City once the site remediation has been completed;

The City of El Paso calls upon its legislative partners to assist in promoting the message of this Resolution within the offices of the TCEQ; and

The City of El Paso resolves to work closely with the University of Texas at El Paso, the Save the Stacks organization, and other appropriate organizations and individuals to create a regional monument of the first quality that honors our past, preserves our history, serves as a beacon to our community for the millions of visitors who travel through the pass every year, and challenges our citizenry and leaders to create a better future for our region.