

ORDINANCE 26-M-009

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND CHAPTER 90 ARTICLE V. WATER AND WASTEWATER CAPITAL RECOVERY FEES, SCHERTS CODE OF ORDINANCES, SECTION 90-155 - APPEALS

WHEREAS, Texas State legislature passed updates at the last legislative session amending local government code Chapter 395 and the requirements for local Capital Improvement Advisory Committee's (CIAC) regarding the minimum committee size and who is allowed to be part of this committee; and

WHEREAS, the Capital Improvement Advisory Committee (CIAC) for the City of Schertz assists with the approval and planning of how impact fees are used; and

WHEREAS, the City of Schertz, collects impact fees from new developments to finance needed Capital Improvements that support these new developments; and

WHEREAS, the City ordinance needs updated to better meet the intent of the legislation as to the applicability of the fee amounts while continuing to collect impact fees from new developments to help fund public infrastructure improvements; and

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

Section 1. The City shall amend Chapter 90 Article V. Water and Wastewater Capital Recovery Fees, Section 90-155 Appeals is amended as set forth on Exhibit A hereto.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and

any publication required by law.

PASSED AND APPROVED on the _____ day of _____, 2026.

CITY OF SCHERTZ, TEXAS

Ralph Rodriguez, Mayor

ATTEST:

Sheila Edmondson, TRMC
City Secretary

EXHIBIT "A"

PART II - CODE OF ORDINANCES

Chapter 90 - UTILITIES

ARTICLE V. WATER AND WASTEWATER CAPITAL RECOVERY FEES

ARTICLE V. WATER AND WASTEWATER CAPITAL RECOVERY FEES¹

Sec. 90-155. Appeals.

- (a) The property owner or applicant for new development may appeal the following decisions to the superintendent:
 - (1) The applicability of a capital recovery fee to the development.
 - (2) The amount of the capital recovery fee due.
 - (3) The application of an offset or credit against a capital recovery fee due.
 - (4) The amount of the refund due, if any.
- (b) The burden of proof shall be on the appellant to demonstrate that the amount of the capital recovery fee or the amount of the offset or credit was not calculated according to the applicable capital recovery fee schedule or the guidelines established from determining offsets and credits or the applicant could have reasonably filed a replat of a portion of the property prior to the effective date of the new fee amount given the stage of submittals including improvement agreements in process
- (c) The appellant may appeal the decision of the superintendent, in writing, to the city manager. If the appeal is accompanied by a bond or other sufficient surety satisfactory to the city manager in an amount equal to the original determination of the capital recovery fee due, the development application or tap purchase may be processed while the appeal is pending.

(Code 1976, § 19-122; Ord. No. 21-F-30, § 1(Exh. A), 8-10-2021; Ord. No. 25-F-017, § 2(Exh. B), 4-1-2025)