

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 2, SECTIONS 2-101 AND 2-102, AND CHAPTER 130-406, CHANGING THE MEMBERSHIP CRITERIA AND COMPOSITION OF THE WATER/WASTEWATER IMPACT FEE ADVISORY COMMITTEE TO COMPLY WITH S.B. 1883; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has established a Water/Wastewater Impact Fee Advisory Committee created pursuant to Chapter 395, Texas Local Government Code; and

WHEREAS, Senate Bill 1883 adopted during the 89th regular legislative session amended Texas Local Government Code Chapter 395 and was effective September 1, 2025; and

WHEREAS, the ordinance setting forth the membership criteria and composition of the Water/Wastewater Impact Fee Advisory Committee must be changed in order to comply with state law as amended by Senate Bill 1883.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Section 2-101 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 2-101. Established; composition.

There is here and now established a committee to be known as the New Braunfels Water/Wastewater Impact Fee Advisory Committee (the "advisory committee"), which shall be under the jurisdiction of New Braunfels Utilities. ~~The planning commission of the city as expanded hereby shall act as the advisory committee. The planning commission when it acts as the~~ The advisory committee shall be comprised of the following nine members: ~~The nine members of such commission as appointed by the city council pursuant to section 10.01 of the Charter and~~ four ~~ad hoc~~ members, being the mayor, ~~general manager~~ the chief executive officer of New Braunfels Utilities, the president of the board of trustees of New Braunfels Utilities and one representative who resides in the extraterritorial jurisdiction of the city; and. ~~The planning commission when it acts as the advisory committee must include at least one representative~~ five members, consisting of representatives of the real estate, development or building industry who ~~is~~ are not ~~an employee~~ employees or ~~official~~ officials of a political subdivision or governmental entity, including New Braunfels Utilities. ~~The ad hoc member of the planning commission when it acts as the advisory committee who resides in the extraterritorial jurisdiction~~ Each member shall be appointed by a majority vote of the city council for a term of three years. Vacancies for any reason other than the expiration of a committee member's expired term shall be filled only for the unexpired term of the vacancy and upon a majority vote of the city council.

(Ord. No. 93-44, § I, 11-22-93)

SECTION 2. Amendment.

That City of New Braunfels Code of Ordinances, Section 2-102 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 2-102. Criteria for appointment of members.

In determining the criteria for appointment to the Water/Wastewater Impact Fee Advisory Committee ~~impact fee advisory committee~~, the city council shall consider individuals who have shown an interest in guiding the city's impact fee development as mandated by ~~V.T.C.A.~~ Local Government Code § 395.001 et seq., and chapter 130, article VI, of this Code, where such individuals reside, and whether or not such individuals can represent the real estate, development or building industry.

(Ord. No. 93-44, § I, 11-22-93)

SECTION 3. Amendment.

That City of New Braunfels Code of Ordinances, Section 130-406 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 130-406. Water/Wastewater Impact Fee Advisory Committee ~~Advisory committee~~, functions.

- (a) The ~~city has appointed an impact fee advisory committee~~ City Council shall appoint the Water/Wastewater Impact Fee Advisory Committee (the "advisory committee") in accordance with the provisions of the Act.
- (b) The functions of the advisory committee are those set forth in the Act, or any successor statute, and shall include the following:
 - (1) Advise and assist the city in adopting land use assumptions;
 - (2) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;
 - (3) Monitor and evaluate implementation of the capital improvements program;
 - (4) Advise the city of the need to update or revise the land use assumptions, capital improvements program and impact fees; and
 - (5) File semiannual reports evaluating the progress of NBU in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
- (c) The city or NBU shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvements plan.
- (d) The city council shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

(Ord. No. 2022-83, § 2, 11-14-22)

SECTION 4: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncoded, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncoded, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 5: Severability

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 or section

of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 6: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 7: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November, 2025.

PASSED AND APPROVED: Second reading this 8th day of December, 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney