

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:**    **Development Services Department, Planning Division**

**AGENDA DATE:**    **Introduction: October 21, 2008**  
                          **Public Hearing: October 28, 2008**

**CONTACT PERSON/PHONE:**    **John Neal**

**DISTRICT(S) AFFECTED:**        **All Districts**

**SUBJECT:**

An Ordinance appointing the Capital Improvements Advisory Committee.

**BACKGROUND / DISCUSSION:**

Chapter 395 of the Texas Local Government Code (Code) governs the adoption, assessment and collection of impact fees. Under the Code, the City must appoint a Capital Improvements Advisory Committee prior to the adoption, assessment and collection of impact fees. The Code requires that the committee consist of not less than five members appointed by a majority of vote of Council. The Code requires at least 40 per cent of the committee to 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.

The Advisory Committee serves in an advisory capacity to assist the City Council in adopting land use assumptions, reviewing of the capital improvements plan, filing written comments on the land use assumptions, capital improvements plan and proposed impact fees. They monitor and evaluate the implementation of the capital improvements plan, file semiannual reports on the progress of the capital improvements plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee. They also advise on whether there is a need to update or revise the land use assumptions, capital improvements plan, and impact fee.

**PRIOR COUNCIL ACTION:**

On October 14, 2008, Council directed that an advisory committee be established consisting of nine members. Council also added duties, in addition to those required under the statute, that were to be completed by the Committee.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**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; and,

**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 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 and vice chair shall be the presiding chair and vice chair of the City Plan Commission. 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 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 \_\_\_\_\_ 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. Aduato, Deputy City Manager  
Development and Infrastructure Services

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CITY CLERK DEPT.