



The Senate of
The State of Texas
Austin 1871

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OPINION COMMITTEE

KEN ARMBRISTER
District 18

November 15, 2005

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ACTION BY Nancy Filler
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RQ-0417-GA

The Honorable Greg Abbott
Attorney General of Texas
209 West 14th Street
Austin, Texas 78711

Re: Request by the El Paso Water Utilities Public Service Board to establish an Impact Fee for water and wastewater infrastructure for new development in the City of El Paso and its extraterritorial jurisdiction per Chapter 395 of the Local Government Code.

Dear Attorney General Abbott:

I write to request your legal opinion for the reference issued. The El Paso Water Utilities Public Service Board has been delegated by City Ordinance, pursuant to Texas Government Code Section 1502.070, the complete authority and control of the management and operation of the City of El Paso water and wastewater system and the expenditure and application of its revenues. Chapter 395.011 of the Texas Local Government Code provides that a government entity or political subdivision may establish an Impact Fee for new development to generate funding to recoup the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

The City of El Paso is a Texas Home Rule Municipality which decided in 1952 in accordance with State statutory authority to divest the complete management and control of the city water and wastewater system to the El Paso Water Utilities Public Service Board. Since that time, the principal action by the City Council on behalf of the water utility was to approve the issuance of water and sewer financial bonds. The Mayor and four members appointed by the City Council serve as the Board. The Public Service Board approves its annual budget, sets rates and has complete autonomy over water and sewer system servicing El Paso and El Paso County. In 1995, the State Legislature designated by statute the El Paso Water Utilities Public Service Board as the regional water planning authority.

Thank you for your assistance with this matter.

Sincerely,

Ken Armbrister
Chair, Senate Natural Resources Committee

cc: The Honorable John Cook, Mayor, City of El Paso