

ORDINANCE 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY INCREASING THE IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; AMENDING CITY ORDINANCE NO. 2018-06, DATED MARCH 27, 2018; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council approved Resolution 2016-06 creating the City of Montgomery Capital Improvement Advisory Committee ("CIAC"), appointing its members, and establishing the Committee's functions, duties and rules of conduct associated with the study, consideration, development and adoption of impact fees pursuant to the Texas Local Government Code Chapter 395 ("Impact Fee Statute"); and

WHEREAS, the City Council approved and adopted Resolution No. 2016-12 approving the proposed land use assumptions and capital improvements plan relating to impact fees for water and wastewater improvements; and

WHEREAS, the City Council passed Ordinance No. 2018-06, dated March 27, 2018, approving impact fees for water and wastewater improvements that are attributable to new development within the corporate limits of the City of Montgomery; and

WHEREAS, Section 395.058 (c) of the Impact Fee Statute requires the CIAC to file semiannual reports with respect to 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; and advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and

WHEREAS, Section 395.052 of the Impact Fee Statute requires a political subdivision imposing an impact fee to update its land use assumptions and capital improvements plan at least every five years; to review and evaluate its current land use assumptions; and to cause an update of the capital improvements plan as required by law; and

WHEREAS, the CIAC held a meeting on March 5, 2024 to consider the progress of the capital improvements plan and updates to the land use assumptions and capital improvement plan relating to City's approved impact fees for water and wastewater improvements; and

WHEREAS, the CIAC has submitted written comments and suggestions to the City Council by which the CIAC recommends a increase in impact fees by approximately five percent (5%) and the addition of 3571 connections; and

WHEREAS, pursuant to Section 395.053 of the Impact Fee Statute, the City Council held a public hearing on May 28, 2024 to review and discuss the CIAC's comments and suggestions concerning the City's land use assumptions and capital improvement plan; and

WHEREAS, the City Council believes that it is appropriate to approve the CIAC recommendation to increase the current impact fees by approximately five percent (5%) as described in the CIAC report, dated April 2, 2024, and attached here as Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

SECTION 1. The facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. Amendment to City Code of Ordinances. Chapter 90, "Utilities" at Article III, "Impact Fees," Section 90-381, "Impact Fees Approved," of the City of Montgomery Code of Ordinances is hereby amended to read as follows:

Section 90-381, Impact Fees Approved. The impact fees recommended by the CIAC in its amended Water and Wastewater Impact Fee Analysis dated April 2, 2024 (a copy of which is attached to this Ordinance as Exhibit "A" and incorporated into this Ordinance for all purposes) are approved, levied and imposed as to the City's water and wastewater impact fee service area within the entire City boundaries.

SECTION 3. Repeal of Conflicting Ordinances. The provisions of Section 3 in City Ordinance No. 2018-06, dated March 27, 2018, are amended; and all provisions of other ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed. All other provisions of the Ordinances of the City of Montgomery not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability Clause. If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

SECTION 5. Texas Open Meetings Clause. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. Effective Date. This Ordinance shall become effective and be in full force from and after publication as required by law.

PASSED AND APPROVED this the 11th day of June, 2024.

CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST:

Diana Titus, Deputy City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney