

RESOLUTION 2016-06

A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS, CREATING THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE AND APPOINTING ITS MEMBERS, ESTABLISHING AND ADOPTING THE PROCEDURAL RULES FOR AND DUTIES ASSOCIATED THEREWITH IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE REGARDING IMPACT FEES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT OF IMPACT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Chapter 395 (“Impact Fee Statute”) authorizes political subdivisions, including the City of Montgomery, Texas (“City”), to enact and impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions to finance capital improvements associated with new development; and

WHEREAS, the Impact Fee Statute prescribes a process and methodology by which the City must conduct public hearings concerning the consideration and approval of the Land Use Assumptions (“LUAs”) and Capital Improvement Plan (“CIP”), the adoption of the impact fees, and the ongoing periodic review and reporting requirements associated with the impact fees once adopted; and

WHEREAS, the Impact Fee Statute requires the City’s governing body (“City Council”) to appoint a Capital Improvement Advisory Committee (“Committee”) to advise the City Council on certain matters related to the impact fee consideration and adoption procedures required by the Impact Fee Statute; and

WHEREAS, the Impact Fee Statute also requires the City Council to adopt procedural rules for the Committee to follow in the execution of its duties; and

WHEREAS, the City Council deems it to be in the public’s best interest to create the Capital Improvement Advisory Committee in conjunction with the City’s consideration of impact fees to finance capital improvements association with new development in the City and in the City’s extraterritorial jurisdiction.

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

Section 1. Findings.

The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Capital Improvement Advisory Committee

The City Council hereby establishes the Capital Improvement Advisory Committee as follows:

- a. *Establishment.* The City of Montgomery Capital Improvement Advisory Committee (“Committee”) is an advisory board whose purpose shall be to advise and make recommendations to the City Council regarding the study, consideration, development and adoption of impact fees pursuant to the Impact Fee Statute.
- b. *Membership, Compliance & Appointment.*
 - i. The City Council hereby appoints as the Committee the following five (5) members: Nelson Cox, Jennifer Brown, Jeff Waddell, Randy Burleigh, and Chris Cheatham.
 - ii. The City Council finds that two members of the Committee are from the real estate, development or building industry and further finds that none are either an employee or official who serves a political subdivision or governmental entity.
 - iii. The City Council anticipates imposing impact fees in the City’s extraterritorial jurisdiction (ETJ) and pursuant to the Impact Fee Statute has therefore appointed Chris Cheatham to the Committee who qualifies as a representative of the City’s extraterritorial jurisdiction.
 - iv. The City Council reserves the right to appoint additional members of the Committee if required to replace a member due to a resignation or for any other purpose as may be required to comply with the Impact Fee Statute.
- c. *Committee Functions and Duties.*
 - i. The Committee shall serve in an advisory capacity;
 - ii. The Committee shall advise and assist the City in adopting land use assumptions;

- iii. The Committee shall advise and assist the City in adopting land use assumptions;
- iv. The Committee shall review the capital improvement plan and file written comments;
- v. The Committee shall monitor and evaluate the implementation of the capital improvement plan;
- vi. The Committee shall file semi-annual reports with respect to the progress of the capital improvement plan and report to the City Council any inequities, actual or perceived, in implementing the capital improvement plan or imposing the impact fees;
- vii. The Committee shall advise the City Council of the need to update or revise the land use assumptions, capital improvement plan, or impact fees; and
- viii. The Committee shall fulfill any other duties or obligations that may be required of it in accordance with the Impact Fee Statute.

d. *Committee Conduct.*

- i. The Committee shall appoint one member as its Chairperson and one member as its Vice-Chairperson at its first meeting following the approval this Resolution.
- ii. The Chairperson shall preside over all meetings of the Committee and in the absence of the Chairperson, the Vice-Chairperson shall preside.
- iii. The Committee shall appoint a Secretary who shall be responsible for recording the minutes of the Committee's meetings and posting notice of meetings in accordance with City ordinances and state law.
- iv. The Committee shall conduct Committee business only when a quorum of members is present. A quorum is defined as a majority of the voting membership of the Committee.
- v. The Committee shall meet at sufficient intervals so as to fulfill its functions and duties in a reasonably timely manner.
- vi. The Committee shall meet as directed by the City Council to conduct business.

- vii. The Chairperson or any three (3) Committee members may call a special meeting as necessary to conduct business. Meetings shall be held at City Hall, located at 101 Old Plantersville Road, Montgomery, Texas 77356.
- viii. The Committee may adopt its own rules of procedure for conducting business. In the event the Committee fails to adopt its own rules of procedure for conducting business, the Committee's meetings shall conform to the rules for conducting business of the City Council and Robert's Rules of Order, as may be amended.
- ix. The Committee shall provide Committee Reports to the City Council that include comments and recommendations regarding the land use assumptions, capital improvement plan and impact fees.
- e. *Committee Reports.* The Committee shall provide Committee Reports to the City Council that include comments and recommendations regarding the land use assumptions, capital improvement plan and impact fees, which shall be submitted as follows:
 - i. Before the fifth (5th) business day before the date of the public hearing on the proposed land use assumptions and capital improvements plan;
 - ii. Before the fifth (5th) business day before the date of the public hearing on the proposed impact fees;
 - iii. Before the fifth (5th) business day before the date of the public hearing on any proposed amendments to the land use assumptions, capital improvements plan and impact fees; and
 - iv. At any other such time as the Committee or City Council shall deem appropriate or necessary.

Section 3. Supporting Reports and Studies

The City Council and City Staff shall make available to the Committee any professional reports regarding the development or implementation of land use assumptions, capital improvement plans, utility financial analyses, or any other information that may be available and relevant to the study, consideration, development and adoption of impact fees pursuant to the Impact Fee Statute.

Section 4. Severability Clause

In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Effective Date.

This Resolution shall be effective upon its passage and approval by City Council.

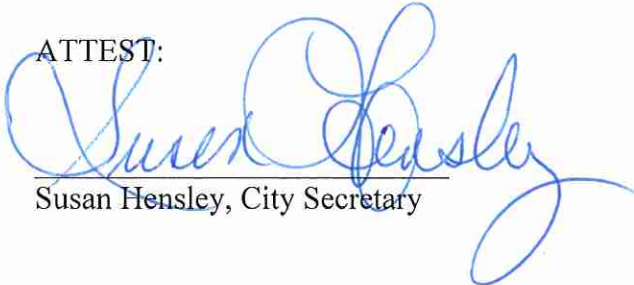
PASSED, APPROVED, and ADOPTED this 14th day of June, 2016.

CITY OF MONTGOMERY, TEXAS



Kirk Jones, Mayor

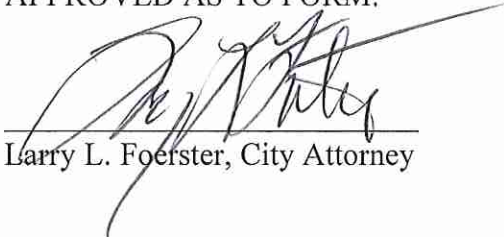
ATTEST:



Susan Hensley, City Secretary



APPROVED AS TO FORM:



Larry L. Foerster, City Attorney