

VILLAGE OF SALADO

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING IMPACT FEES FOR WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE VILLAGE'S VILLAGE'S PROPOSED WASTEWATER IMPACT FEE SERVICE AREA; PROVIDING FOR IMPACT FEE COLLECTION AND ACCOUNTING FOR FEES AND INTEREST; PROVIDING FOR IMPACT FEE WAIVERS; PROVIDING FOR SEMI-ANNUAL REVIEW OF IMPACT FEES BY CAPITAL IMPROVEMENT ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

- WHEREAS,** the Village of Salado, Texas (the "Village") is responsible for and committed to the provision of public services (including wastewater services) at levels necessary to provide service for customers connecting to the wastewater system;
- WHEREAS,** new residential and nonresidential development imposes increased demands upon the Village's public services, including sewer facilities, that would not otherwise be imposed;
- WHEREAS,** the Village's growth to date indicates that such development will continue and will place ever-increasing demands on the Village to provide necessary public facilities;
- WHEREAS,** to the extent that such new development places demands upon the public infrastructure, such demands should be satisfied by allocating the responsibility for financing the provision of new infrastructure by the development creating such demands;
- WHEREAS,** On January 4, 2018, the; Board of Aldermen appointed four members to the Village Impact Fee Advisory Committee; and
- WHEREAS,** HDR Engineering, Inc. prepared for the Village a professional engineering report (the "2018 Wastewater Impact Fee Study"), which is attached hereto as Exhibit "A" and incorporated into this Ordinance for all intents and purposes, on land use assumptions and a capital improvements plan for the implementation of impact fees for wastewater improvements in the Village's proposed wastewater impact fee service area; and
- WHEREAS,** Tex. Loc. Gov't Code Section 395.045 states that to impose wastewater impact fees, the Board of Aldermen must, after holding a public hearing, approve land use

assumptions and a capital improvements plan for the Village's proposed wastewater impact fee service area; and

WHEREAS, the Board of Aldermen finds and determines that the Village has complied with the requirements in Tex. Loc. Gov't Code Sections 395.042 and 395.043 for publicizing the 2018 Wastewater Impact Fee Study including the land use assumptions and capital improvements plan prior to holding public hearings; and

WHEREAS, the Village's Impact Fee Advisory Committee met on April 12, 2018 and approved the Impact Fee Report finding that the land use assumptions used in the report are reasonable, the Capital Improvements Plan used in the report is reasonable; and the method to calculate the maximum impact fee is reasonable; and

WHEREAS, the Village's Impact Fee Advisory Committee recommended to Board of Aldermen approval of the land use assumptions and capital improvement plan recommended by the preliminary Wastewater Impact Fee Study for the possible imposition of impact fees for wastewater improvements in the impact fee service area on April 19, 2018; and

WHEREAS, pursuant to Tex. Loc. Gov't Code Section 395.044, the City Secretary of the Village of Salado timely published on April 26, 2018, the notice of public hearing (attached as Exhibit "B") in the Village of Salado's official newspaper of general circulation concerning the public hearing to consider approval of the land use assumptions and capital improvements plan associated with the imposition of impact fees for wastewater improvements in the impact fee service area; and

WHEREAS, the Board of Aldermen held a public hearing on May 29, 2018, to consider the land use assumptions and capital improvement plan associated with the Wastewater Impact Fee Study for the possible imposition of impact fees for wastewater improvements in the impact fee service area; and

WHEREAS, the Board of Aldermen adopted a Resolution on May 29, 2018, after the public hearing and adopted and approved the land use assumptions and capital improvement plan recommended by the Wastewater Impact Fee Study for the possible imposition of impact fees for wastewater improvements in the impact fee service area; and

WHEREAS, pursuant to Tex. Loc. Gov't Code Section 395.044, the City Secretary of the Village of Salado timely published on May 31, 2018, the notice of public hearing (attached as Exhibit "C") in the Village of Salado's official newspaper of general circulation concerning the public hearing to consider the calculation of the maximum impact fee amounts and possible imposition of impact fees for new or expanded wastewater utility service from the Village's wastewater utility; and

WHEREAS, the Board of Aldermen held a public hearing on July 5, 2018, to consider the calculation of the maximum impact fee amounts and possible imposition of impact

fees for new or expanded wastewater utility service from the Village's wastewater utility; and

WHEREAS, the Board of Aldermen, after careful consideration of the matter, hereby finds and declares that it is in the best interests of the general welfare of the Village and its residents to adopt this ordinance relating to the adoption of impact fees for wastewater utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION 1. FINDINGS

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

SECTION 2. ENACTMENT

The Impact Fee Ordinance, including the impact fees recommended by the Impact Fee Advisory Committee is enacted so to read in accordance with Exhibit "D", which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. ORDINANCE CUMULATIVE

This ordinance is cumulative of all other ordinances of the Village, and shall not operate to repeal or affect any of such other ordinances except as to provisions that are in conflict with the provisions of this ordinance, in which event the conflicting provisions are hereby superseded.

SECTION 4. SEVERABILITY

In the event any clause, phrase, provision, sentence or part of this Ordinance 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 Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconditional; and the Board of Aldermen of the Village of Salado, 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. HEADINGS

Any headings or titles set forth in this ordinance, including the title hereof, are included for purposes of convenience only and shall not be used in the interpretation, construction or definition of the provisions of this ordinance.

SECTION 6. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local

Government Code.

SECTION 7. OPEN MEETINGS

That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chap. 551, Tex. Loc. Govt. Code.

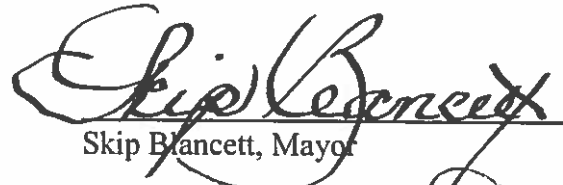
SECTION 8. EFFECTIVE DATE

This Ordinance is in full force and effect immediately upon its adoption.

FIRST READING PASSED, APPROVED, AND ADOPTED on this the 19th day of July, 2018 by 5 (ayes) to 0 (nays) to 0 (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

SECOND READING PASSED, APPROVED, AND ADOPTED on this the 2nd day of August, 2018 by a 3 (ayes) to 1 (nays) to 0 (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO:


Skip Blancett, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

