

12B

CITY CLERK DEPT.

ORDINANCE NO. 017016 08 OCT 23 AM 11:22

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), TO ADD CHAPTER 2.80 TO THE EL PASO CITY CODE TO ESTABLISH THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR THE PURPOSE OF PROVIDING ADVICE ON ISSUES RELATED TO IMPACT FEES AND TO PROVIDE FOR COMMITTEE MEMBERSHIP; DUTIES, TERMS OF OFFICE; RULES AND ADMINISTRATION

WHEREAS, the City of El Paso is contemplating whether to adopt, assess and collect impact fees for development which occurs within the City and its extraterritorial jurisdiction; and,

WHEREAS, Chapter 395 of the Texas Local Government Code sets forth the process and procedures the City is required to follow prior to the adoption, assessment and collection of impact fees; and

WHEREAS, the above state statute requires the City to appoint a Capital Improvements Advisory Committee prior to the adoption, assessment and collection of impact fees;

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

1. That Title 2, Administration and Personnel, of the El Paso City Code is amended to add the following Chapter:

2.80 Capital Improvements Advisory Committee

A. **Membership.** The Capital Improvements Advisory Committee shall consist of nine members appointed by city council of which at least four shall be representatives of the real estate, development, or building industry who are not employees or officials of a political subdivision or governmental entity and one member shall be a representative of the City's extraterritorial jurisdiction if impact fees are proposed for that area.

B. **Terms.** At the first meeting of the Capital Improvements Advisory Committee, the terms of office for all nine members will be determined by choosing lots so that four members shall serve for two-year terms and five members shall serve for three-year terms. Upon the expiration of initial terms, and thereafter, all appointments shall be for three-year terms.

C. Duties and Responsibilities

1. Shall serve in an advisory capacity.
2. Advise and assist the City Council in adopting land use assumptions;

3. Review the capital improvements plan, land use assumptions and impact fees and file written comments in accordance with Section 395 of the Local Government Code and the following:

a. Written comments to the land use assumptions and capital improvements plan shall be filed with the city clerk before the fifth business day before the date of the public hearing on the land use assumptions and capital improvements plan.

b. Written comments to the proposed impact fees shall be filed with the city clerk before the fifth business day before the date of the public hearing on the imposition of impact fees.

4. Monitor and evaluate the implementation of the capital improvements plan;

5. File semiannual reports with respect to the progress of the capital improvements plan and report to City Council any perceived inequities in implementing the plan or imposing the impact fee; and

6. Advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

7. Other duties as assigned by City Council that relate to impact fees.

D. Chairman and Vice Chairman, Rules

The Capital Improvements Advisory Committee shall select from among their number a chairman and a vice-chairman, and they shall adopt rules and regulations for the government of their own proceedings, and to carry out the purposes for which such Committee is created, not inconsistent with state law, the Charter, this Chapter and ordinances of the City.

E. Quorum

1. A quorum shall consist of five members. The Chair shall have a vote in all matters.

2. No final action shall be taken on any matter except pursuant to a simple majority vote of the members present.

F. Meeting rules and procedures generally

1. Any motion by a member at a duly called meeting shall require a second. After a motion has been made and seconded, discussion of the motion may be had for a reasonable period of time at the direction of the chair. Discussion shall terminate at the direction of the chair or upon a call for a vote on the question by a member of the committee.

2. Whenever any question of procedure may be raised at a committee meeting, the chair shall rule thereon. A member may move to overrule the chair's decision, which

CITY CLERK DEPT.
OCT 23 AM 11:22

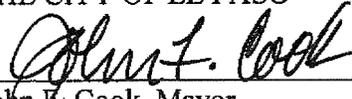
may be done only by a majority vote of the members present.

3. Voting on matters may be by voice vote; provided that a roll-call vote shall be taken upon the request of any committee member present.

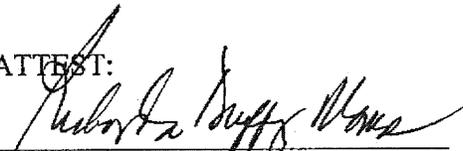
2. Except as expressly amended herein, all other provisions of Title 2, Administration and Personnel, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this 28th day of October, 2008.

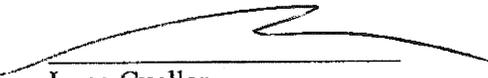
THE CITY OF EL PASO


John F. Cook, Mayor

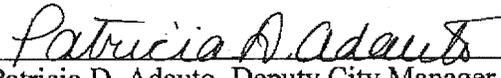
ATTEST:


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


Patricia D. Adauto, Deputy City Manager
Development and Infrastructure Services

CITY CLERK DEPT.
08 OCT 23 AM 11:22