

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ESTABLISHING THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE OF THE CITY; ESTABLISHING THE POWERS AND DUTIES OF THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE; REPEALING ORDINANCES 2015-109, 2018-411, AND THOSE ORDINANCES IN DIRECT CONFLICT HERewith; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas desires to maintain the authority to impose impact fees to pay the costs of constructing capital improvements or facility expansions and for other purposes allowed by law pursuant to Chapter 395 of the Texas Local Government Code ("TLGC"); and

WHEREAS, on or before the date on which the order, ordinance, or resolution imposing impact fees under Chapter 395 is adopted, the City must appoint a capital improvements advisory committee; and

WHEREAS, prior to September 1, 2025, TLGC §395.058 permitted a municipality's Planning and Zoning Commission to serve as the membership of the Capital Improvement Committee ("CIAC"); and

WHEREAS, City ordinances 2015-109 and 2018-411 appointed the Planning and Zoning Commission to serve as the CIAC; and

WHEREAS, Chapter 395 of TLGC was updated in the 89th Texas legislative session via SB 1883, effective September 1, 2025, and such updates removed the ability of the Planning and Zoning Commission to serve as the CIAC; and

WHEREAS, to comply with SB 1883, CIAC must be composed of at least five members who are duly appointed by City Council, and that at least fifty percent of CIAC membership be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity, and

WHEREAS, the City applies water impact fees in the ETJ, so CIAC membership must include a representative from the extraterritorial jurisdiction (ETJ); and

NOW THEREFORE:

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitations which are set forth above in this Ordinance are found to be true and are expressly incorporated by reference as if stated fully below in this Ordinance.

SECTION 2. City Ordinances 2015-109 and 2018-411 are hereby repealed in their entirety.

SECTION 3. CIAC is hereby established to be comprised of seven (7) members residing in the City of Denton, and one (1) representative from the extraterritorial jurisdiction of the City of Denton, Texas. All eight members of the Capital Improvements Advisory Committee shall be voting members thereof except as otherwise provided herein.

SECTION 4. The members shall be nominated and appointed by the City Council for a term of four (4) years and serve at the pleasure of the City Council until successors are duly appointed by the City Council. The application for service on CIAC shall include submission of the prospective member's resume in order to satisfy the requirements of TLGC 395.058(b) that no less than 50 percent of CIAC be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.

SECTION 5 The initial term for members appointed from Places 2, 4, and 6 and the ad hoc member shall expire August 31 in even years; the term for members appointed from Places 1,3,5, and 7 shall expire August 31 in odd years. Every member may serve no more than three terms.

SECTION 6. The City Council shall appoint one representative from the extraterritorial jurisdiction of the City of Denton, Texas to serve on CIAC to satisfy the requirement of Chapter 395 that if the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

SECTION 7. CIAC shall serve in an advisory capacity only. The powers and duties of CIAC are established in TLGC Sec. 395.058(c), and are as follows:

- (1) advise and assist City Council in adopting land use assumptions;
- (2) review the capital improvements plan and file written comments;
- (3) monitor and evaluate implementation of the capital improvements plan;
- (4) file semiannual reports with respect to the 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
- (5) advise City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

SECTION 8. 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 or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections 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 9. Any matters not addressed by this ordinance shall be governed by the Code of Ordinances of the City of Denton (the "Code") and the "City of Denton Handbook for Boards, Commissions and Council Committees." The terms of this ordinance shall control over conflicting provisions of the Code and the "City of Denton Handbook for Boards, Commissions and Council Committees."

SECTION 10. This ordinance shall be cumulative of all provisions of ordinances of the City of Denton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event conflicting provisions of such ordinances are hereby repealed.

SECTION 11. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by [] and seconded by [].

This Ordinance was passed and approved by the following vote [_ – _ – _]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____