

## **RESOLUTION NO. 613**

### **A RESOLUTION CREATING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, AND SETTING FORTH THE RULES FOR AND THE DUTIES THEREOF, ALL IN COMPLIANCE WITH THE IMPACT FEE STATUTES FOUND IN CHAPTER 395 OF THE LOCAL GOVERNMENT CODE.**

WHEREAS, Chapter 395 of The Local Government Code (“Chapter 395”) authorizes political subdivisions to finance capital improvements associated with new development in municipalities; and

WHEREAS, these statutes prescribe a process that incorporates the required methodology, the procedures for public hearings, and the reporting components related to impact fees; and

WHEREAS, this legislation requires that a Capital Improvements Advisory Committee (“Advisory Committee”) be appointed by the governing body to advise the City Council on certain matters related to the procedures promulgated by Chapter 395; and

WHEREAS, the legislation further requires that the City Council adopt procedural rules for the Advisory Committee to follow in carrying out its duties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Terrell that the following appointments, assignments and procedures be adopted in conjunction with the requirements of Chapter 395:

**Section I. Establishment of Advisory Committee.**

There is hereby established an advisory committee to the City Council named the “Capital Improvements Advisory Committee.”

**Section II. Membership, Compliance and Appointment.**

2.1 The Capital Improvements Advisory Committee shall be composed of the Terrell Planning and Zoning Commission plus one additional member, to be named by the City Council, who is associated with development, real estate, or a related field.

2.2 The Chairperson of the Terrell Planning & Zoning Commission shall serve as the Chairperson of the Advisory Committee.

- 2.3 The Chairperson of the Advisory Committee shall be a voting member but shall not initiate or second any motion made by the Committee.
- 2.3 The City Manager shall serve as an ex officio member of the Advisory Committee but shall have no vote in connection with any of the determinations or recommendations of the Committee.
- 2.4 The City Council reserves the right to appoint additional members to the Advisory Committee if required to replace a member due to a resignation or for any other purpose needed to fulfill the composition requirements of Chapter 395.

Section III Functions and Duties.

- 3.1 The Advisory Committee shall serve in an advisory capacity.
- 3.2 The Advisory Committee is established:
  - 3.21 To advise and assist the City in adopting land use assumptions;
  - 3.22 To review the capital improvements plan and file written comments;
  - 3.23 To monitor and evaluate implementation of the capital improvements plan;
  - 3.24 To file semi-annual reports with respect to 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
  - 3.25 To advise the City Council of the need to update or revise the land use assumptions, capital improvements plan or impact fees.

Section IV. Conduct of the Advisory Committee.

- 4.1 The Advisory Committee shall conduct Committee business only when a quorum is present. In this case a quorum shall be defined as not less than one-half of the Committee's membership.

- 4.2 The Advisory Committee's activities, scheduling and conduct should be as commonly prescribed in Robert's Rules of Order.
- 4.3 The Advisory Committee shall meet at sufficient intervals to accomplish the functions enumerated in Section III.
- 4.4 The Advisory Committee shall provide Committee Reports to the City Council that include comments and recommendations regarding Land Use Assumptions, Capital Improvements Plans, and Impact Fees.
- 4.5 The Committee Reports shall be submitted:
  - 4.51 Before the fifth business day before the date of the public hearing on the proposed land use assumptions, water and wastewater capital improvements plan, and roadway capital improvements plan; and
  - 4.52 Before the fifth business day before the date of the public hearing on the proposed water and wastewater impact fees, and roadway impact fee; and
  - 4.53 At such other times as shall be deemed appropriate.

Section V. Responsibilities of the City Government

The City Council and City staff shall make available to the Advisory Committee any professional reports regarding the development or implementation of land use plans, capital improvements plans, utility financial analyses, or any other information that may be available relevant to the development of impact fees under the Chapter 395 process.

Resolution No. 613  
Page 4

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
TERRELL ON THE 7<sup>th</sup> DAY OF OCTOBER, 2008.

CITY OF TERRELL, TEXAS

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Hal Richards, Mayor

Attest:

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John Rounsavall, City Secretary