

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35, “WATER AND SEWERS,” ARTICLE III “CHARGES,” DIVISION 2 “WATER AND WASTEWATER IMPACT FEES,” SUBDIVISION I “GENERAL PROVISIONS,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTION 35-69 “DEFINITIONS” TO REMOVE THE DEFINITION FOR ADVISORY COMMITTEE AND ADDING A NEW SECTION, 35-69.1 TO ESTABLISH THE COMPOSITION AND FUNCTIONS OF THE CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE FOR WATER AND WASTEWATER IMPACT FEES; AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE III “BOARDS AND COMMISSIONS,” DIVISION 4 “RULES AND PROCEDURES FOR CERTAIN BOARDS,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED BY AMENDING SECTION 2-83 TO REVISE THE LIST OF BOARDS THAT ARE NOT APPOINTED BY DISTRICT TO ADD THE CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE FOR WATER AND WASTEWATER IMPACT FEES; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395 of the Texas Local Government Code, governs the establishment, imposition and management of impact fees; and

WHEREAS, on June 5, 1990, the City of Fort Worth adopted Ordinance No. 10601 creating impact fees for water and wastewater facilities , now codified in Chapter 35, Article III, Division 2 of the Code of the City of Fort Worth (2015); and

WHEREAS, the 89th Texas Legislature, Regular Session, adopted Senate Bill 1883, signed by Governor Abbott on June 20, 2025, effective September 1, 2025, which makes changes to Chapter 395 of the Texas Local Government Code; and

WHEREAS, Senate Bill 1883 changes the qualification requirements for impact fee advisory committees requiring corresponding amendments to the City Code; and

WHEREAS, the City Council desires to amend the City Code to comply with the changes to Chapter 395 of the Texas Local Government Code; and

WHEREAS, the City Council desires to further amend the City Code to codify the terms of service, composition, qualifications, and duties of the Capital Improvements Plan Advisory Committee for Water and Wastewater Impact Fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF FORT WORTH, TEXAS:**

SECTION 1.

Chapter 35, Article III, Division 2, Subdivision I, §35-69 “Definitions,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to delete the definition of Advisory Committee in its entirety.

~~—**ADVISORY COMMITTEE.** The city’s capital improvements plan advisory committee originally appointed by Res. 1487.~~

SECTION 2.

Chapter 35, Article III, Division 2, Subdivision I, of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add a new Section 35-69.1 to be and read as follows:

**Sec. 35-69.1 ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF
CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE FOR WATER
AND WASTEWATER IMPACT FEES.**

- (a) There is hereby created a Capital Improvements Plan Advisory Committee for Water and Wastewater Impact Fees (“Committee”) which shall act in an advisory capacity, in accordance with Section 395.058 of the Texas Local Government Code.
- (b) The Committee shall consist of eight members appointed by the City Council. Seven members of the committee shall be residents of the City of Fort Worth. One member shall reside in the City’s extraterritorial jurisdiction. At least four of the eight Committee members shall be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.
- (c) The members of the Committee shall be identified by place numbers one through eight. The odd-numbered places shall expire on October 1 of each odd-numbered year and the even-numbered places shall expire on October 1 of each even-numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms but no members may be appointed to a term in excess of two years.
- (d) Five members of the Committee shall constitute a quorum for the conduct of business. The members of the Committee shall regularly attend meetings and

shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

- (e) The committee shall perform the following functions:
 - (1) Advise and assist the city in adopting land use assumptions;
 - (2) Review capital improvements plans and file written comments;
 - (3) Monitor and evaluate implementation of the capital improvements plans;
 - (4) File semi-annual reports with respect to the progress of the capital improvements plans and report to the City Council any perceived inequities in implementing the plans or imposing the impact fee; and
 - (5) Advise the City Council of the need to update or revise the land use assumptions, capital improvements plans, and impact fees.
- (f) The City shall make available to the Committee any professional reports prepared in the development or implementation of the capital improvements plans.
- (g) The City Council shall adopt procedural rules for the Committee to follow in carrying out its duties.

SECTION 3.

Chapter 2, Article III, Division 4, Section 2-83, “Numbers of Members and Terms of Service; Establishment of Places,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended by amending Subsection (b) to add subdivision (9) to read as follows:

- (9) Capital Improvements Plan Advisory Committee for Water and Wastewater Impact Fees.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

That all rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition of the courts.

SECTION 7.

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Douglas W. Black
Sr. Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: _____