

Oscar Leeser
Mayor

Cary Westin
Interim City Manager



CITY COUNCIL
Brian Kennedy, District 1
Josh Acevedo, District 2
Cassandra Hernandez, District 3
Joe Molinar, District 4
Isabel Salcido, District 5
Art Fierro, District 6
Henry Rivera, District 7
Chris Canales, District 8

NOTICE OF WORK SESSION OF THE EL PASO CITY COUNCIL

February 26, 2024
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:05 AM

Teleconference phone number 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 601-437-297#

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on February 26, 2024 at 9:05 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>
Via television on City15,
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

At the prompt please enter Conference ID: 601-437-297#

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://app.smartsheet.com/b/form/7086be5f4ed44a239290caa6185d0bdb>

The following members of City Council will be present via video conference:

Isabel Salcido

A quorum of City Council must participate in the meeting.

AGENDA

1. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso. [24-254](#)
All Districts
City Manager's Office, Mario M. D'Agostino, (915) 212-1069

2. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso. [24-255](#)
All Districts
City Manager's Office, Mario M. D'Agostino, (915) 212-1069

3. For Notation Only: Formal Report of the Financial Oversight and Audit Committee Meeting held on January 22, 2024. [24-295](#)
 1. Update on Cybersecurity Assessment Agreement between the City of El Paso and the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security (DHS).
 2. Status Update on the Special Audit requested by City Council.
 3. Discussion and Action on FY 2023-2024 Audit Plan 1st Quarter Updates.
 - Motion made by Representative Molinar, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Fierro and Representative Molinar to accept the 1st Quarter Update.
 4. Discussion on Client Surveys.
All Districts
Members of the City Council, Brian Kennedy, (915) 212-0001

4. Presentation on updated land use assumptions and capital improvements plan as required by Chapter 395 of the Texas Local Government Code, prior to the re-evaluation of the existing impact fee structure for water and wastewater services. The draft impact fee calculations will also be presented. [24-267](#)
All Districts
Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Kevin Smith, (915) 212-1566
El Paso Water, Adriana Castillo, (915) 594-5538

5. FY 2023-2024 First Quarter Financial Report. [24-284](#)
All Districts
City Manager's Office, K. Nicole Cote, (915) 212-1092

6. Climate and Sustainability Management Update. [24-292](#)
- All Districts**
Climate and Sustainability, Nicole Ferrini, (915) 212-1659
7. Discussion and action that the Mayor be authorized to sign the Interlocal agreement between the City of El Paso and all members of the Leadership Steering Committee relating to the Environmental Protection Agency's (EPA) Climate Pollution Reduction Grant (CPRG) program. [24-293](#)
- All Districts**
Climate and Sustainability, Nicole Ferrini, (915) 212-1659
8. Discussion on the lawsuit brought by the Texas Attorney General against El Paso non-profit Annunciation House, to include Annunciation House's response and what steps the City can take to protect the network of Non-Governmental Organizations (NGOs) supporting the City in the migrant response. [24-324](#)
- All Districts**
Members of the City Council, Cassandra Hernandez, (915) 212-0003
Members of the City Council, Chris Canales, (915) 212-0008

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

Goal 6: Set the Standard for Sound Governance and Fiscal Management

Discussion and action on the following:

- EX1.** El Paso Electric Company's Notice of Application to Reconcile Fuel Costs; HQ#UTILITY-15 (551.071) [24-313](#)
- City Attorney's Office, Donald C. Davie, (915) 212-0033

- EX2.** El Paso Electric Rate Case Expense - PUC#52159; HQ#UTILITY-30 (551.071) [24-314](#)
City Attorney's Office, Donald C. Davie, (915) 212-0033
- EX3.** Anna Barnes v. City of El Paso, Texas, Gregory Allen, Oliver K. Meise and Jarred R. Frank; Western District of Texas; Cause No.: 3:22-CV-161 (551.071) [24-316](#)
City Attorney's Office, Carlos Gomez Baca Jr., (915) 212-0033
- EX4.** Jessica Weaver individually and as representative of the Estate of A.M. v. ASM Global, LLC d/b/a Destination El Paso, ASM Global Parent, Inc., and City of El Paso; In the 120th District Court; Cause No.:2023DCV2119 (551.071) [24-317](#)
City Attorney's Office, Evan D. Reed, (915) 212-0033
- EX5.** Contract with El Paso Zoological Society, HQ#2062 (551.071) [24-318](#)
City Attorney's Office, Kristen Hamilton-Karam (915) 212-0033
- EX6.** Discussion on purchase, exchange, lease, or value of real property located in Downtown El Paso Matter No. 16-1040-1083.046 (551.071) (551.072) [24-315](#)
City Attorney's Office, Karla M. Nieman, (915) 212-0033
- EX7.** Complaint regarding elected City Official - Matter No. HQ # 1453 (551.071) (551.074) [24-319](#)
Outside Counsel, Frank Garza, (210) 349-6484
- EX8.** Enforcement of El Paso City Code Chapter 5.09 (551.071) [24-327](#)
City Attorney's Office, Evan D. Reed, (915) 212-0033

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for Regular City Council Meetings. If you need Spanish Interpretation Services, please email CityClerk@elpasotexas.gov by 12:00 p.m. on Friday before the meeting.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING AT <http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-254, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26, 2024
PUBLIC HEARING DATE: February 26, 2024

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, (915) 212-1069

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City
SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

BACKGROUND / DISCUSSION:

On December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out. The Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border.

PRIOR COUNCIL ACTION:

On January 30, 2024 the Mayor and City Council of the City of El Paso (the "City") passed the extension Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso".

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: City Manager's Office

SECONDARY DEPARTMENT: Fire

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



ORDINANCE NO. _____

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, the Southwest had 249,785 land border encounters in the month of December, 2023; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 33,970 land border encounters in the month of December, 2023 and a total of 78,481 encounters for federal fiscal year 2024; and

WHEREAS, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

WHEREAS, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in the month of February 2024, approximately 428 migrants have been released into the community weekly; and

WHEREAS, in response to the street releases, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist

ORDINANCE NO. _____

as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services and meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, in September, 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center to assist migrants on a short-term basis; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

ORDINANCE NO. _____

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

WHEREAS, CBP has increased the number of family units released into the community causing wait times for transportation to final destinations to increase and other logistical challenges; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of the El Paso International Airport (“EPIA”) and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, EPIA in recent past, became saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

WHEREAS, the City of El Paso is home to 4 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting

ORDINANCE NO. _____

the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

(Signatures Begin on Following Page)

ORDINANCE NO. _____

23-334-Fire Dept. | TRAN512093

Emergency Ordinance – March 2024 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 4 of 5

PASSED AND ADOPTED, this ____ day of February, 2024.

THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

23-334-Fire Dept. | TRAN512093

Emergency Ordinance – March 2024 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 5 of 5



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-255, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26, 2024
PUBLIC HEARING DATE: February 26, 2024

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, (915) 212-1069

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2. Set the Standard for a Safe and Secure City
SUBGOAL: 2.1 Maintain standing as one of the nation's top safest cities

SUBJECT:

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

BACKGROUND / DISCUSSION:

On May 11, 2023 Title 42 was lifted and the Federal Government continues to anticipate a significant increase in the flow of migrants through our area. The City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City. Pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration.

PRIOR COUNCIL ACTION:

On January 30, 2024 the El Paso City Council passed the extension Emergency Ordinance No. 019485 "Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the "City").

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: City Manager's Office

SECONDARY DEPARTMENT: Fire

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



ORDINANCE NO. _____

**AN EMERGENCY ORDINANCE
EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO A
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 “Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the “City”)”; and

WHEREAS, for federal fiscal year 2024, Southwest encounters were at 629,675; and

WHEREAS, the El Paso sector of CBP had 33,970 land border encounters in the month of December, 2023; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.- Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

WHEREAS, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

WHEREAS, upon the migrants’ arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, U.S. Customs and Border Protection (CBP) surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN512114 | Emergency Ordinance extending Emergency ORD No. 019485 (March 2024)/May 2023 Migrant Crisis/JF/CLA

WHEREAS, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, in September, 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center to assist migrants on a short-term basis; and

WHEREAS, the number of migrants released into the community has been as high as 1,700 in a single day; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN512114 | Emergency Ordinance extending Emergency ORD No. 019485 (March 2024)/May 2023 Migrant Crisis/JF/CLA

customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, the condition necessitating the declaration of a state of disaster continues to exist.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

(Signatures Begin on Following Page)

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN512114 | Emergency Ordinance extending Emergency ORD No. 019485 (March 2024)/May 2023 Migrant Crisis/JF/CLA

PASSED AND ADOPTED, this ____ day of February 2024.

THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Deputy City Manager
Public Health & Safety

ORDINANCE NO. _____

HQ: #23-679-Fire | TRAN512114 | Emergency Ordinance extending Emergency ORD No. 019485 (March 2024)/May 2023 Migrant Crisis/JF/CLA



Legislation Text

File #: 24-295, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Brian Kennedy, (915) 212-0001

AGENDA LANGUAGE:

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For Notation Only: Formal Report of the Financial Oversight and Audit Committee Meeting held on January 22, 2024.

1. Update on Cybersecurity Assessment Agreement between the City of El Paso and the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security (DHS).
2. Status Update on the Special Audit requested by City Council.
3. Discussion and Action on FY 2023-2024 Audit Plan 1st Quarter Updates.
 - Motion made by Representative Molinar, seconded by Representative Kennedy and approved by Representative Kennedy, Representative Fierro and Representative Molinar to accept the 1st Quarter Update.
4. Discussion on Client Surveys.



File #: 24-267, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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All Districts

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Kevin Smith, (915) 212-1566

El Paso Water, Adriana Castillo, (915) 594-5538

AGENDA LANGUAGE:

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Presentation on updated land use assumptions and capital improvements plan as required by Chapter 395 of the Texas Local Government Code, prior to the re-evaluation of the existing impact fee structure for water and wastewater services. The draft impact fee calculations will also be presented.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Kevin Smith, (915) 212-1566
Adriana Castillo, El Paso Water, (915) 594-5538

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:

Presentation on updated land use assumptions and capital improvements plan as required by Chapter 395 of the Texas Local Government Code, prior to the re-evaluation of the existing impact fee structure for water and wastewater services. The draft impact fee calculations will also be presented.

BACKGROUND / DISCUSSION:

In accordance with Chapter 395 of the Texas Local Government Code, the City is to update its land use assumptions and capital improvements plan for water and wastewater improvements prior to re-evaluating the impact fee structure. This is for land in three service areas (Northeast, Westside, and Eastside) and is related to water and wastewater expansion costs attributable to projected new development. On February 8, 2024, this item was presented to the Capital Improvements Advisory Committee and the City Plan Commission, with both entities not arriving at a formal recommendation.

PRIOR COUNCIL ACTION:

May 12, 2009 – City Council adopted Ordinance 017113 for impact fees for water and wastewater services and ancillary items.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Kevin Smith for Philip Etiwe

2024 UPDATE

LAND USE ASSUMPTIONS TECHNICAL REPORT

The review, evaluation, and update of underlying land use assumptions is required by Chapter 395 of the Texas Local Government Code to ensure reasonable future growth and acts as the basis of the City of El Paso's water and wastewater capital improvement plans, thus resulting in impact fee calculations. This report updates the land use assumptions adopted by the El Paso City Council on February 18, 2014, which serve as the foundation for the current water and wastewater impact fees levied on new development in each of the three identified service areas.

Introduction

Texas Local Government Code Chapter 395 permits the use of impact fees to finance capital improvement and facility expansion costs attributable to projected new development within identified service areas located in the corporate boundaries or extraterritorial jurisdiction of a political subdivision. To determine the costs of providing such infrastructure accurately, a planning study known as a Land Use Assumptions (LUA) report is assembled to include a description of changes in land uses, densities, intensities, and population projected within each of these service areas over a 10-year period, as well as at full build-out. The LUA report is referenced in the development of a Capital Improvements Plan (CIP) and the adoption of an impact fee ordinance.

To ensure reasonable future growth estimates serve as the basis for expected capital improvements and facility expansions necessitated by new development and the resulting impact fee calculations, the review, evaluation and update of the underlying LUA and CIP is required at least every five years. Following preparation of this update, the political subdivision's governing body (City Council) is required to hold a public hearing for the purpose of reviewing and determining whether amendments to the LUA, CIP, or the adopted impact fees are necessary.

This report, prepared by the City of El Paso's Planning and Inspections Department (P&I), in partnership with El Paso Water (EPW), is intended to fulfill the requirements of Chapter 395 of the Local Government Code with respect to the periodic review and update of the LUA report. Specifically, this report reassesses the land use assumptions adopted by the El Paso City Council on February 18, 2014. The assumptions adopted on that date comprise the first update of the original assumptions, adopted on March 24, 2009; this report comprises the second update.

In addition to providing information about projected land use characteristics within the three established service areas (Eastside, Northeast, and Westside Water and Sewer Impact Fee Service Areas), this report estimates the total number of projected service units, or standardized measurement of consumption, necessitated by new development, and also provides a snapshot forecast of demand for water and wastewater system improvements or expansion by the year 2033. While a number of unforeseeable future events may affect these predictions, the estimates in this report are based on the best information that is currently available.

Elements of the Land Use Assumptions Report Update

The body of this report is divided into five sections:

Impact Fee Service Areas: An explanation and description of the water and wastewater impact fee service areas.

Methodology: An explanation of the general methodology used to prepare and update the land use assumptions.

Full Build-Out Projection: Population and service unit holding capacity of land located within the impact fee service areas.

Ten-Year Growth Projection: Population and service unit growth assumptions for the period between 2024 and 2033.

Summary: A brief summation of the land use assumptions report 2024 update.

Impact Fee Service Areas

Per state law, one or more service areas must be identified and used in all impact fee analyses to ensure that planned capital improvements and facility expansions, as well as the resulting fee structure, are commensurate with projected proximate demand. A service area may include all or part of the land located within the corporate boundaries of the political subdivision or its extraterritorial jurisdiction (ETJ). Currently, City of El Paso water and wastewater impact fees are levied on three specific service areas within the City's corporate boundary and the ETJ; these areas are referred to as the Northeast, Westside, and Eastside Water and Sewer Impact Fee Service Areas. See Figure 1 for a map delineating the location of the three service areas.

Each service area includes portions or all of the sub-service areas defined in the City of El Paso's Final Annexation Assessment and Strategy Report, completed in the fall of 2008, as well as other areas identified within the Water and Wastewater Impact Fees – Report Addendum, completed in March 2009. See Table 1 for an overview of size and existing intensity characteristics within the three impact fee service areas and the nineteen (19) sub-service areas included in this edition of the report.

In total, the three service areas currently encompass 40,095 acres of land, with nearly two-thirds of the total acreage within the El Paso city limits, while the remaining portion lies within the City's ETJ. The Northeast Service Area is the largest of the three, comprising approximately 47 percent (19,096 acres) of the composite acreage, while the Eastside Service Area currently constitutes nearly 30 percent (12,012 acres) and the Westside Service Area approximately 23 percent (8,987 acres). Each of these areas is likely to be developed, at least partially, within the next ten years.

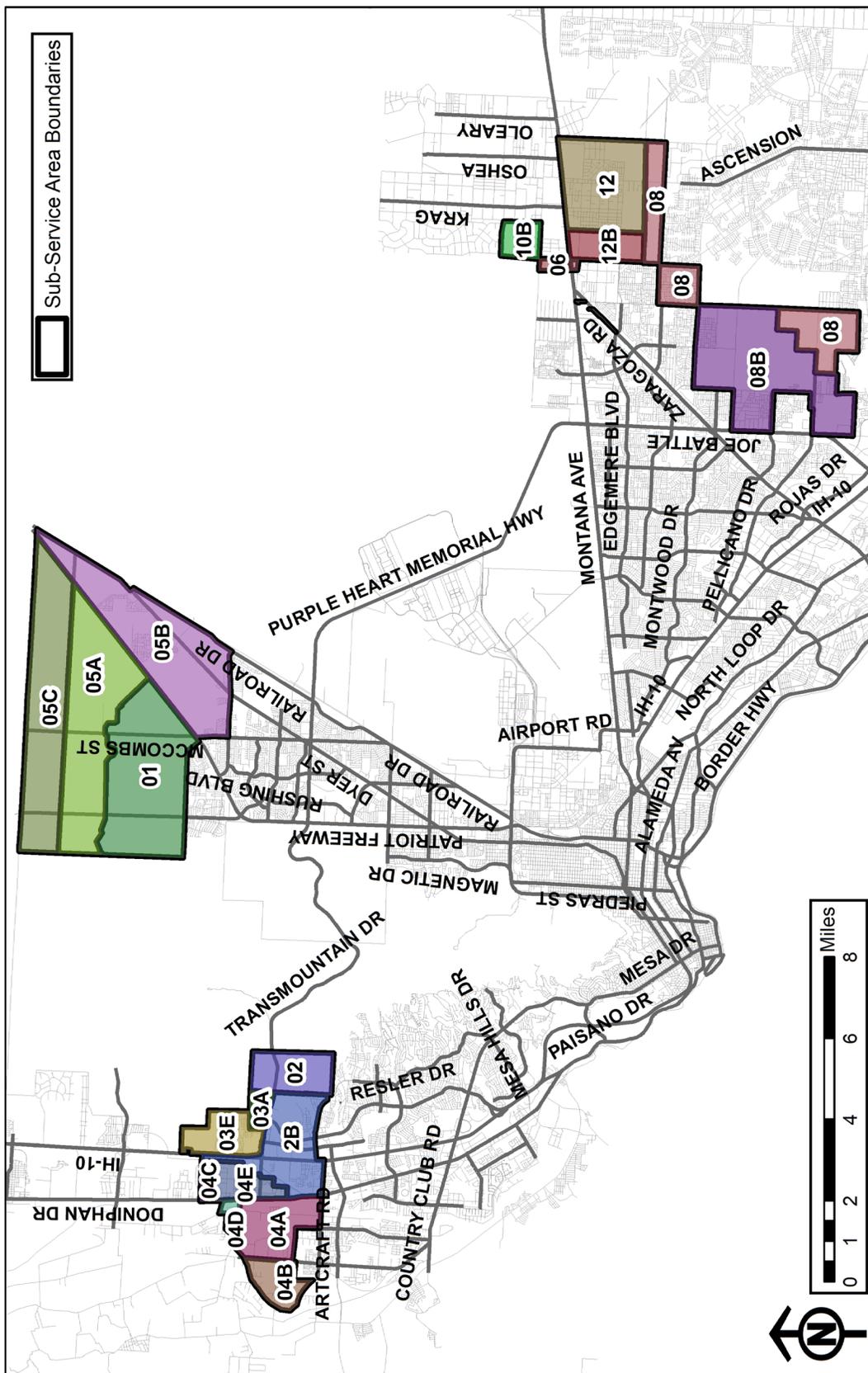


Figure 1. City of El Paso Water and Sewer Impact Fee Service Area

Table 1 provides a snapshot of existing development intensity within the impact fee service areas and sub-service areas. For the purposes of this report, development intensity is defined as the proportion of acreage within each impact fee service area built upon and zoned to a residential, commercial or industrial district. With respect to current development intensity, approximately 33% of the impact fee composite area is presently developed, representing approximately 13,128 acres.

Service Area	Total Acreage	Developed Acreage	% Acreage Developed
Northeast Impact Fee Service Area			
01 Northeast MP	4,835	610.1	13%
05A Northwest Fort Bliss A	4,812	574.4	12%
05B Northwest Fort Bliss B	4,929	2,153.8	44%
05C Northwest Fort Bliss C	4,520	965.9	21%
Northeast Subtotal	19,096	4,304	23%
Westside Impact Fee Service Area			
02 Westside MP	1,589	91.0	6%
03A Northwest Vinton A	294	38.7	13%
03E I-10375 MP	1,132	668.4	59%
04A Northwest Artcraft A	1,639	314.5	19%
04B Northwest Artcraft B	807	221.7	27%
04C Northwest Artcraft C	159	130.0	82%
04D Northwest Artcraft D	218	157.0	72%
04E Canutillo	801	705.0	88%
2B (Other)	2,348	1,845.4	79%
Westside Subtotal	8,987	4,172	46%
Eastside Impact Fee Service Area			
08B Eastside	4,826	1,165.6	24%
12 South Montana	2,919	1,695.9	58%
12B South Montana B	785	357.4	46%
06 South Fort Bliss	118	1.9	2%
08 East Battle	2,826	1,409.7	50%
10B South Fort Bliss B	538	21.2	4%
Eastside Subtotal	12,012	4,652	39%
Total	40,095	13,128	33%

Table 1. Impact Fee Service Area 2023 Existing Characteristics

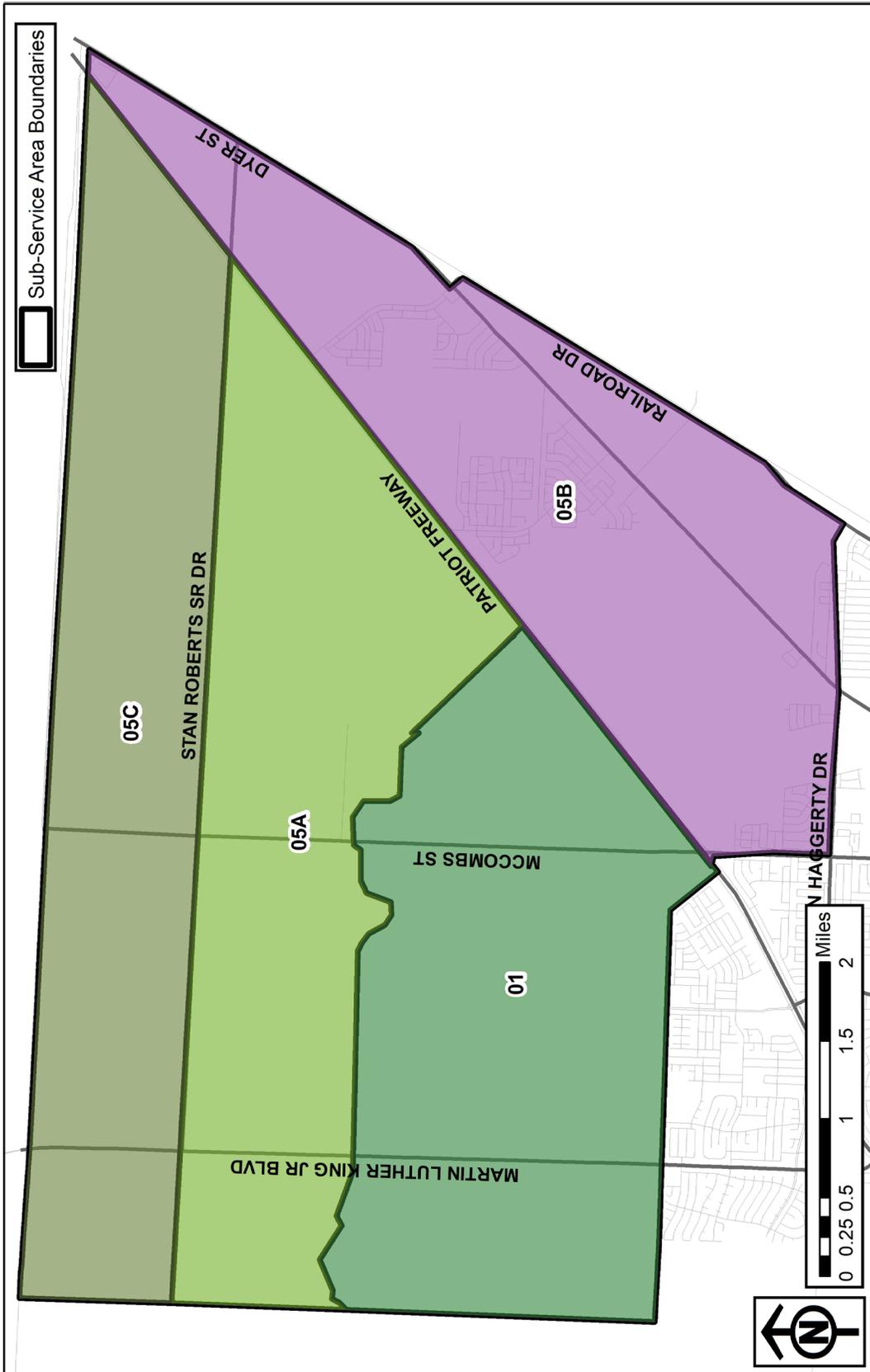


Figure 2. Northeast Water and Sewer Impact Fee Service Area

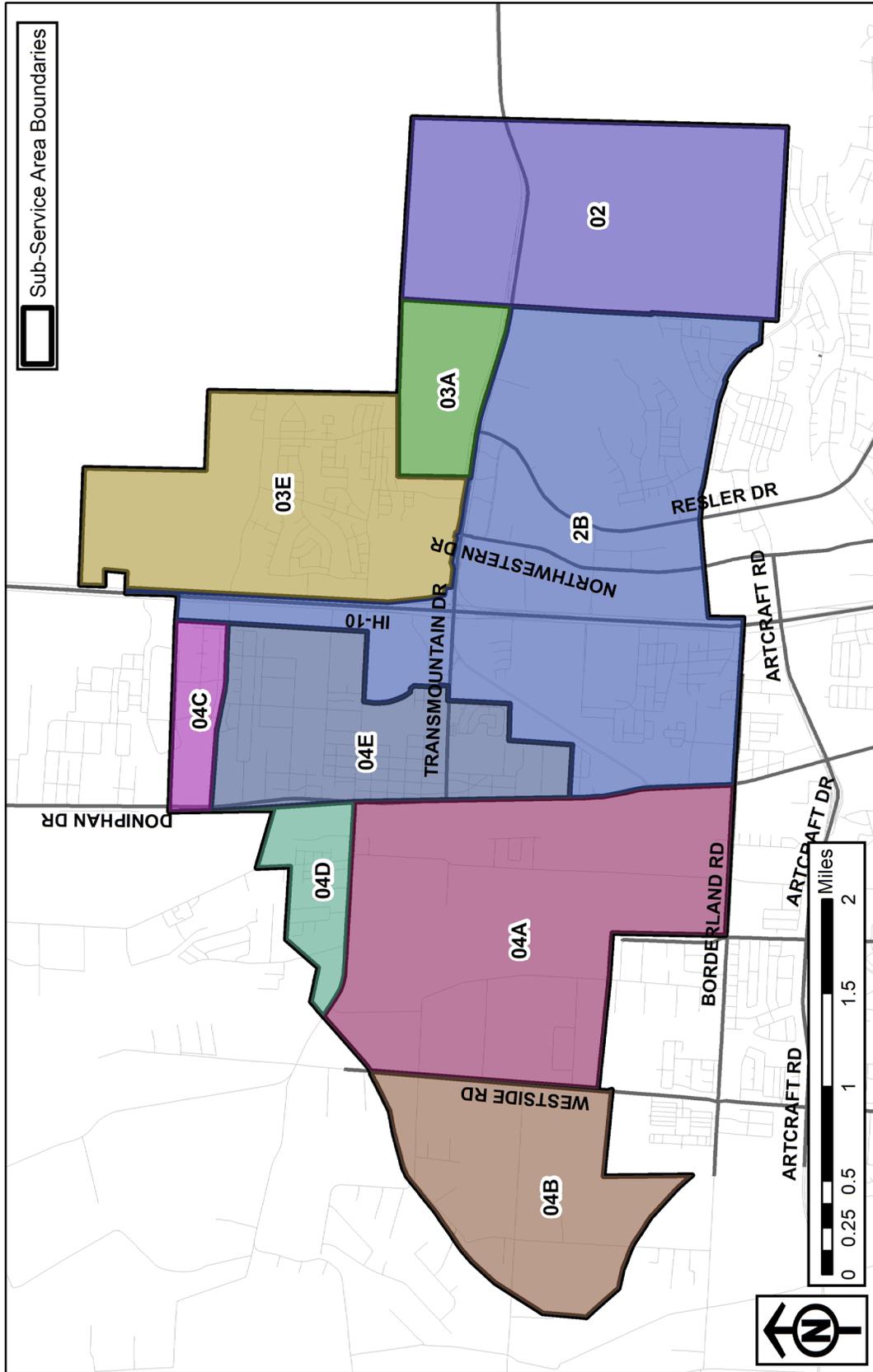


Figure 3. Westside Water and Sewer Impact Fee Service Area

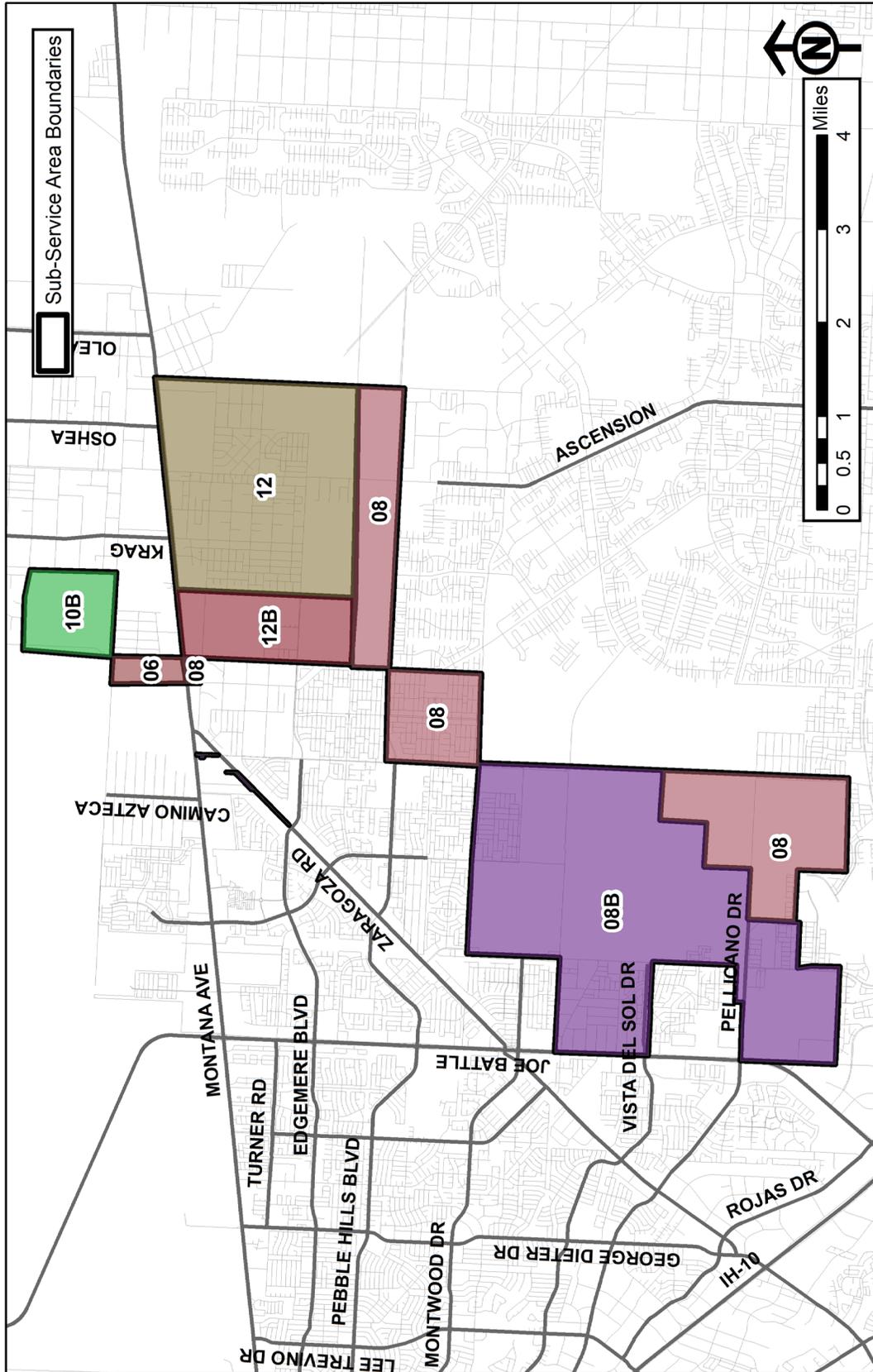


Figure 4. Eastside Water and Sewer Impact Fee Service Area

Methodology

The City of El Paso's existing water and wastewater fee structure is based on a series of growth assumptions which have in turn been used to inform expected capital improvement and facility expansion needs. The updated land use assumptions and associated population and service unit projections contained in this report are formulated based on consideration and incorporation of the following development patterns:

- Current development trends and characteristics;
- Zoning patterns in place and in process;
- Known or anticipated subdivision of land;
- Historic and anticipated growth trends;
- Expected future land use envisioned by *Plan El Paso*;
- Existing master plans

Land Use Assumption Update

Update of the 2014 growth projections began with the development of a database summarizing expected land use acreage at full build-out within each of the nineteen sub-service areas. Assembly of the database included analysis of the City's current zoning map and aerial photography. Zoning cases and subdivision plats in progress provided further information about near future development trends, as did surrounding development densities and types. Additionally, several approved master plans, including land studies and master zoning plans were used in determining the allocation of land use types. Developments were analyzed in each of the three impact fee service areas, including the Northeast (Campo Del Sol and Vista Del Norte Estates), Westside (Cimarron and Enchanted Hills developments), and in the Eastside (Gateway Estates and Tierra Del Este Phases IV, V, and VI).

Consistent with previous analyses, acreage within the impact fee service areas was allocated to either a non-residential or residential land use. Non-residential land use categories include: commercial, industrial, floodplain, institutional/utilities, open space, transportation, parkland or undeveloped land. Residential land use categories are defined by residential type (i.e. conventional or mixed-use) and associated density. Here, development density refers to the number of service units (either residential or residential equivalents) per acre. The level of density will differ by land use; for example, a high-density residential zone is assumed to accommodate relatively more service units per acre when compared to a low-density residential use. Appendix A provides a series of maps delineating previously adopted land use assumptions, as well as updated land use assumptions within each of the three impact fee areas.

Full Build-Out and Ten-Year Growth Projections Update

This expected land use acreage database was then used to update growth assumptions for two time horizons: a ten-year projection, and a full build-out projection. Development of these scenarios involved the estimation of population and service unit figures, two variables intended to provide information regarding demand for water and wastewater services in the impact fee service areas. A service unit is defined as a standardized measure of consumption attributable to an individual unit of development, while population is defined as the number of residents located within an impact fee service area.

Full Build-Out Projection:

The full build-out scenario is intended to provide information about the maximum realistic holding capacity for land within each of the impact fee service areas. It is therefore not tied to a specific time period as a number of external factors, such as economic growth and political events, will ultimately influence development.

Estimation of the full build-out scenario involves the following assumptions:

- For residential land uses, service units per acre are assigned according to the densities provided in Table 2 below. These densities are estimated based on current zoning restrictions, historic trends, and, where applicable, information provided in each of the approved master plans.
- Population per residential service unit is assumed to follow a household size of 2.94 persons per housing unit in El Paso County, as per the Census Quickfacts 2017-2021 estimates. Note that one housing unit is the equivalent of one residential service unit.
- For non-residential land uses, only lands categorized as a commercial or industrial land use type are expected to require water and wastewater services. Based on information provided by the El Paso Water, it is assumed that such land uses will require 7.25 residential equivalent service units per acre.

Land Use Type	Service Units per Acre
Conventional Residential Development	
Low Density	2
Medium Density	4.5
Medium High Density	6
High Density	9
Mixed-Use Development	
Mixed-Use	6
Non-Residential	
Commercial	7.25
Industrial	7.25

Table 2. Land Use Density Assumptions

Using the assumptions outlined in Table 2, the holding capacity within each impact fee service area is projected by first applying the non-residential and residential service unit density per acre to total commercial, industrial, and residential land use acreage figures as identified in the land use assumptions database (detailed in Appendices B-C). Land capacity for population is then derived by applying a factor of 2.94 to total residential service units at full build-out in each of the impact fee service areas.

Ten-Year Growth Projection

Following the development of the full build-out scenario, service unit and population growth projections for the time period corresponding to 2024-2033 were developed. In accordance with state law, the ten-year projections are intended to provide reasonable estimates of demand for water and wastewater services within the established impact fee service area boundaries over a practical planning period. These estimates are then used to inform potential modifications to the associated ten-year capital improvements plan and, if necessary, revisions to the existing impact fee structure.

In an effort to provide the most practical demand projections possible, growth rate assumptions vary by sub-service area. Estimating growth rates at the sub-service area level allows for the incorporation of several influencing factors, such as proximity to existing development and infrastructure, anticipated development projects, and expected phasing of master planned areas.

In the ten-year growth projections, the previously adopted projections were used as a starting point. Specifically, the 2014-2024 sub-service area projections were compared to existing development and adjusted to factor in the influencing factors outlined above, as well as revisions to land use assumptions summarized in Appendices A-C.

The remainder of this report provides service unit and population projections under the full build-out and ten-year scenarios. Each section includes projections by impact fee service area and by impact fee sub-service area. Refer to Appendices B-C for greater detail regarding land use assumptions, associated acreage, and projected service unit and population densities under the full build-out and ten-year scenarios.

Full Build-Out Projection

Table 3 on the following page summarizes total service unit and population projections by impact fee service area and sub-service area under the full build-out scenario. Given the land use assumptions summarized in this report, the three impact fee service areas are expected to hold 169,528 total service units and 281,107 residents at full capacity.

Service Area	Population at Build-Out	Service Units at Full-Build-Out		
		Residential	Non-Residential	Total
Northeast				
01 Northeast MP	48,334	16,440	2,175	18,615
05A Northwest Fort Bliss A	21,005	7,145	15,247	22,391
05B Northwest Fort Bliss B	41,128	13,989	12,144	26,133
05C Northwest Fort Bliss C	4,009	1,364	15,957	17,321
Northeast Subtotal	114,475	38,937	45,523	84,460
Westside				
02 Westside MP	0	0	0	0
03A Northwest Vinton A	209	71	761	832
03E I-10375 MP	10,333	3,515	1,740	5,255
04A Northwest Artcraft A	16,564	5,634	377	6,011
04B Northwest Artcraft B	9,182	3,123	261	3,384
04C Northwest Artcraft C	1,119	381	225	605
04D Northwest Artcraft D	2,209	752	80	831
04E Canutillo	6,178	2,102	1,240	3,341
02B Other	12,489	4,248	6,815	11,063
Westside Subtotal	58,283	19,824	11,498	31,322
Eastside				
08B Eastside	44,678	15,197	9,229	24,426
12 South Montana	25,225	8,580	2,791	11,371
12B South Montana B	7,722	2,627	1,276	3,903
06 South Fort Bliss	0	0	160	160
08 East Battle	21,803	7,416	3,437	10,853
10B South Fort Bliss B	8,921	3,035	0	3,035
Eastside Subtotal	108,349	36,854	16,893	53,746
Total	281,107	95,615	73,914	169,528

Table 3. Full Build-Out Projections

Ten-Year Growth Projection

Table 4 summarizes expected demand in 2033. Census data for 2000, 2010, and 2020 are provided as points of reference. By 2033 development within the composite impact fee service areas is anticipated to reach approximately 59% of total service unit holding capacity.

Service Area	Census			2033 Proj. Population	2033 Projected Service Units		
	2000	2010	2020		Residential	Non-Residential	Total
Northeast							
01 Northeast MP	0	0	13	39,193	13,331	1,740	15,071
05A Northwest Fort Bliss A	0	0	0	9,626	3,274	7,946	11,220
05B Northwest Fort Bliss B	2,199	4,799	10,735	29,162	9,919	6,537	16,456
05C Northwest Fort Bliss C	10	28	37	0	0	7,721	7,721
Northeast Subtotal	2,209	4,827	10,785	77,981	26,524	23,944	50,468
Westside							
02 Westside MP	0	0	0	0	0	0	0
03A Northwest Vinton A	0	0	0	209	71	207	278
03E I-10375 MP	0	0	2,142	9,202	3,130	653	3,783
04A Northwest Artcraft A	299	312	312	2,764	940	68	1,008
04B Northwest Artcraft B	289	251	289	3,014	1,025	81	1,106
04C Northwest Artcraft C	0	0	316	994	338	233	571
04D Northwest Artcraft D	836	1,001	635	2,020	687	80	767
04E Canutillo	3,633	4,760	4,615	8,258	2,809	1,091	3,900
02B Other	1,167	2,149	4,732	10,940	3,721	6,965	10,686
Westside Subtotal	6,224	8,473	13,041	37,400	12,721	9,378	22,099
Eastside							
08B Eastside	13	682	5,736	19,874	6,760	2,684	9,444
12 South Montana	6,766	7,625	7,483	11,457	3,897	2,198	6,095
12B South Montana B	0	7	12	4,933	1,678	809	2,487
06 South Fort Bliss	0	0	0	861	293	0	293
08 East Battle	0	21	1,460	16,420	5,585	2,920	8,505
10B South Fort Bliss B	0	0	0	2,984	1,015	0	1,015
Eastside Subtotal	6,779	8,335	14,691	56,530	19,228	8,611	27,839
Total	15,212	21,635	38,517	171,911	58,473	41,933	100,406

Table 4. Ten-Year Growth Projections

Summary

Table 5 provides a comparative analysis of the previously approved and updated residential service unit and population estimates under the full build-out scenario. Overall, total projected holding capacity for residential service units and population has remained relatively constant. While there is anticipated to be growth within these service areas, the effects of the COVID-19 pandemic, disruptions in the building supply chain, and current interest rates are impacting and anticipated to continue impacting the building growth over the next few years.

Service Area	Existing Build-Out Estimates		Updated Build-Out Estimates	
	Residential Service Units	Population	Residential Service Units	Population
Northeast	54,923	168,065	38,937	114,475
Westside	23,659	72,398	19,824	58,283
Eastside	37,753	115,524	36,854	108,349
Total	116,335	355,987	95,615	281,107

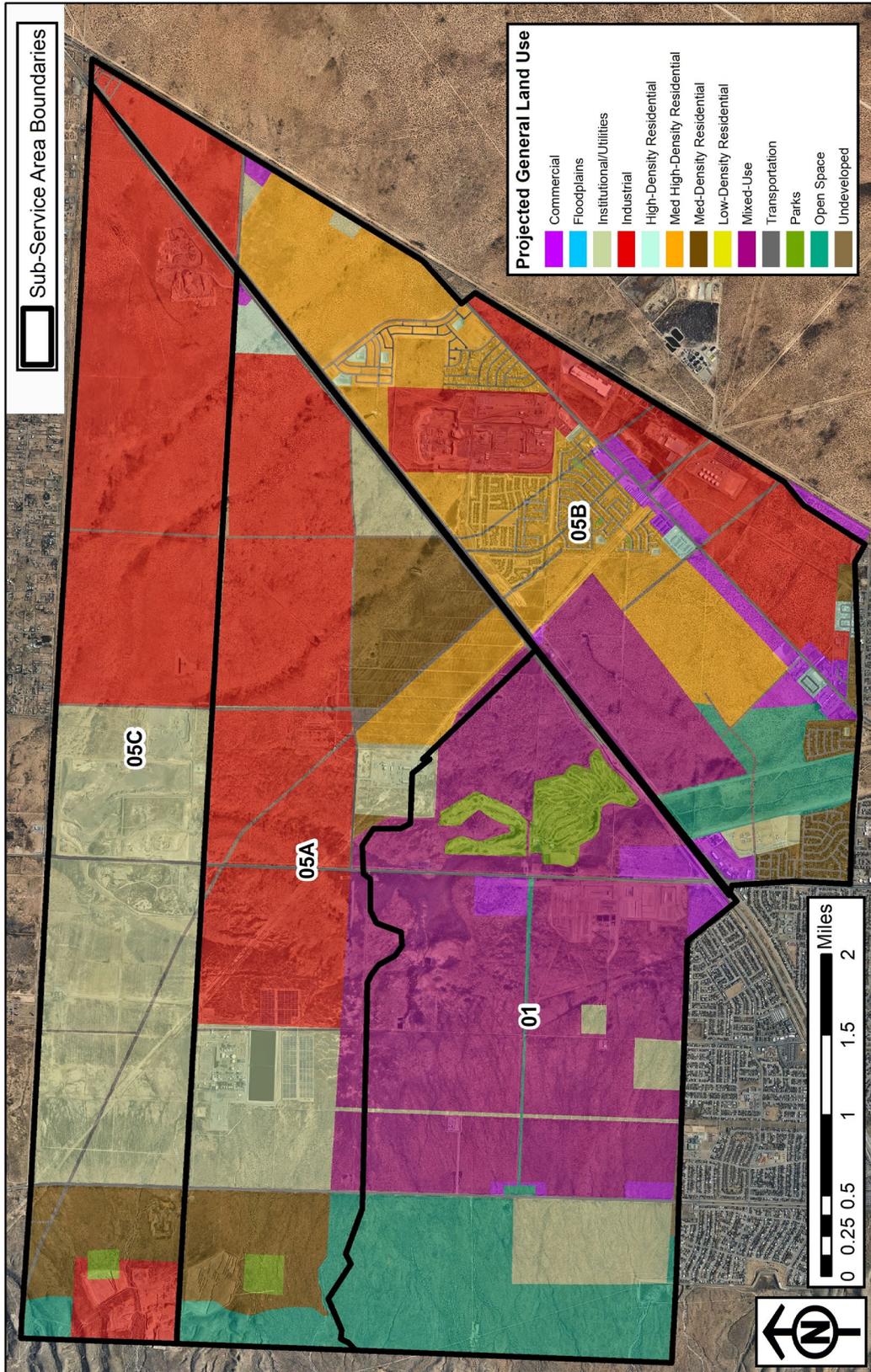
Table 5. Full Build-Out Projections Comparison

Table 6 provides a summary of the total service unit and population projections for both scenarios by impact fee service area. Given the updated land use assumptions, 170,232 total service units are projected at full build-out, while development demand will reach approximately 59% of the total holding capacity by 2033.

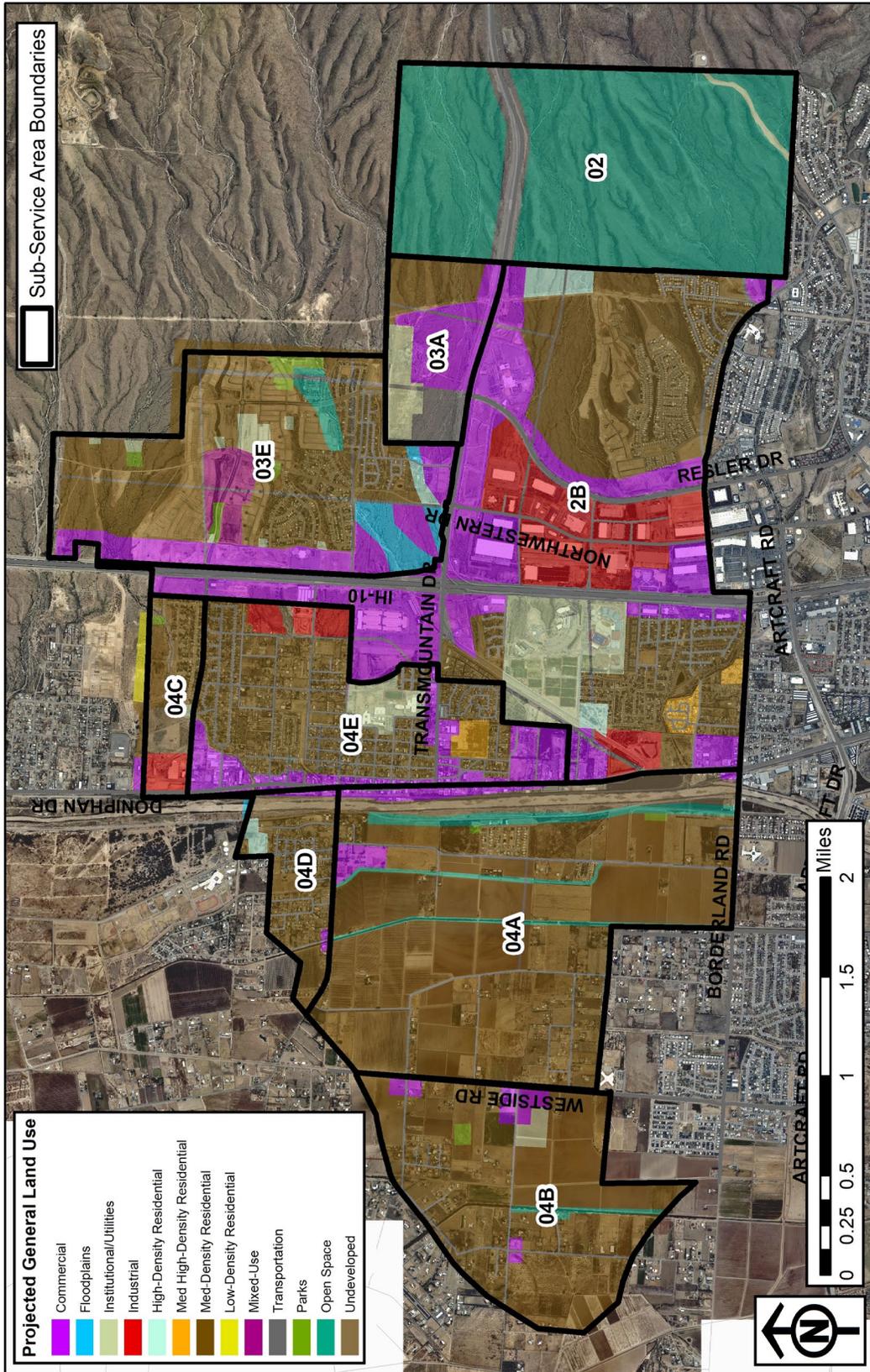
Service Area	Full Build-Out Scenario		2033 (Ten-Year) Scenario	
	Total Service Units	Population	Total Service Units	Population
Northeast	84,460	114,475	50,468	77,981
Westside	31,607	58,283	22,099	37,400
Eastside	54,165	108,349	27,839	56,530
Total	170,232	281,107	100,406	171,911

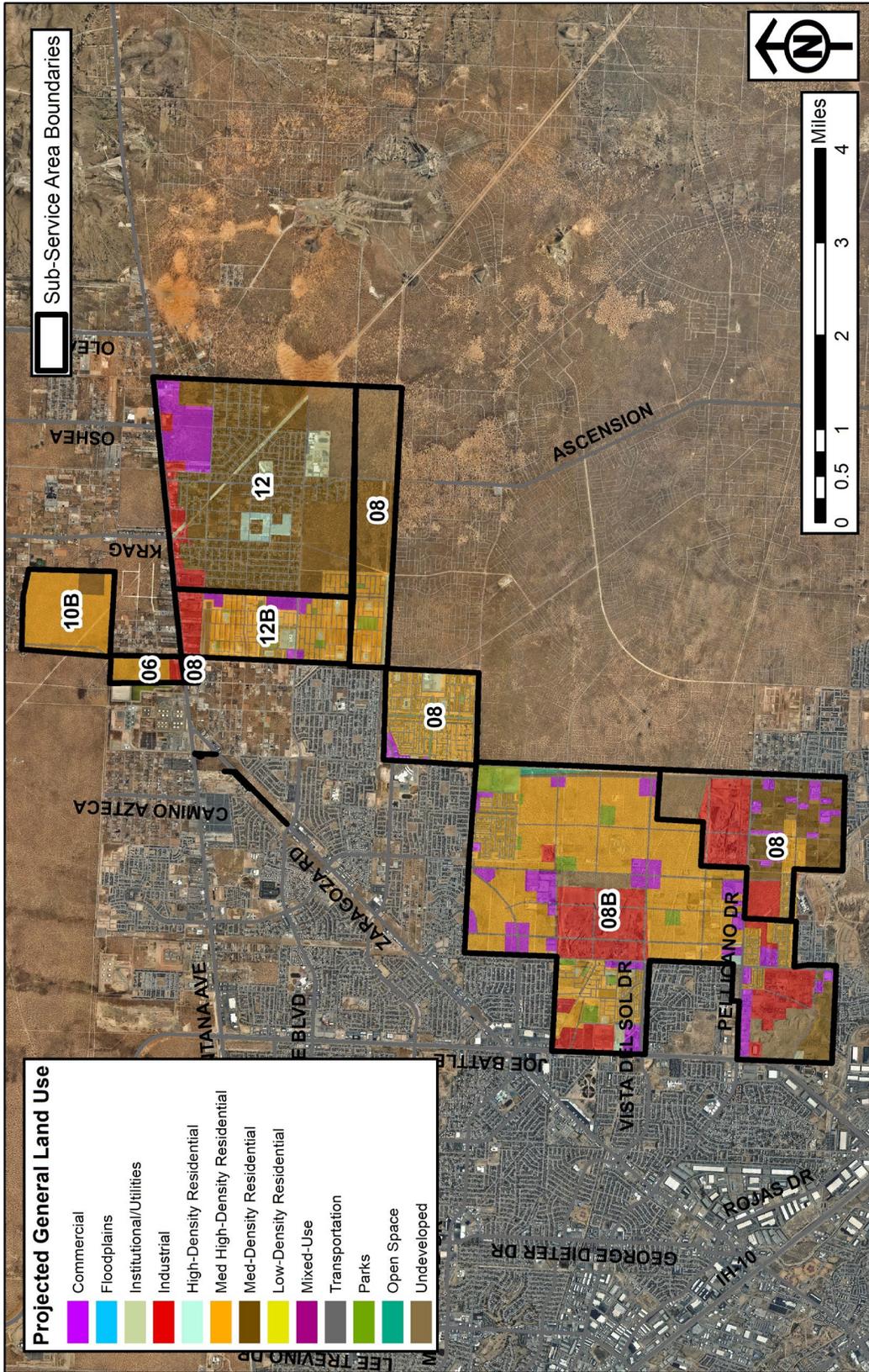
Table 6. Updated Projections Summary Table

Appendix A
Land Use Assumptions Maps



Northeast Projected General Land Use





Eastside Projected General Land Use

Appendix B
Full Build-Out Projections

Service Area	Total Acreage	Non-Residential					Conventional Residential			Mixed Use				
		Transportation	Commercial	Industrial	Parkland	Floodplain	Open Space	Undeveloped	Institutional/Utilities		Low	Medium	High	Total
Northeast														
01 Northeast MP	4,835	99	300		255		968	20					0	
05A Northwest Fort Bliss A	4,812	260	5	2,098	38		229			775	229	51	1,055	
05B Northwest Fort Bliss B	4,929	446	304	1,371	9		348			172	1,649	37	1,858	
05C Northwest Fort Bliss C	4,520	154		2,201	23		51			303			303	
Northeast Subtotal	19,096	959	609	5,670	325	0	1,596	20		0	1,250	1,878	88	3,216
Westside														
02 Westside MP	1,589	91					1,483							
03A Northwest Vinton A	294	58	105							79			79	
03E I-10375 MP	1,132	71	220	20	34	57	50			581		9	590	
04A Northwest Artcraft A	1,639	75	52		4		106	150		1,252			1,252	
04B Northwest Artcraft B	807	38	36		6		17			694			694	
04C Northwest Artcraft C	159	15	5	26				16		17	77		94	
04D Northwest Artcraft D	218	25	11			3		22		147		10	157	
04E Canutillo	801	133	141	42				10		371	21	34	426	
02B (Other)	2,348	315	622	318						826	24	43	893	
Westside Subtotal	8,987	821	1,192	406	44	60	1,656	198		17	4,027	45	96	4,185
Eastside														
08B Eastside	4,826	509	471	802	186		23	228			167	2,388	13	2,568
12 South Montana	2,919	347	247	138	121			242			1,716	38	70	1,824
12B South Montana B	785	98	77	99	20					25	419		444	
06 South Fort Bliss	118	3		22						93			93	
08 East Battle	2,826	440	166	308	40			370			740	681	1,421	
10B South Fort Bliss B	538	21								45	472		517	
Eastside Subtotal	12,012	1,418	961	1,369	246	0	23	840		0	2,786	3,998	83	6,867
Total	40,095	3,198	2,762	7,445	615	60	3,275	1,058		17	8,063	5,921	267	14,268

Full Build-Out Projections

Service Area	Build-Out Non-Residential Service Units			Build-Out Conventional Service Units				Mixed Use Mixed Use	Build-Out Residential	Build-Out Non- Residential
	Commercial	Institutional	Industrial	Low	Medium	Medium-High	High			
Northeast										
01 Northeast MP	2,175		-	-	-	-	-	16,440	16,440	2,175
05A Northwest Fort Bliss A	36		15,211	-	3,488	1,374	459	1,824	7,145	15,247
05B Northwest Fort Bliss B	2,204		9,940	-	774	9,894	333	2,988	13,989	12,144
05C Northwest Fort Bliss C	-		15,957	-	1,364	-	-	0	1,364	15,957
Northeast Subtotal	4,415	0	41,108	0	5,625	11,268	792	21,252	38,937	45,523
Westside										
02 Westside MP	-		-	-	-	-	-	-	-	-
03A Northwest Vinton A	761		-	-	356	-	-	-	356	761
03E I-10375 MP	1,595		145	-	2,615	-	540	360	3,515	1,740
04A Northwest Artcraft A	377		-	-	5,634	-	-	-	5,634	377
04B Northwest Artcraft B	261		-	-	3,123	-	-	-	3,123	261
04C Northwest Artcraft C	36		189	34	347	-	-	-	381	225
04D Northwest Artcraft D	80		-	-	662	-	90	-	752	80
04E Canutillo	935		305	-	1,670	126	306	-	2,102	1,240
02B Other	4,510		2,306	-	3,717	144	387	-	4,248	6,815
Westside Subtotal	8,555	0	2,944	34	18,122	270	1,323	360	20,109	11,498
Eastside										
08B Eastside	3,415		5,815	-	752	14,328	117	-	15,197	9,229
12 South Montana	1,791		1,001	-	7,722	228	630	-	8,580	2,791
12B South Montana B	558		718	-	113	2,514	-	-	2,627	1,276
06 South Fort Bliss	-		160	-	419	-	-	-	419	160
08 East Battle	1,204		2,233	-	3,330	4,086	-	-	7,416	3,437
10B South Fort Bliss B	-		-	-	203	2,832	-	-	3,035	-
Eastside Subtotal	6,967	0	9,925	-	12,537	23,988	747	-	37,272	16,893
Total	19,937	0	53,976	34	36,284	35,526	2,862	21,612	96,318	73,914

Service Units Full Build-Out Projections

Service Area	Population at Build-Out	Service Units at Full-Build-Out		
		Residential	Non-Residential	Total
Northeast				
01 Northeast MP	48,334	16,440	2,175	18,615
05A Northwest Fort Bliss A	21,005	7,145	15,247	22,391
05B Northwest Fort Bliss B	41,128	13,989	12,144	26,133
05C Northwest Fort Bliss C	4,009	1,364	15,957	17,321
Northeast Subtotal	114,475	38,937	45,523	84,460
Westside				
02 Westside MP	0	0	0	0
03A Northwest Vinton A	209	71	761	832
03E I-10375 MP	10,333	3,515	1,740	5,255
04A Northwest Artcraft A	16,564	5,634	377	6,011
04B Northwest Artcraft B	9,182	3,123	261	3,384
04C Northwest Artcraft C	1,119	381	225	605
04D Northwest Artcraft D	2,209	752	80	831
04E Canutillo	6,178	2,102	1,240	3,341
02B Other	12,489	4,248	6,815	11,063
Westside Subtotal	58,283	19,824	11,498	31,322
Eastside				
08B Eastside	44,678	15,197	9,229	24,426
12 South Montana	25,225	8,580	2,791	11,371
12B South Montana B	7,722	2,627	1,276	3,903
06 South Fort Bliss	0	0	160	160
08 East Battle	21,803	7,416	3,437	10,853
10B South Fort Bliss B	8,921	3,035	0	3,035
Eastside Subtotal	108,349	36,854	16,893	53,746
Total	281,107	95,615	73,914	169,528

Full Build-Out Projections – Population and Service Unit Summary

Appendix C Ten-Year Growth Projections

Service Area	2033 Non-Residential Service Units			2033 Conventional Service Units				Mixed Use Mixed Use	2033 Residential	2033 Non-Residential
	Commercial	Institutional	Industrial	Low	Medium	Medium-High	High			
Northeast										
01 Northeast MP	1,740			0	0	0	0	0	13,331	1,740
05A Northwest Fort Bliss A	-		7,946	0	1,697	334	331	2,362	912	3,274
05B Northwest Fort Bliss B	1,317		5,220	0	774	7,746	403	8,923	996	9,919
05C Northwest Fort Bliss C	-		7,721	0	0	0	0	0	0	7,721
Northeast Subtotal	3,057	0	20,887	0	2,471	8,080	734	11,285	15,239	26,524
Westside										
02 Westside MP	0		0	0	0	0	0	0	0	-
03A Northwest Vinton A	207		0	0	71	0	0	71	0	71
03E I-10375 MP	653		0	0	2,500	0	270	2,770	360	3,130
04A Northwest Artcraft A	68		0	0	940	0	0	940	0	940
04B Northwest Artcraft B	81		0	0	1,025	0	0	1,025	0	1,025
04C Northwest Artcraft C	37		196	17	321	0	0	338	0	338
04D Northwest Artcraft D	80		0	0	597	0	90	687	0	687
04E Canutillo	935		156	0	2,372	126	311	2,809	0	2,809
02B Other	4652		2313	0	3,352	144	225	3,721	0	3,721
Westside Subtotal	6,713	0	2,665	17	11,178	270	896	12,361	360	12,721
Eastside										
08B Eastside	833		1851	0	450	6,264	46	6,760	0	6,760
12 South Montana	1197		1001	2,842	664	0	391	3,897	0	3,897
12B South Montana B	91		718	0	112	1,566	0	1,678	0	1,678
06 South Fort Bliss	0		0	0	293	0	0	293	0	293
08 East Battle	907		2013	0	2,213	3,372	0	5,585	0	5,585
10B South Fort Bliss B	0		0	0	63	952	0	1,015	0	1,015
Eastside Subtotal	3,028	0	5,583	2,842	3,795	12,154	437	19,228	0	19,228
Total	12,798	0	29,135	2,859	17,444	20,504	2,067	42,874	15,599	58,473

2033 Service Unit Projections

Service Area	Census			2033 Proj. Population	2033 Projected Service Units		
	2000	2010	2020		Residential	Non-Residential	Total
Northeast							
01 Northeast MP	0	0	13	39,193	13,331	1,740	15,071
05A Northwest Fort Bliss A	0	0	0	9,626	3,274	7,946	11,220
05B Northwest Fort Bliss B	2,199	4,799	10,735	29,162	9,919	6,537	16,456
05C Northwest Fort Bliss C	10	28	37	0	0	7,721	7,721
Northeast Subtotal	2,209	4,827	10,785	77,981	26,524	23,944	50,468
Westside							
02 Westside MP	0	0	0	0	0	0	0
03A Northwest Vinton A	0	0	0	209	71	207	278
03E I-10375 MP	0	0	2,142	9,202	3,130	653	3,783
04A Northwest Artcraft A	299	312	312	2,764	940	68	1,008
04B Northwest Artcraft B	289	251	289	3,014	1,025	81	1,106
04C Northwest Artcraft C	0	0	316	994	338	233	571
04D Northwest Artcraft D	836	1,001	635	2,020	687	80	767
04E Canutillo	3,633	4,760	4,615	8,258	2,809	1,091	3,900
02B Other	1,167	2,149	4,732	10,940	3,721	6,965	10,686
Westside Subtotal	6,224	8,473	13,041	37,400	12,721	9,378	22,099
Eastside							
08B Eastside	13	682	5,736	19,874	6,760	2,684	9,444
12 South Montana	6,766	7,625	7,483	11,457	3,897	2,198	6,095
12B South Montana B	0	7	12	4,933	1,678	809	2,487
06 South Fort Bliss	0	0	0	861	293	0	293
08 East Battle	0	21	1,460	16,420	5,585	2,920	8,505
10B South Fort Bliss B	0	0	0	2,984	1,015	0	1,015
Eastside Subtotal	6,779	8,335	14,691	56,530	19,228	8,611	27,839
Total	15,212	21,635	38,517	171,911	58,473	41,933	100,406

2033 Population and Service Unit Summary

Water and Wastewater Impact Fees Fiscal Year 2023-24 Update

Draft Water and Wastewater Impact Fee Study

January 3, 2024

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List of Attachments

- Attachment A: Service Units Maps
- Attachment B: Land Use Assumptions
- Attachment C: Capital Improvement Plan
- Attachment D: Capital Improvement Plan Cost Projection
- Attachment E: Impact Fee Calculation by Service Area
- Attachment F: Maximum Impact Fee Calculation
- Attachment G: Impact Fee Credit Calculation
- Attachment H: Impact Fee Assessment Schedules

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Project Overview

Background of the Study

EPWater engaged Raftelis to update the existing Water and Wastewater Impact Fees in compliance with State law-Texas Statutes, Local Government Code, Chapter 395 (State Impact Fee Statues). This report documents the 2024 update of the water and wastewater impact fees and replaces the previous Water and Wastewater Impact Fees-2019 Update. During the last impact fee update process, it was determined that the approved 2019 impact fee amounts would be updated.

Consistent with the previous updates of impact fees, this update determined fees for the same three areas as the previous study (Northeast, Eastside, and Westside). Listed below are the designated service areas.

Northeast Area

- 01- Northeast Master Plan
- 05A- Northwest Fort Bliss A
- 05B- Northwest Fort Bliss B
- 05C- Northwest Fort Bliss C

Westside Area

- 02- Westside MP
- 03A- Northwest Vinton A
- 03E- I-10375 MP
- 04A- Northwest Artcraft A
- 04B- Northwest Artcraft B
- 04C- Northwest Artcraft C
- 04D- Northwest Artcraft D
- 04E- Canutillo
- 02B- Other

Eastside Area

- 08B- Eastside
- 12- South Montana
- 12B- South Montana B
- 06- South Fort Bliss
- 08- East Battle
- 10B- South Fort Bliss B

The calculated water and wastewater impact fees may only be charged to the aforementioned service areas. Any development outside of the service areas will not be charged an impact fee. Maps displaying the EPWater service area are attached in Appendix A. Calculations and results in this report are based on numerical analysis using rounded figures. However, the analysis itself uses figures carried to their ultimate decimal places. Therefore, the sums and products generated may not exactly equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to rounding).

Impact Fee Methodology

The water and wastewater impact fee calculations are based on the incremental method. Under this method, new customers pay a fee representing their share of expansion related developmental costs of new facilities. The incremental method uses a 10-year capital improvement plan (CIP) that accounts for projects that will add future capacity. The impact fee is determined for the supply and treatment categories for water and treatment and collection categories for wastewater.

Each CIP project is allocated to its respective category: reservoirs to water distribution, force mains to wastewater collection, wastewater lines to wastewater collection, etc. The project's costs and service units are summed by category. The categories' total service units then divide the total categories' costs to arrive at a per unit cost. For example, the total costs of the distribution pumping equipment category are divided by the total capacity added by the distribution pumping equipment to arrive at per unit amount. This amount is added to the water distribution portion of the impact fee. A service unit represents the water and wastewater flows in gallons per day (gpd) for a single family residential unit.

Land Use Assumptions and Service Unit Characteristics

Impact fees in Texas must meet the requirements set by the Texas Statutes, Local Government Code, Chapter 395. In compliance with Chapter 395 land use assumptions, see Attachment B, are used to arrive at the residential service units (SUs) and population per residential service as shown in Table 1. The average persons per service unit used is 2.94 persons per household based on the County average as shown in the *2024 Land Use Assumptions Technical Report*. The Land Use Assumption Update uses data from master plans prepared by or on behalf of the City of El Paso, and from other sources used in projecting water and wastewater service demands.

Table 1 - Land Use Assumptions

Service Area	Total Residential Service Units (Build-Out)	Average Household Size Persons/SU	Population per Service Area
Northeast			
01	16,440	2.94	48,334
05A	7,145	2.94	21,006
05B	13,989	2.94	41,128
05C	1,364	2.94	4,010
Westside			
02	0	2.94	0
03A	356	2.94	1,047
03E	3,515	2.94	10,334
04A	5,634	2.94	16,564
04B	3,123	2.94	9,182
04C	381	2.94	1,120
04D	752	2.94	2,211
04E	2,102	2.94	6,180
02B	4,248	2.94	12,489
Eastside			
08B	15,197	2.94	44,679
12	8,580	2.94	25,225
12B	2,627	2.94	7,723
06	419	2.94	1,232
08	7,416	2.94	21,803
10B	3,035	2.94	8,923

Table 1 shows the land use and demographic assumptions used to determine the residential service units and future capacity requirements. These assumptions go into calculating the water and wastewater flow rates that will be used throughout the analysis/model.

Using Table 1 data and assumptions regarding commercial and industrial use, the water and wastewater flow rates are calculated in Table 2. In this study we use 3.29 persons per Service Unit to define the flow rates, this rate is higher than the 2.94 persons per Service Unit in Table 1 due to the additional commercial and industrial usage. The Persons Per Service Unit was updated from 3.50 as reflected within the 2019 Impact Fee Study analysis to 3.29 for this update as referenced in Table 2 below.

Table 2 - Equivalent Service Unit Flows

Description	Water	Wastewater
Average Usage Per Capita (gallons per day-gpd)	115	70
Ratio of Maximum Day Demand to Average Day Demand	<u>1.71</u> ¹	<u>1.39</u>
Maximum Day Demand per Capita (gpd)	209	98
Persons per Service Unit	<u>3.29</u>	<u>3.29</u>
Flows per Equivalent Service Unit (gpd)²	688	341

1. Elevated water storage capacity is calculated based on 50% of Maximum Day Demand.
2. Equivalent service unit flows represent flow to a residential, commercial, or industrial user with a water meter size less than 1-inch.

The flows per service unit are 688 gpd for water and 341 gpd for wastewater. These flow rates are used to calculate the number of facility service units in Attachments E and F.

10-Year Population and Service Unit Projections

It is difficult to forecast population growth and developmental growth accurately. The growth directly influences the timeline for when exactly the additional capacity must be realized. This assumption must be made when calculating an impact fee. Table 3 displays the population and development units for the water and wastewater impact fee areas under consideration as of 2033. The values includes 2023 developed acres, population, and residential, non-residential, and total service units plus projected growth over the 10-year period of 2023 through 2033.

Table 3 - 2033 Population and Service Units

Service Area	Developable Acres	Population	Residential Service Units	Non-Residential Service Unit Equivalents	Total Service Units
Northeast	5,363	77,981	26,524	23,944	50,468
Westside	3,309	37,400	12,721	9,378	22,099
Eastside	<u>5,441</u>	<u>56,530</u>	<u>19,228</u>	<u>8,611</u>	<u>27,839</u>
Total	14,314	171,911	58,473	41,933	100,406

Proposed Capital Improvement Facilities

In compliance with the State Impact Fee Statues, proposed capital improvements were prepared by Adriana Castillo, P.E., with EPWater. The capital projects include facilities required by new development in the next ten years. Descriptions of the proposed capital improvement projects are included as Attachment C to this report. The list of CIP projects with estimated costs for each, are included in Attachment D. Attachment E to this report shows the CIP capital, financing costs, capacity, facility service units, unit cost of capacity, and weighted average cost of capacity for each service area used in the impact fee calculation.

Maximum Impact Fee Calculation

The capital projects noted in the CIP plan add capacity for the 10-year period and beyond. To account for this growth Raftelis allocates the costs of the growth-related CIP to the projected development and to the total number of new service units that may be served by the new capacity additions. The 10-year CIP is adding significant capacity, but this capacity will still not be sufficient to serve the projected ultimate built out capacity of the indicated service areas.

Raftelis used the capacities provided by EPWater to estimate capacity added by each capital project. This assumes that all units will be served by the additional capacity regardless of when the growth occurs.

The LUA Update projects new service units for the next ten years (Table 4) to be served by EPWater planned capacity additions as reported in the 10-year CIP. In compliance with the State Impact Fee Statutes, the maximum impact fee per service unit is calculated by dividing the costs of the portion of the CIP required by and attributable to projected new service units by the total projected new service units served by the CIP.

Attachment F provides a summary of the capital costs, capital service units, financing costs, percentage of CIP needed through 2033, and the maximum impact fee for each service area. The model assumes a 35% debt funding rate with a 5% interest rate and a 20-year repayment period for water-related capital projects. For wastewater-related capital projects, it assumes a 63% debt funding rate with the same 5% interest rate and 20-year repayment period. The impact fee calculations include the net present value of the interest and transaction costs of the loans to arrive at a per unit impact fee value. Table 4 summarizes the maximum impact fee by service area.

Table 4 - Maximum Impact Fee by Service Area

Service Area	Projected New Service Units (through 2033)	Maximum Impact Fee per Service Unit
<u>Northeast</u>		
Water	37,660	\$10,023
Wastewater	37,660	<u>1,345</u>
Total		\$11,368
<u>Westside</u>		
Water	5,989	\$3,136
Wastewater	5,989	<u>3,379</u>
Total		\$6,515
<u>Eastside</u>		
Water	11,421	\$14,954
Wastewater	11,421	<u>21,008</u>
Total		\$35,962

Maximum Calculation

The State Impact Fee Statutes require the determination of an “impact fee credit” for the portion of utility service revenues or ad valorem taxes generated by the new service units during the 10-year period. There are two ways to calculate this credit:

- A credit against the impact fee for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of capital improvements, including the payment of debt, that are included in the capital improvements plan; or
- A credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.

The City of El Paso does not use ad valorem taxes to assist in paying for utility projects, so the ad valorem language does not apply. A credit recognizing the utility service revenues generated by new service units during the capital program period that is used for the payment of capital improvements, including the payment of debt, that are included in the capital improvements plan is warranted and is what has been used since EPWater first adopted impact fees and is what has been used again in this update.

The calculated credit represents the approximation of the utility service revenue projected to be provided by the new service units that may be used to retire debt issued to fund the CIP upon which the impact fee is based. This rate credit to the impact fee prevents new service units from the potential of double counting or paying twice for utility capital improvements and related debt.

Raftelis conducted an analysis involving two scenarios to comprehend the ramifications of a net impact fee following the application of a credit to the maximum impact fee. Tables 5 through 12 illustrate the impact fee considering a maximum credit of 50 percent. Attachment H presents a schedule displaying the net impact fee under two scenarios: (1) Net Impact Fee after Revenue Credit (8.1% for Water and 20.1% for Wastewater) and (2) Net Impact Fee after Maximum Credit (50% for Water and Wastewater). The option displaying the Net Impact Fee after Maximum Credit, as depicted in Tables 5 through 12, results in lower fees.

Table 5 - Impact Fee Credits per Service Unit Equivalent

Service Area	Water			Wastewater			Total
	Max Impact Fee	Max Credit (50%)	Net Impact Fee	Max Impact Fee	Max Credit (50%)	Net Impact Fee	Net Impact Fee
Northeast	\$10,023	(\$5,012)	\$5,012	\$1,345	(\$672)	\$672	\$5,684
Westside	\$3,136	(\$1,568)	\$1,568	\$3,379	(\$1,689)	\$1,689	\$3,257
Eastside	\$14,954	(\$7,477)	\$7,477	\$21,008	(\$10,504)	\$10,504	\$17,981

Impact Fee Assessment Schedule

The impact fee assessment schedule follows established guidelines in “scaling up” or assessing the impact fee to recognize the greater demands placed on the system from larger connections. As stated above, the incremental method is used to calculate the impact fee for a ¾ inch meter or for an equivalent residential unit. For meters ¾ inch and larger the American Water Works Association (AWWA) standard ratios are used. These guidelines define the ¾ inch meter as one unit, and all other meters as a multiple of the ¾ inch meter. These ratios are based on the maximum flow capacities for the various meters. Table 6 displays the Northeast service area impact fees calculated according to AWWA standards; the resulting “Meter Capacity Ratio”.

Table 6 - Northeast Water and Wastewater Impact Fee Assessment Schedule (Net Fee after Credit)

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-Inch	1.00	\$5,012	\$672	\$5,684
1-Inch	1.67	8,370	1,122	9,492
1 1/2-Inch	3.33	16,690	2,238	18,928
2-Inch	5.33	26,714	3,582	30,296
3-Inch	10.00	50,120	6,720	56,840
4-Inch	16.67	83,550	11,202	94,752
6-Inch	33.33	167,050	22,398	189,448
8-Inch	53.33	\$267,290	\$35,838	\$303,128

Attachment H provides a schedule for all impact fee service areas. Tables 7 through 9 compare the current and calculated water, wastewater, and total impact fees for each service area. It should be noted that the current fees are those adopted in 2009 by the El Paso City Council and is a material factor in the increase in the calculated fees. The Eastside Service Area has the greatest impact, which is attributed to the portion of water projects associated with an Advanced Water Purification Facility and wastewater projects associated with Bustamante Wastewater Treatment Plant.

Table 7 - Northeast Impact Fee Comparison (Net Fee after 50% Credit)

Meter Size	Water		Wastewater		Total		Change in Total Fee	
	Current	Calculated	Current	Calculated	Current	Calculated	\$	%
Less than 1-Inch	\$1,178	\$5,012	\$291	\$672	\$1,469	\$5,684	\$4,215	287%
1-Inch	1,967	8,370	486	1,122	2,453	9,492	\$7,039	287%
1 1/2-Inch	3,921	16,690	969	2,238	4,890	18,928	14,038	287%
2-Inch	6,276	26,714	1,551	3,582	7,827	30,296	22,469	287%
3-Inch	11,775	50,120	2,910	6,720	14,685	56,840	42,155	287%
4-Inch	19,629	83,550	4,851	11,202	24,480	94,752	70,272	287%
6-Inch	39,246	167,050	9,699	22,398	48,945	189,448	140,503	287%
8-Inch	62,796	\$267,290	15,519	\$35,838	78,315	\$303,128	224,813	287%

Table 8 - Westside Impact Fee Comparison Schedule (Net Fee after 50% Credit)

Meter Size	Water		Wastewater		Total		Change in Total Fee	
	Current	Calculated	Current	Calculated	Current	Calculated	\$	%
Less than 1-Inch	\$659	\$1,568	\$927	\$1,689	\$1,586	\$3,257	\$1,671	105%
1-Inch	1,101	2,619	1,548	2,821	2,649	5,439	2,790	105%
1 1/2-Inch	2,195	5,221	3,087	5,624	5,282	10,846	5,564	105%
2-Inch	3,514	8,357	4,941	9,002	8,455	17,360	8,905	105%
3-Inch	6,593	15,680	9,270	16,890	15,863	32,570	16,707	105%
4-Inch	10,990	26,139	15,453	28,156	26,443	54,294	27,851	105%
6-Inch	21,973	52,261	30,897	56,294	52,870	108,556	55,686	105%
8-Inch	35,158	83,621	49,437	90,074	84,595	173,696	\$89,101	105%

Table 9 - East Impact Fee Comparison Schedule (Net Fee after 50% Credit)

Meter Size	Water		Wastewater		Total		Change in Total Fee	
	Current	Calculated	Current	Calculated	Current	Calculated	\$	%
Less than 1-Inch	\$697	\$7,477	\$920	\$10,504	\$1,617	\$17,981	\$16,364	1012%
1-Inch	1,163	12,847	1,537	17,542	2,700	30,028	27,328	1012%
1½-Inch	2,321	24,898	3,065	34,978	5,386	59,877	54,491	1012%
2-Inch	3,714	39,852	4,905	55,986	8,619	95,839	87,220	1012%
3-Inch	6,968	74,770	9,203	105,040	16,171	179,810	163,639	1012%
4-Inch	11,615	124,642	15,341	175,102	26,956	299,743	272,787	1012%
6-Inch	23,223	249,208	30,672	350,098	53,895	599,307	545,412	1012%
8-Inch	37,158	398,748	49,077	560,178	86,235	958,927	872,692	1012%

Tables 10 through 12 provide a comparison of the current impact fees adopted in 2019 and the calculated Net Impact Fee after reducing by the Max Credit. This comparison is acutely relevant due to the dramatic increase in costs since 2019.

Table 10 - Northeast Current versus Calculated

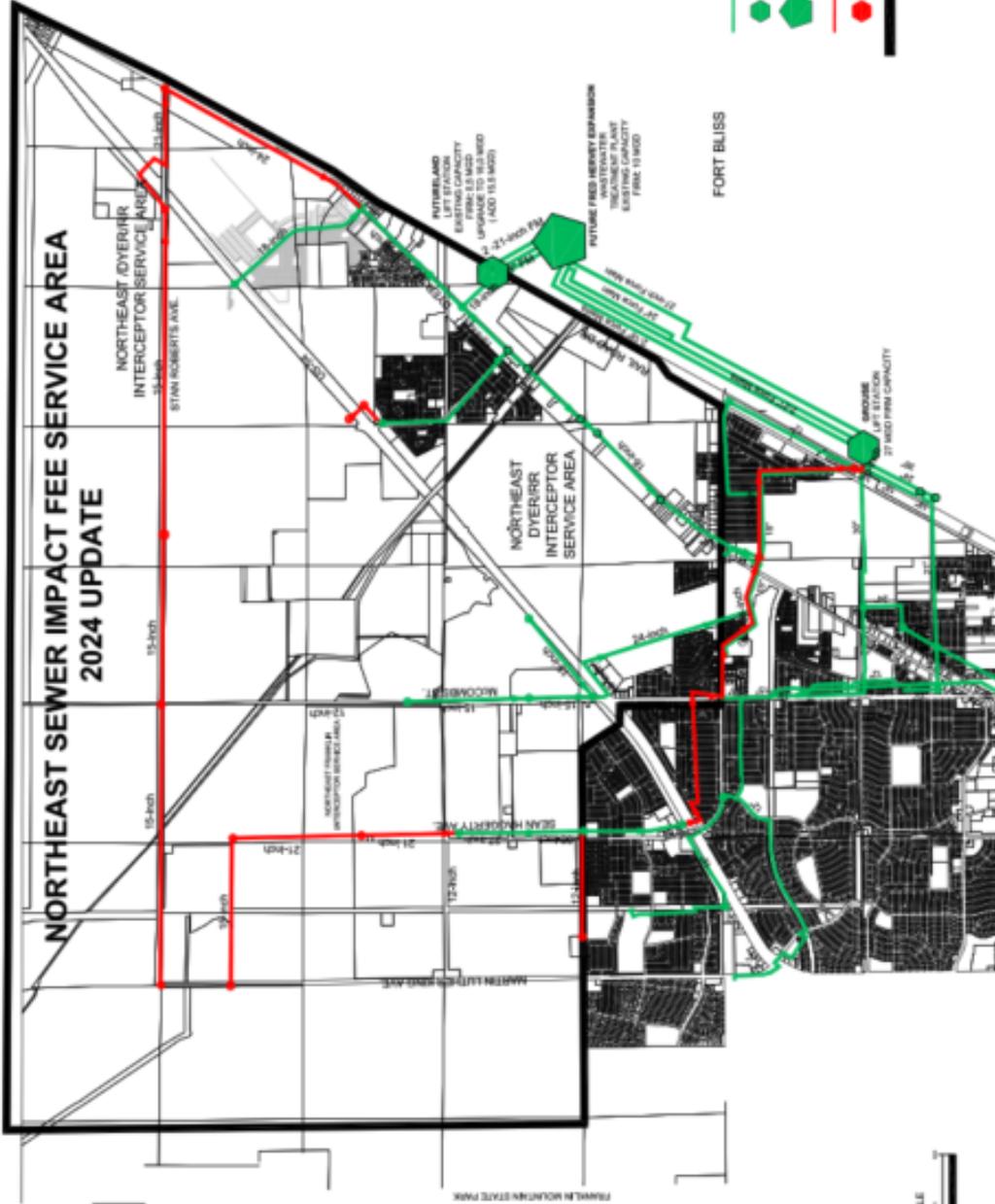
Meter Size	Current	Calculated
Less than 1-Inch	\$1,469	\$5,684
1-Inch	2,453	9,492
1½-Inch	4,890	18,928
2-Inch	7,827	30,296
3-Inch	14,685	56,840
4-Inch	24,480	94,752
6-Inch	48,945	189,448
8-Inch	78,315	\$303,128

Table 11 - West Current versus Calculated

Meter Size	Current	Calculated
Less than 1-Inch	\$1,586	\$3,257
1-Inch	2,649	5,439
1½-Inch	5,282	10,846
2-Inch	8,455	17,360
3-Inch	15,863	32,570
4-Inch	26,443	54,294
6-Inch	52,870	108,556
8-Inch	84,595	173,696

Table 12 - Eastside Current versus Calculated

Meter Size	Current	Calculated
Less than 1-Inch	\$1,617	\$17,981
1-Inch	2,700	30,028
1½-Inch	5,386	59,877
2-Inch	8,619	95,839
3-Inch	16,171	179,810
4-Inch	26,956	299,743
6-Inch	53,895	599,307
8-Inch	86,235	958,927



NORTHEAST SEWER IMPACT FEE SERVICE AREA 2024 UPDATE

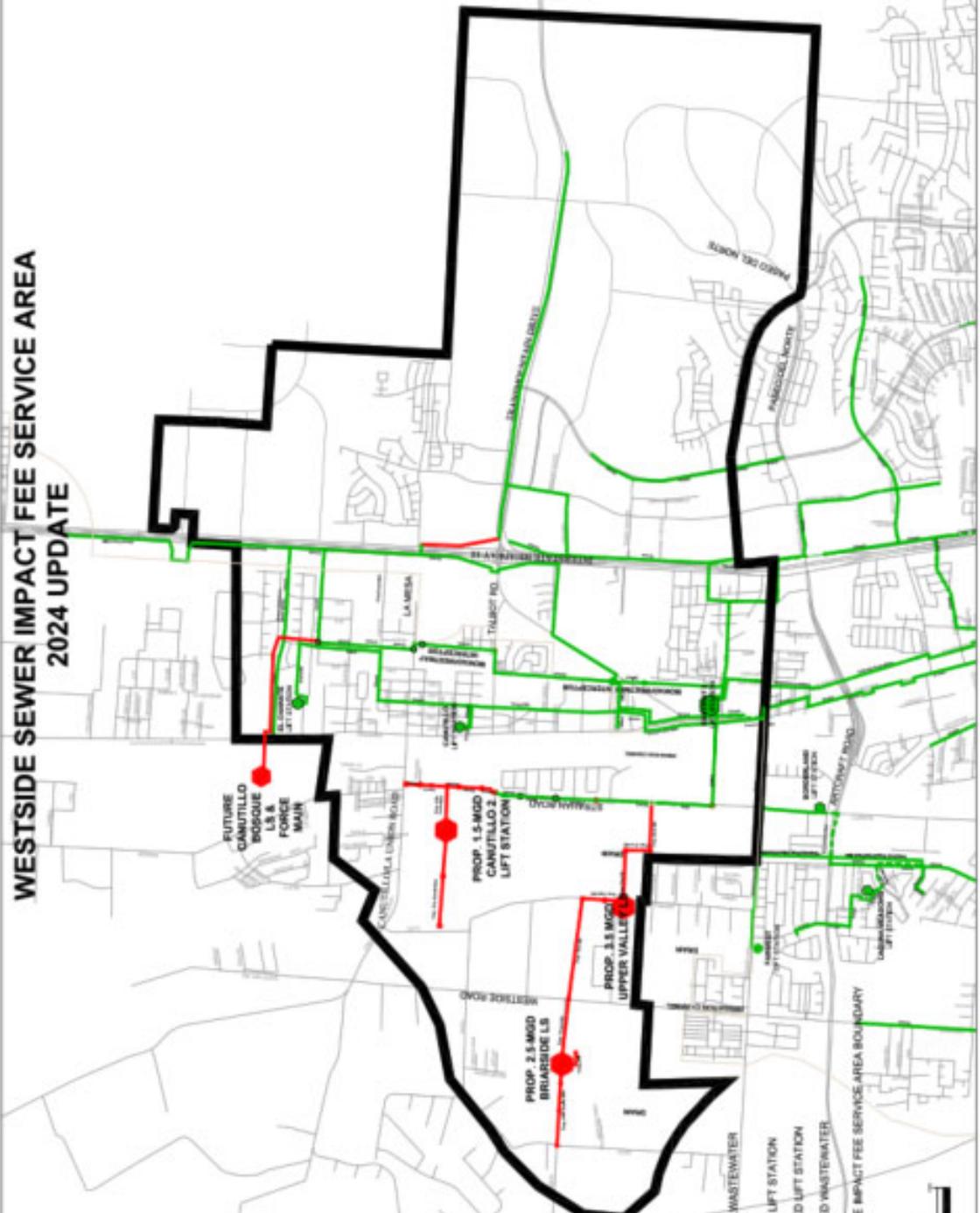
NORTHEAST DYER/RR
INTERCEPTOR SERVICE AREA

NORTHEAST
DYER/RR
INTERCEPTOR
SERVICE AREA

- LEGEND:**
- EXISTING SEWER PIPELINES
 - EXISTING LIFT STATIONS
 - EXISTING TREATMENT PLANT
 - PROPOSED SEWER PIPELINES
 - PROPOSED LIFT STATIONS
 - NORTHEAST IMPACT FEE SERVICE AREA



WESTSIDE SEWER IMPACT FEE SERVICE AREA 2024 UPDATE



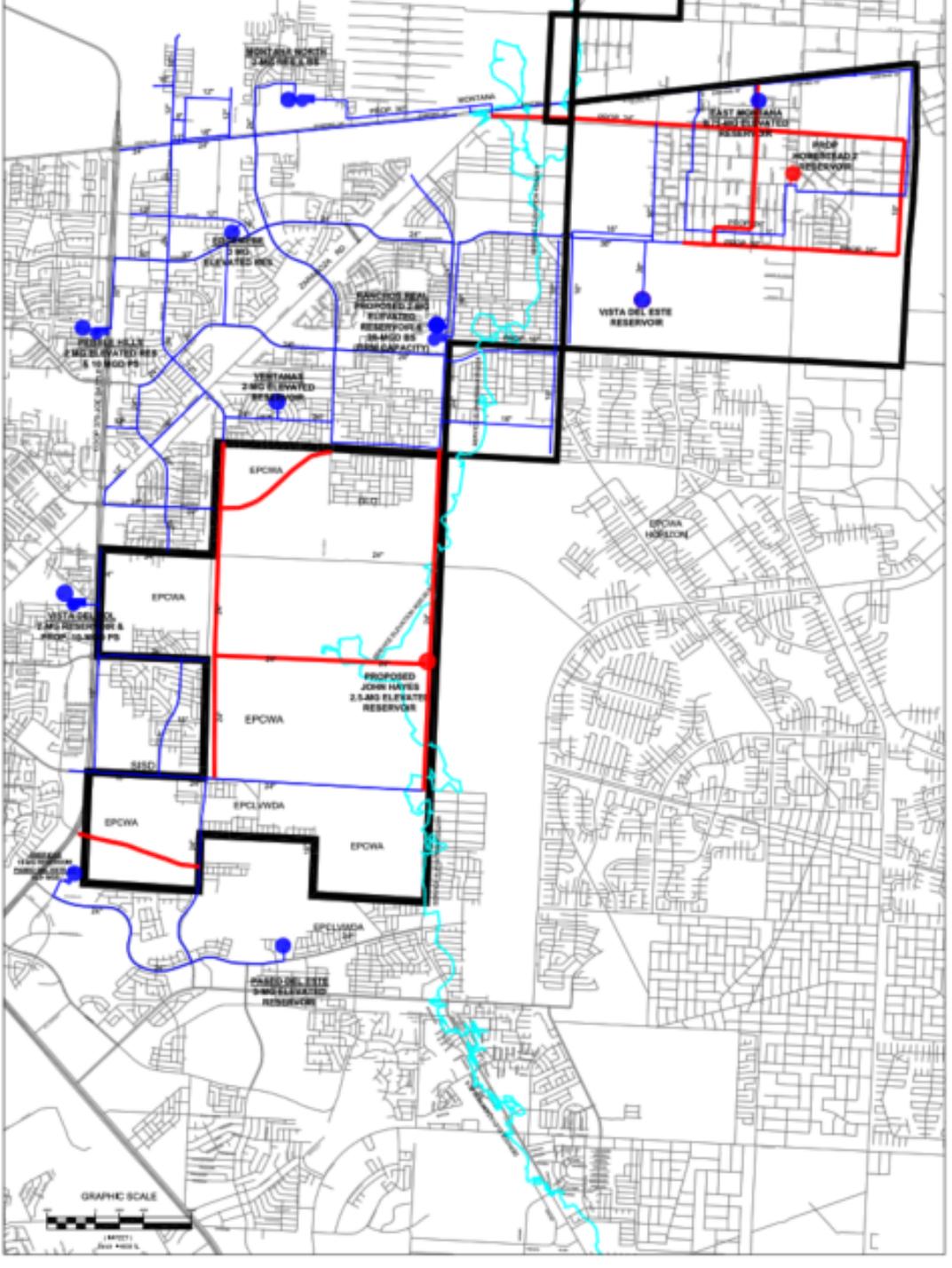
- LEGEND:**
- EXISTING WASTEWATER PIPELINE
 - PROPOSED WASTEWATER PIPELINE
 - ⬡ EXISTING LIFT STATION
 - ⬡ PROPOSED LIFT STATION
 - WESTSIDE IMPACT FEE SERVICE AREA BOUNDARY



EASTSIDE WATER IMPACT FEE SERVICE AREA 2024 UPDATE

LEGEND:

-  EXISTING WATER PIPELINES
-  EXISTING RESERVOIRS
-  EXISTING PUMPING STATIONS
-  PROPOSED RESERVOIRS
-  PROPOSED WATER PIPELINES
-  PROPOSED PUMPING STATIONS
-  EASTSIDE IMPACT FEE SERVICE AREA BOUNDARY

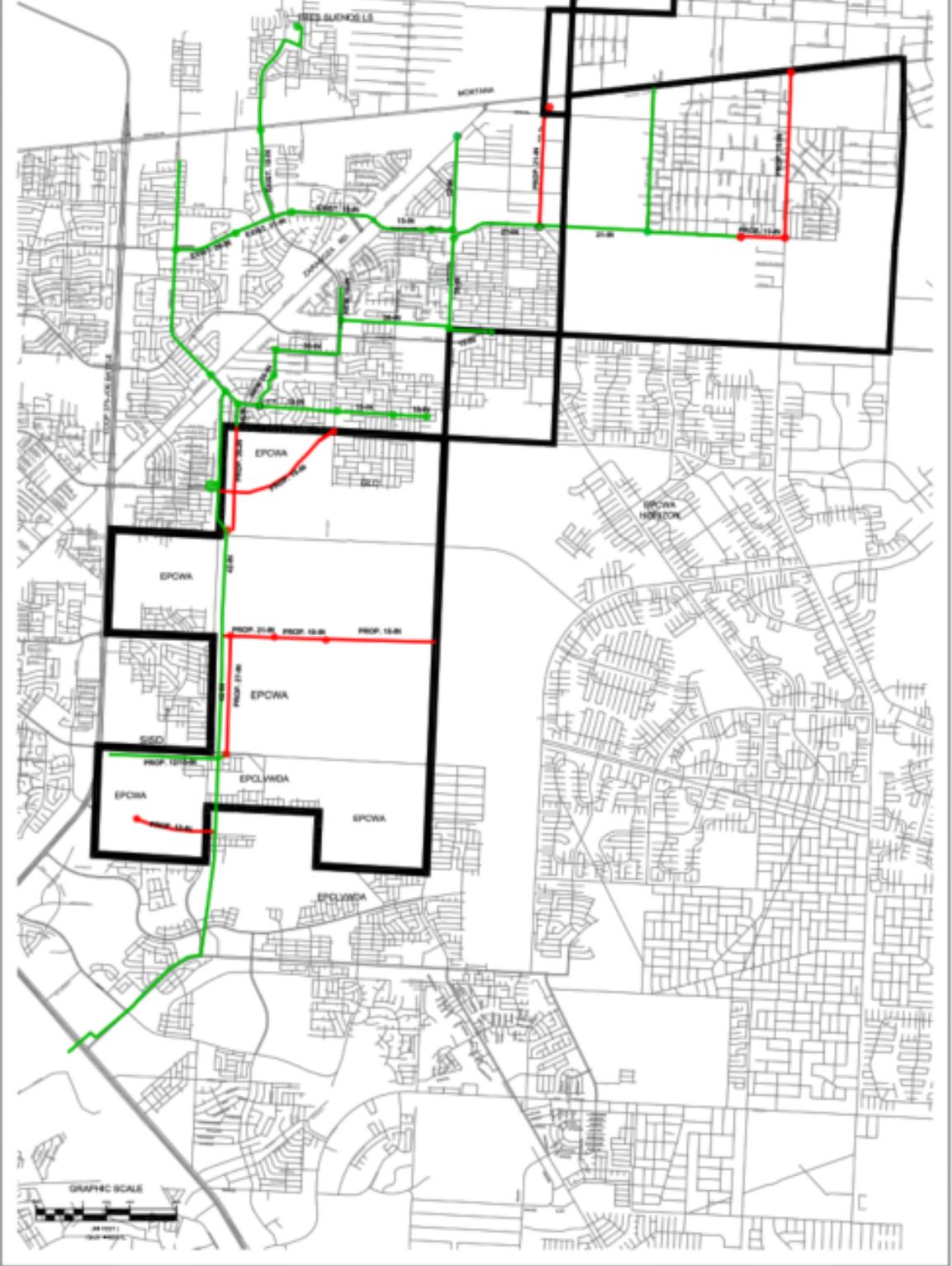


EASTSIDE SEWER IMPACT FEE SERVICE AREA 2024 UPDATE



LEGEND:

- EXISTING SEWER PIPELINES
- EXISTING LIFT STATIONS
- EXISTING TREATMENT PLANT
- PROPOSED SEWER PIPELINES
- PROPOSED LIFT STATIONS
- EASTSIDE IMPACT FEE SERVICE AREA



Attachment B: Land Use Assumptions

Service Area	2033 Share of Development	Total Acreage	Non-Residential								Conventional Residential					Mixed Use	
			Transportation	Commercial	Industrial	Parkland	Floodplain	Open Space	Undeveloped	Institutional/Utilities	Low	Medium	Medium-High	High	Total		
Northeast																	
01 Northeast MP	80%	4,835	99	300		255			968	20	453					0	2,740
05A Northwest Fort Bliss A	25%	4,812	260	5	2,098	38			229		823		775	229	51	1,055	304
05B Northwest Fort Bliss B	50%	4,929	446	304	1,371	9			348		95		172	1,649	37	1,858	498
05C Northwest Fort Bliss C	10%	4,520	154		2,201	23			51		1,788		303			303	
Northeast Subtotal		19,096	959	609	5,670	325	0	1,596	20	3,159	0	1,250	1,878	88	3,216	3,542	
Westside																	
02 Westside MP	7%	1,589	91						1,483		15						0
03A Northwest Vinton A	20%	294	58	105							52		79			79	
03E I-10375 MP	60%	1,132	71	220	20	34	57		50		30		581		9	590	60
04A Northwest Artcraft A	20%	1,639	75	52		4			106	150			1,252			1,252	
04B Northwest Artcraft B	30%	807	38	36		6			17		16		694			694	
04C Northwest Artcraft C	50%	159	15	5	26					16	3		17	77		94	
04D Northwest Artcraft D	90%	218	25	11			3			22			147		10	157	
04E Canutillo	95%	801	133	141	42					10	49		371	21	34	426	
02B (Other)	80%	2,348	315	622	318						200		826	24	43	893	
Westside Subtotal		8,987	821	1,192	406	44	60	1,656	198	365	17	4,027	45	96	4,185	60	
Eastside																	
08B Eastside	40%	4,826	509	471	802	186			23	228	39		167	2,388	13	2,568	
12 South Montana	80%	2,919	347	247	138					242	121		1,716	38	70	1,824	
12B South Montana B	90%	785	98	77	99	20					47		25	419		444	
06 South Fort Bliss	70%	118	3		22								93			93	
08 East Battle	60%	2,826	440	166	308	40				370	81		740	681		1,421	
10B South Fort Bliss B	70%	538	21										45	472		517	
Eastside Subtotal		12,012	1,418	961	1,369	246	0	23	840	288	0	2,786	3,998	83	6,867	0	
Total		40,095	3,198	2,762	7,445	615	60	3,275	1,058	3,812	17	8,063	5,921	267	14,268	3,602	

Attachment B: Land Use Cont.

Service Area	Build-Out Non-Residential Service Units			Build-Out Conventional Service Units					Mixed Use	Build-Out	Build-Out Non-
	Commercial	Institutional	Industrial	Low	Medium	Medium-High	High	Total	Mixed Use	Residential	Residential
Northeast								0			
01 Northeast MP	2,175		-	-	-	-	-	0	16,440	16,440	2,175
05A Northwest Fort Bliss A	36		15,211	-	3,488	1,374	459	5,321	1,824	7,145	15,247
05B Northwest Fort Bliss B	2,204		9,940	-	774	9,894	333	11,001	2,988	13,989	12,144
05C Northwest Fort Bliss C	-		15,957	-	1,364	-	-	1,364	0	1,364	15,957
Northeast Subtotal	4,415	0	41,108	0	5,625	11,268	792	17,685	21,252	38,937	45,523
Westside											
02 Westside MP	-		-	-	-	-	-	-	-	-	-
03A Northwest Vinton A	761		-	-	356	-	-	356	-	356	761
03E I-10375 MP	1,595		145	-	2,615	-	540	3,155	360	3,515	1,740
04A Northwest Artcraft A	377		-	-	5,634	-	-	5,634	-	5,634	377
04B Northwest Artcraft B	261		-	-	3,123	-	-	3,123	-	3,123	261
04C Northwest Artcraft C	36		189	34	347	-	-	381	-	381	225
04D Northwest Artcraft D	80		-	-	662	-	90	752	-	752	80
04E Canutillo	935		305	-	1,670	126	306	2,102	-	2,102	1,240
02B Other	4,510		2,306	-	3,717	144	387	4,248	-	4,248	6,815
Westside Subtotal	8,555	-	2,944	34	18,122	270	1,323	19,749	360	20,109	11,498
Eastside											
08B Eastside	3,415		5,815	-	752	14,328	117	15,197	-	15,197	9,229
12 South Montana	1,791		1,001	-	7,722	228	630	8,580	-	8,580	2,791
12B South Montana B	558		718	-	113	2,514	-	2,627	-	2,627	1,276
06 South Fort Bliss	-		160	-	419	-	-	419	-	419	160
08 East Battle	1,204		2,233	-	3,330	4,086	-	7,416	-	7,416	3,437
10B South Fort Bliss B	-		-	-	203	2,832	-	3,035	-	3,035	-
Eastside Subtotal	6,967	-	9,925	-	12,537	23,988	747	37,272	-	37,272	16,893
Total	19,937	-	53,976	34	36,284	35,526	2,862	74,706	21,612	96,318	73,914

Attachment B: Land Use Cont.

Residential Land Use Type	Residential Service Units per Acre
Conventional Residential Zones	
Low Density	2.0
Medium Density	4.5
Medium High Density	6.0
High Density	9.0
SmartCode Zone¹	
T-3 Sub-Urban Zone	6.0
T-4 General Urban Zone	15.0
T-40 General Urban Zone - Open	20.0
T-5 Urban Center Zone	24.0
Northeast Retirement General Mixed Use Zone²	
Context Zone 3	3.6
Context Zone 4	6.4
Context Zone 5	15.0
Northeast General Mixed Use Zone³	
Low Residential Density	3.5
Low ¹ Residential Density	5.5
Medium Residential Density	7.2
High Residential Density	12.0
Enchanted Hills Residential Mixed Use Zone⁴	
Single Family	4.0
Duplex	6.0
Triplex	8.0
Quadruplex	10.0
Apartments	14.0

¹Applied to Northeast properties zoned SmartCode.

²Applied to the Northeast master planned area intended to house a retirement community.

³Applied to the remaining Northeast master planned area zoned General Mixed Use.

⁴Applied to the privately owned Enchanted Hills development zoned Residential Mixed Use.



Date: December 20, 2023

To: Andrew Rheem
Raftelis Financial Consultants, Inc.

From: Adriana L. Castillo., P.E. 
Utility Engineering Division Manager

Re: Water and Wastewater Capital Improvements Plan– 2024 Impact Fee update

In preparation for the 2024 Impact Fee Update and in accordance with the Texas State Statutes, Local Government Code, Chapter 395, attached please find a description of the proposed Capital Improvements Plan for the El Paso Water Utilities.

Attachment C contains a narrative description of the proposed 10-year capital improvements plan necessitated by and attributed to new development per service area.

Attachment D contains a list of the proposed 10-year capital improvements plan costs necessitated by and attributed to new development per service area.

Maps depicting the proposed water and wastewater capital improvements plan for the three (3) service areas

This information provides the capital improvements plan and costs required to complete the 2024 update and meet the letter and intent of the Texas State Statues.

Please feel free to contact me with any questions.



12/20/23

A handwritten signature in blue ink that reads "Adriana Castillo".

Attachment C: Capital Improvements Plan

Memo: Water & Wastewater Impact Fee Update 2024

Associated Capital Improvement Water Facilities

WATER SUPPLY AND TREATMENT SYSTEM

ADVANCED WATER PURIFICATION FACILITY – The efforts by EPWater to continue to diversify the City’s water supply portfolio will allow growth demand in the eastside to be met by the Advanced Water Purification Facility producing 10 MGD. The facility includes the wells and blending lines to comply with adequate water quality standards.

KBH EXPANSION Phase 1–In order to meet growth demand in the eastside and northeast, the KBH desalination facility will be expanded to provide an additional 5.0 MGD. The facility expansion includes a new Reverse Osmosis skid and concentrate pipelines.

RESERVOIRS

LOMA REAL A proposed 5.0 MG ground storage tank to meet demand on the East High Pressure Zone and provide suction for the Loma Real Pump Station that will pump water to the proposed Franklin East 1 B reservoir.

FRANKLIN EAST #1B - A proposed 3.0 MG ground storage tank to serve the Franklin East 1 Pressure Zone. The tank is needed to meet future growth development of the areas east of War Highway and to the State line.

TRANSMOUNTAIN NORTHWEST #1A – A proposed 4.0 MG ground storage tank north of Transmountain on the Westside, at the same overflow elevation of Arcraft No. 1, to meet anticipated growth and provide suction storage for the proposed Transmountain Northwest 1 pump station.

TRANSMOUNTAIN NORTHWEST #2A – A proposed 3.0 MG tank north of Transmountain on the Westside, at the same overflow elevation of Arcraft No. 2, to meet anticipated growth.

TRANSMOUNTAIN NORTHWEST #3 – A proposed 1.0 MG tank north of Transmountain on the Westside, at the same overflow elevation of Arcraft No. 3, to meet anticipated growth.

NORTHEAST STATION WELL SUPPLY TANK – A new 2.0 MG ground storage supply tank in Northeast El Paso, adjacent to the Northeast Booster Station. This tank is needed to augment the existing storage capacity of the Northeast Well production system, and to accommodate future supply from the Sherman Well Field. This storage tank will also allow for additional pumping capacity to be installed at the Northeast Booster Station for pumping into the East High Pressure Zone and upper Franklin East Pressure Zone pumping, related future growth.

HOMESTEAD II – A proposed 2.5 MGD elevated storage tank to provide service on the Eastside south of the Montana Ave. corridor to meet demand for future growth on the East Montana Pressure Zone.

JOHN HAYES/VISTA DEL SOL – A proposed 2.5 MGD elevated storage tank to provide service on the Eastside east of Loop 375 to meet demand for future growth on the Joe Battle Pressure Zone.

DISTRIBUTION PUMPING EQUIPMENT

ARTCRAFT #1 NW – A 20.0 MGD pumping station located at Northwestern and Paseo Del Norte (Arctcraft Rd) in Northwest El Paso, was completed in late 2002 and will supply Arctcraft #2 Reservoir. An additional 5.0 MGD will be added to meet growth demands.

TRANSMOUNTAIN NORTHWEST #1 PUMP STATION – A proposed 3.0 MGD pump station north of Transmountain on the Westside, to pump from Transmountain #1 tank to Transmountain #2 tank to meet growth demand.

TRANSMOUNTAIN NORTHWEST #2 PUMP STATION – A proposed 1.0 MGD pump station north of Transmountain on the Westside, to pump from Transmountain #2 tank to Transmountain #3 tank to meet growth demand.

LOMA REAL Pump station to be located at the Loma Real tank site with an initial 6.0 MGD capacity which will provide pumping to supply the Franklin East 1 B reservoir.

DISTRIBUTION LINES

CANUTILLO/UV TRANSMISSION MAIN - NORTHWEST PHASE IV – Part of an existing major system of large diameter pipelines that extends and delivers water supply from the Canutillo Well Field and the Upper Valley Treatment Plant to the Westside area.

SUPPLY LINE TO TRANSMOUNTAIN#1 TANK- A proposed 48-inch diameter transmission main on the Westside, from the Canutillo 60" diameter main to the Transmountain Northwest #1A tank, to meet growth.

TRANSMOUNTAIN NW SUPPLY TO TRANSMOUNTAIN #1 - A proposed transmission main on the Westside, from the Transmountain Northwest #1 pump station to the Transmountain Northwest Tank 2 to meet growth demand.

TRANSMOUNTAIN NW SUPPLY TO TRANSMOUNTAIN #2 - from the Transmountain Northwest #2 pump station to the Transmountain Northwest Tank 3 to meet growth demand.

UPPER VALLEY BORDERLAND SYSTEM Part of the Westside upgrades to meet future growth the project consists of the installation of a 36-inch transmission main, part of the system of large diameter pipelines that extends and delivers water supply on the Westside area.

EASTSIDE PLANNED SERVICE AREA (PSA) – Proposed transmission main lines necessary to serve areas east of Loop 375. Extensions of transmission mains associated with the construction of future elevated tanks. This item provides the backbone for the water distribution to meet demand.

CANUTILLO- LA UNION/WESTSIDE SYSTEM – Proposed transmission mains necessary to serve areas generally located north of Borderland Road and West of Strahan Road to provide water distribution to serve future growth.

MONTANA EAST SUPPLY LINES– Water distribution mains that have been conceptually planned to provide service on the Eastside, south of the Montana Ave. corridor. This item considers the mains that create a backbone network of water transmission mains (16-inch to 24-inch) to supply these areas.

DYER / RR WATER LINES – A series of planned water mains to convey water to the far northeast part of the city. The proposed pipeline will tie into the Franklin East Distribution Line near the intersection of Stan Roberts Dr. and US-54.

NE FRANKLIN SYSTEM LINES – A network of water distribution mains, generally 16-inch to 24-inch, to be constructed within the Franklin East #1 Pressure Zone service areas in response to and in step with growth.

FRANKLIN EAST DISTRIBUTION LINES – Water distribution mains, generally 24-inch to be constructed within the Franklin East #1 Pressure Zones service area located in the vicinity of Stan Roberts Drive and US54.

Associated Capital Improvement Wastewater Facilities

COLLECTION LINES

NE DYER/RR INTERCEPTOR - Gravity sewer line extending near Stan Roberts Drive and Dyer St. that convey wastewater flows to the Fred Hervey Reclamation Plant. This system will service future development in the Northeast.

OTHER EAST INTERCEPTORS (Area 8 East) – Gravity sewer interceptors related to development east of Zaragoza and Loop 375 for the area commonly known as Montana Vista and adjacent growth areas.

LOOP 375 EAST INTERCEPTOR SYSTEM - These multi-phase, multi-year gravity sewer interceptors will serve areas east of Loop 375. All interceptors in this program will ultimately transport flow to the Bustamante Wastewater Treatment Plant via the Eastside Interceptor System already constructed.

TRANSMOUNTAIN NORTHWEST INTERCEPTORS – Proposed gravity sewer interceptors necessary to serve areas north of Transmountain Road and east of IH-10 on the Westside to meet growth.

NE INTERCEPTOR SYSTEM – Gravity sanitary sewer interceptors to include relief lines to convey wastewater flows from land in the Northeast area. The sanitary sewer pipeline will extend from north of US-54, and south crossing US-54 to the existing Grouse Street Lift Station or the Dyer Railroad Lift Station. The wastewater will ultimately be treated at the Fred Hervey Water Reclamation Plant. This is a multi-year, multi-phase project.

NE FRANKLIN SYSTEM – Pipeline designed to collect and convey wastewater flows from the proposed Northeast Service Area. Flows will be collected from near the Texas-New Mexico border, to include the Sean Haggerty Interceptor and conveying flows to the existing Grouse Street Lift Station, where the wastewater will ultimately be treated at the Fred Hervey Water Reclamation Plant. This is a multi-year, multi-phase project.

PUMPING STATIONS AND FORCE MAINS

UPPER VALLEY THREE LIFT STATIONS – A series of lift stations (1.5, 2.5, 3.5 MGD) proposed for new developments north of Borderland Rd. along the Strahan Rd. corridor. These stations will ultimately discharge into the Strahan Interceptor that will extend and connect into the Easy Way II Lift Station.

CANUTILLO BOSQUE LIFT STATION – Pro-rated lift station capacity needed for portion of the service area located north of Canutillo – La Union. This station flows will ultimately discharge into the Mowad Interceptor and connect into the Easy Way II Lift Station.

TREATMENT PLANT EXPANSION

BUSTAMANTE WWTP EXPANSION – Multi-approach construction project to expand the capacity of the Bustamante Wastewater Treatment Plant from 39.0 MGD to 51.0 MGD.

Attachment D: Capital Improvement Plan Cost Projection

ATTACHMENT D
Water and Wastewater Impact Fee Study
Proposed Capital Improvements and Costs

Northeast Service Area - Water	Capital Cost
<u>Water Supply and Treatment System</u>	
KBH Expansion Phase 1 (2.5 MG)	\$ 17,000,000
Subtotal:	\$ 17,000,000
<u>Water Distribution System</u>	
Reservoirs	
Loma Real Tank - Ground (5 MG)	\$ 15,000,000
Franklin East 1B - Ground (3 MG)	\$ 9,000,000
NE Station Well Supply Tank (2 MG)	\$ 6,000,000
Subtotal:	\$ 30,000,000
Distribution Pumping Equipment	
Loma Real Pump Station (6 MGD)	\$ 22,000,000
Subtotal:	\$ 22,000,000
Distribution Lines	
Dyer/RR Waterline	\$ 2,300,000
Franklin East Distribution	\$ 6,800,000
NE Franklin System	\$ 37,000,000
Subtotal:	\$ 46,100,000
Total Water CIP	\$ 115,100,000

Northeast Service Area - Wastewater	Capital Cost
<u>Wastewater Treatment System</u>	
No wastewater treatment CIP proposed	\$ -
<u>Collection System</u>	
Lines	
NE Dyer/RR Interceptor	\$ 10,300,000
NE Interceptor System	\$ 26,000,000
NE Franklin	\$ 6,000,000
Subtotal:	\$ 42,300,000
Total Wastewater CIP	\$ 42,300,000

ATTACHMENT D (continued)
Water and Wastewater Impact Fee Study
Proposed Capital Improvements and Costs

<u>Westside Service Area - Water</u>	<u>Capital Cost</u>
<u>Water Supply and Treatment System</u>	
No water supply or treatment system CIP proposed	\$ -
<u>Water Distribution System</u>	
<u>Reservoirs</u>	
TransMountain NW #1A (4 MG)	\$ 12,000,000
TransMountain NW #2A (3 MG)	\$ 9,000,000
TransMountain NW #3 (1 MG)	\$ 3,000,000
Subtotal:	\$ 24,000,000
<u>Distribution Pumping Equipment</u>	
Artcraft #1-NW-WFMP	\$ 7,500,000
TransMountain NW #1 Pump Station (3 MGD)	\$ 6,000,000
TransMountain NW#2 Pump Station (1 MGD)	\$ 2,000,000
Subtotal:	\$ 15,500,000
<u>Distribution Lines</u>	
48" Supply Line to TransMountain #1 Tank	\$ 5,000,000
Canutillo/UV Mn NWPH IV (36" Thorn)	\$ 18,500,000
36" TransMountain #1 BS to TransMountain #2 Tank	\$ 8,000,000
24" TransMountain #2 BS to TransMountain #3 Tank	\$ 4,000,000
Upper Valley Borderland 36" Phase 2A	\$ 35,500,000
Upper Valley Borderland 36" Phase 4	\$ 21,600,000
16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 1	\$ 2,000,000
16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 2	\$ 3,000,000
16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 3	\$ 3,000,000
Subtotal:	\$ 100,600,000
Total Water CIP	\$ 140,100,000
<u>Westside Service Area - Wastewater</u>	<u>Capital Cost</u>
<u>Wastewater Treatment System</u>	
No wastewater treatment CIP proposed	\$ -
<u>Collection System</u>	
<u>Lines</u>	
TransMountain NW Interceptors	\$ 2,500,000
Subtotal:	\$ 2,500,000
<u>Pumping & Force Mains</u>	
Upper Valley 3 LS (1.5+3.5+2.5 MGD) and Force Mains	\$ 50,000,000
Canutillo/Bosque LS (Schuman & Wester Village)	\$ 300,000
Subtotal:	\$ 50,300,000
Total Wastewater CIP	\$ 52,800,000

ATTACHMENT D (continued)
Water and Wastewater Impact Fee Study
Proposed Capital Improvements and Costs

Eastside Service Area - Water	Capital Cost
<u>Water Supply and Treatment System</u>	
KBH Phase 2 (2.5 MG)	\$ 17,000,000
Advanced Water Purification Facility (8 MG)	\$ 173,000,000
Subtotal:	\$ 190,000,000
<u>Water Distribution System</u>	
Reservoirs	
Homestead II Tank (2.5 MG)	\$ 15,000,000
John Hayes (2.5 MG)	\$ 15,000,000
Subtotal:	\$ 30,000,000
Distribution Lines	
Eastside Planned Service Area	\$ 25,500,000
Montana East Supply Line Area (E&W, N&S, Darrington)	\$ 21,000,000
Subtotal:	\$ 46,500,000
Total Water CIP	<u>266,500,000</u>

Eastside Service Area - Wastewater	Capital Cost
<u>Wastewater Treatment System</u>	
Bustamante WWTP (Expansion 39 to 51 MGD)	\$ 605,100,000
<u>Collection System</u>	
Lines	
Other Interceptors (Area 8 East)	\$ 12,700,000
Loop 375 East Interceptor System	\$ 14,300,000
Subtotal:	\$ 27,000,000
Pumping & Force Mains	
No wastewater pumping & force main CIP proposed	-
Total Wastewater CIP	<u>\$ 632,100,000</u>

Attachment E Impact Fee Calculation by Service Area

**ATTACHMENT E
Water and Wastewater Impact Fee Study
Northeast Service Area**

Water Service Unit Flows (Max Day) 688 gpd

Line No.	Northeast Service Area - Water	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average
Water Supply and Treatment System						
1	KBH Expansion Phase 1 (2.5 MG)	\$ 17,000,000	2.50	3,634	\$ 4,678	
	Subtotal	\$ 17,000,000		3,634		\$ 4,678
Debt Issued						
2	KBH Expansion Phase 1 (2.5 MG)	\$ 6,050,000				
	Subtotal	\$ 6,050,000				
NPV of Interest						
3	KBH Expansion Phase 1 (2.5 MG)	\$ 2,564,902	2.50	3,634	706	
	Subtotal	\$ 2,564,902		3,634		\$ 706
Reservoirs						
4	Loma Real Tank - Ground (5 MG)	\$ 15,000,000	5.00	14,535	\$ 1,032	
5	Franklin East 1B - Ground (3 MG)	\$ 9,000,000	3.00	8,721	\$ 1,032	
6	NE Station Well Supply Tank (2 MG)	\$ 6,000,000	2.00	5,814	\$ 1,032	\$ 1,032
	Subtotal	\$ 30,000,000		29,070		
Debt Issued						
7	Loma Real Tank - Ground (5 MG)	\$ 5,335,000				
8	Franklin East 1B - Ground (3 MG)	\$ 3,205,000				
9	NE Station Well Supply Tank (2 MG)	\$ 2,135,000				
	Subtotal	\$ 10,675,000				
NPV of Interest						
10	Loma Real Tank - Ground (5 MG)	\$ 2,261,777	5.00	14,535	\$ 156	
11	Franklin East 1B - Ground (3 MG)	\$ 1,358,762	3.00	8,721	\$ 156	
12	NE Station Well Supply Tank (2 MG)	\$ 905,135	2.00	5,814	\$ 156	\$ 156
	Subtotal	\$ 4,525,674		29,070		
Distribution Pumping Equipment						
13	Loma Real Pump Station (6 MGD)	\$ 22,000,000	6.00	8,721	\$ 2,523	\$ 2,523
	Subtotal	\$ 22,000,000		8,721		
Debt Issued						
14	Loma Real Pump Station (6 MGD)	\$ 7,825,000				
	Subtotal	\$ 7,825,000				
NPV of Interest						
15	Loma Real Pump Station (6 MGD)	\$ 3,317,414	6.00	8,721	\$ 380	\$ 380
	Subtotal	\$ 3,317,414		8,721		
Distribution Lines						
16	Dyer/RR Waterline	\$ 2,300,000	28.00	40,698	\$ 57	
17	Franklin East Distribution	\$ 6,800,000	28.00	40,698	\$ 167	
18	NE Franklin System	\$ 37,000,000	28.00	40,698	\$ 909	\$ 378
	Subtotal	\$ 46,100,000		122,093		
Debt Issued						
20	Dyer/RR Waterline	\$ 820,000				
21	Franklin East Distribution	\$ 2,420,000				
22	NE Franklin System	\$ 13,160,000				
23	0	\$ -				
	Subtotal	\$ 16,400,000				
NPV of Interest						
24	Dyer/RR Waterline	\$ 347,640			\$ 171	
25	Franklin East Distribution	\$ 1,025,961	28.00	40,698	\$ 171	
26	NE Franklin System	\$ 5,579,191			\$ 171	\$ 171
27	0	\$ -			\$ 171	
	Subtotal	\$ 6,952,792		40,698		
28	Maximum Water Impact Fee - Northeast Service Area (Capital and Financing)					\$ 10,023

ATTACHMENT E (continued)
Water and Wastewater Impact Fee Study
Northeast Service Area

Wastewater Service Unit Flows (Max Day) 341 gpd

Line No.	Northeast Service Area - Wastewater	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average	
Collection System							
<u>Lines</u>							
29	NE Dyer/RR Interceptor	\$ 10,300,000	4.55	13,343	\$ 772		
30	NE Interceptor System	\$ 26,000,000	5.38	15,777	\$ 1,648		
31	NE Franklin	\$ 6,000,000	3.71	10,880	\$ 551	\$ 1,058	
	Subtotal	\$ 42,300,000		40,000			
Debt Issued							
32	NE Dyer/RR Interceptor	\$ 6,595,000					
33	NE Interceptor System	\$ 1,335,638					
34	NE Franklin	\$ 308,533					
	Subtotal	\$ 8,239,171					
NPV of Interest							
35	NE Dyer/RR Interceptor	\$ 2,795,955	4.55	13,343	\$ 210		
36	NE Interceptor System	\$ 7,056,660	5.38	15,777	\$ 447		
37	NE Franklin	\$ 1,630,091	3.71	10,880	\$ 150	\$ 287	
	Subtotal	\$ 11,482,705		40,000			
38	Maximum Wastewater Impact Fee - Northeast Service Area (Capital and Financing)					\$ 1,345	
39	Maximum Northeast Water and Wastewater Impact Fee					\$ 11,368	

ATTACHMENT E (continued)
Water and Wastewater Impact Fee Study
Westside Service Area

Water Service Unit Flows (Max Day)

688 gpd

Line No.	Westside Service Area	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average	
Reservoirs							
1	TransMountain NW #1A (4 MG)	\$ 12,000,000	4.00	11,628	\$ 1,032		
2	TransMountain NW #2A (3 MG)	\$ 9,000,000	3.00	8,721	\$ 1,032		
3	TransMountain NW #3 (1 MG)	\$ 3,000,000	1.00	2,907	\$ 1,032	\$1,032	
	Subtotal	\$ 24,000,000		23,256			
Debt Issued							
4	TransMountain NW #1A (4 MG)	\$ 4,270,000					
5	TransMountain NW #2A (3 MG)	\$ 3,205,000					
6	TransMountain NW #3 (1 MG)	\$ 1,070,000					
	Subtotal	\$ 8,545,000					
NPV of Interest							
7	TransMountain NW #1A (4 MG)	\$ 1,810,270	4.00	11,628	\$ 156		
8	TransMountain NW #2A (3 MG)	\$ 1,358,762	3.00	8,721	\$ 156		
9	TransMountain NW #3 (1 MG)	\$ 453,627	1.00	2,907	\$ 156	\$156	
	Subtotal	\$ 3,622,659		23,256			
Distribution Pumping Equipment							
10	Artcraft #1-NW-WFMP	\$ 7,500,000	5.00	7,267	\$ 1,032		
11	TransMountain NW #1 Pump Station (3 MGD)	\$ 6,000,000	3.00	4,360	\$ 1,376		
12	TransMountain NW#2 Pump Station (1 MGD)	\$ 2,000,000	1.00	1,453	\$ 1,376	\$1,185	
	Subtotal	\$ 15,500,000		13,081			
Debt Issued							
13	Artcraft #1-NW-WFMP	\$ 2,670,000					
14	TransMountain NW #1 Pump Station (3 MGD)	\$ 2,135,000					
15	TransMountain NW#2 Pump Station (1 MGD)	\$ 715,000					
	Subtotal	\$ 5,520,000					
NPV of Interest							
16	Artcraft #1-NW-WFMP	\$ 1,131,948	5.00	7,267	\$ 156		
17	TransMountain NW #1 Pump Station (3 MGD)	\$ 905,135	3.00	4,360	\$ 208		
18	TransMountain NW#2 Pump Station (1 MGD)	\$ 303,125	1.00	1,453	\$ 209	\$179	
	Subtotal	\$ 2,340,208		13,081			
Distribution Lines							
19	48" Supply Line to TransMountain #1 Tank	\$ 5,000,000	40.00	58,140	\$ 86		
20	Canutillo/UV Mn NWPH IV (36" Thorn)	\$ 18,500,000	22.00	31,977	\$ 579		
21	36" TransMountain #1 BS to TransMountain #2 Tank	\$ 8,000,000	22.00	31,977	\$ 250		
22	24" TransMountain #2 BS to TransMountain #3 Tank	\$ 4,000,000	5.00	7,267	\$ 550		
23	Upper Valley Borderland 36" Phase 2A	\$ 35,500,000	22.00	31,977	\$ 1,110		
24	Upper Valley Borderland 36" Phase 4	\$ 21,600,000	6.30	9,157	\$ 2,359	\$508	
25	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 2	\$ 2,000,000	6.30	9,157	\$ 218		
26	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 3	\$ 3,000,000	6.30	9,157	\$ 328		
27	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 4	\$ 3,000,000	6.30	9,157	\$ 328		
	Subtotal	\$ 100,600,000		197,965			
Debt Issued							
28	48" Supply Line to TransMountain #1 Tank	\$ 1,780,000					
29	Canutillo/UV Mn NWPH IV (36" Thorn)	\$ 6,580,000					
30	36" TransMountain #1 BS to TransMountain #2 Tank	\$ 2,845,000					
31	24" TransMountain #2 BS to TransMountain #3 Tank	\$ 1,425,000					
32	Upper Valley Borderland 36" Phase 2A	\$ 12,625,000					
33	Upper Valley Borderland 36" Phase 4	\$ 7,685,000					
34	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 2	\$ 715,000					
35	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 3	\$ 1,070,000					
36	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 4	\$ 1,070,000					
	Subtotal	\$ 35,795,000					
NPV of Interest							
37	48" Supply Line to TransMountain #1 Tank	\$ 754,632	40.00	58,140	\$ 13		
38	Canutillo/UV Mn NWPH IV (36" Thorn)	\$ 2,789,596	22.00	31,977	\$ 87		
39	36" TransMountain #1 BS to TransMountain #2 Tank	\$ 1,206,140	22.00	31,977	\$ 38		
40	24" TransMountain #2 BS to TransMountain #3 Tank	\$ 604,130	5.00	7,267	\$ 83		
41	Upper Valley Borderland 36" Phase 2A	\$ 5,352,378	22.00	31,977	\$ 167		
42	Upper Valley Borderland 36" Phase 4	\$ 3,258,061	6.30	9,157	\$ 356	\$77	
43	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 2	\$ 303,125	6.30	9,157	\$ 33		
44	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 3	\$ 453,627	6.30	9,157	\$ 50		
45	16" Canutillo La Union/Westside Dr (Gato to Borderland) Phase 4	\$ 453,627	6.30	9,157	\$ 50		
	Subtotal	\$ 15,175,316		197,965			
46	Maximum Water Impact Fee - Westside Service Area (Capital and Financing)					\$ 3,136	

ATTACHMENT E (continued)
Water and Wastewater Impact Fee Study
Westside Service Area

Wastewater Service Unit Flows (Max Day)

341 gpd

Line No.	Westside Service Area	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average
Lines						
47	TransMountain NW Interceptors	\$ 2,500,000	2.04	5,982	\$ 418	\$ 418
	Subtotal	\$ 2,500,000		5,982		
Debt Issued						
48	TransMountain NW Interceptors	\$ 1,605,000				
	Subtotal	\$ 1,605,000				
NPV of Interest						
49	TransMountain NW Interceptors	\$ 680,441	2.04	5,982	\$ 114	114
	Subtotal	\$ 680,441		5,982		
Pumping & Force Mains						
50	Upper Valley 3 LS (1.5+3.5+2.5 MGD) and Force Mains	\$ 50,000,000	7.50	21,994	\$ 2,273	
51	Canutillo/Bosque LS (Schuman & Wester Village)	\$ 300,000	0.16	469	\$ 639	2,239
	Subtotal	\$ 50,300,000		22,463		
Debt Issued						
52	Upper Valley 3 LS (1.5+3.5+2.5 MGD) and Force Mains	\$ 32,005,000				
53	Canutillo/Bosque LS (Schuman & Wester Village)	\$ 195,000				
	Subtotal	\$ 32,200,000				
NPV of Interest						
54	Upper Valley 3 LS (1.5+3.5+2.5 MGD) and Force Mains	\$ 13,568,543	7.50	21,994	\$ 617	
55	Canutillo/Bosque LS (Schuman & Wester Village)	\$ 82,670	0.16	469	\$ 176	608
	Subtotal	\$ 13,651,213		22,463		
56	Maximum Wastewater Impact Fee - Westside Service Area (Capital and Financing)					\$ 3,379
57	Maximum Water and Wastewater Impact Fee - Westside Area					\$ 6,515

ATTACHMENT E (continued)
Water and Wastewater Impact Fee Study
Eastside Service Area

Water Service Unit Flows (Max Day)

688

gpd

Line No.	Eastside Service Area	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average
Water Supply and Treatment System						
1	KBH Phase 2 (2.5 MG)	\$ 17,000,000	2.50	3,634	\$ 4,678	
2	Advanced Water Purification Facility (10 MG)	\$ 173,000,000	10.00	14,535	\$ 11,902	\$ 10,458
	Subtotal	\$ 190,000,000		18,169		
Debt Issued						
3	KBH Phase 2 (2.5 MG)	\$ 6,050,000				
4	Advanced Water Purification Facility (10 MG)	\$ 61,520,000				
	Subtotal	\$ 67,570,000				
NPV of Interest						
5	KBH Phase 2 (2.5 MG)	\$ 2,564,902	2.50	3,634	\$ 706	
6	Advanced Water Purification Facility (10 MG)	\$ 26,081,448	10.00	14,535	\$ 1,794	\$ 1,577
	Subtotal	\$ 28,646,350		18,169		
Water Distribution System						
Reservoirs						
7	Homestead II Tank (2.5 MG)	\$ 15,000,000	2.50	7,267	\$ 2,064	
8	John Hayes (2.5 MG)	\$ 15,000,000	2.50	7,267	\$ 2,064	
	Subtotal	\$ 30,000,000		14,535		\$ 2,064
Debt Issued						
9	Homestead II Tank (2.5 MG)	\$ 5,335,000				
10	John Hayes (2.5 MG)	\$ 5,335,000				
	Subtotal	\$ 10,670,000				
NPV of Interest						
11	Homestead II Tank (2.5 MG)	\$ 2,261,777	2.50	7,267	\$ 311	
12	John Hayes (2.5 MG)	\$ 2,261,777	2.50	7,267	\$ 311	
	Subtotal	\$ 4,523,554		14,535		\$ 311
Distribution Lines						
1	Eastside Planned Service Area	\$ 25,500,000	32.60	47,384	\$ 538	
2	Montana East Supply Line Area (E&W, N&S, Darrington)	\$ 21,000,000	35.00	50,872	\$ 413	
	Subtotal	\$ 46,500,000		98,256		\$ 473
Debt Issued						
3	Eastside Planned Service Area	\$ 9,070,000				
4	Montana East Supply Line Area (E&W, N&S, Darrington)	\$ 7,470,000				
	Subtotal	\$ 16,540,000				
NPV of Interest						
5	Eastside Planned Service Area	\$ 3,845,233	32.60	47,384	\$ 81	
6	Montana East Supply Line Area (E&W, N&S, Darrington)	\$ 3,166,912	35.00	50,872	\$ 62	
	Subtotal	\$ 7,012,145		98,256		\$ 71
7	Maximum Water Impact Fee - Eastside Service Area (Capital and Financing)					\$ 14,954

ATTACHMENT E (continued)
 Water and Wastewater Impact Fee Study
 Eastside Service Area

Wastewater Service Unit Flows (Max Day) 341 gpd

Line No.	Eastside Service Area	Capital Cost	Capacity (MGD)	Total Service Units	Unit Cost of Capacity	Weighted Average
Wastewater Treatment System						
1	Bustamante WWTP (Expansion 39 to 51 MGD)	\$ 605,100,000	12.00	35,191	\$ 17,195	\$ 17,195
Debt Issued						
2	Bustamante WWTP (Expansion 39 to 51 MGD)	\$ 215,175,000				
NPV of Interest						
3	Bustamante WWTP (Expansion 39 to 51 MGD)	\$ 91,223,596	12.00	35,191	\$ 2,592	\$ 2,592
Lines						
1	Other Interceptors (Area 8 East)	12,700,000	3.52	10,323	\$ 1,230	
2	Loop 375 East Interceptor System	14,300,000	5.64	16,540	\$ 865	
	Subtotal	27,000,000		26,862		\$ 1,005
Debt Issued						
3	Other Interceptors (Area 8 East)	4,520,000				
4	Loop 375 East Interceptor System	9,155,000				
	Subtotal	13,675,000				
NPV of Interest						
5	Other Interceptors (Area 8 East)	1,916,257	3.52	10,323	\$ 186	
6	Loop 375 East Interceptor System	3,881,269	5.64	16,540	\$ 235	
	Subtotal	5,797,526		26,862		\$ 216
7	Maximum Wastewater Impact Fee - Eastside Service Area (Capital and Financing)					\$ 21,008
8	Maximum Eastside Water and Wastewater Impact Fee					\$ 35,962

Attachment F Maximum Impact Fee Calculation

ATTACHMENT F
Water and Wastewater Impact Fee Study
Maximum Impact Fee Per Service Unit

Service Area and Category of Capital Improvement	Capital Improvement Costs	Amount Financed	Financing Costs (NPV of Interest)	Facility Service Units	Projected New Service Units through 2033	Portion of Capital Improvements and Financing	Maximum Impact Fee per Unit
Northeast							
Water							
Treatment	\$17,000,000	6,050,000	2,564,902	3,634	50,468	271,732,884	5,384
Reservoirs	30,000,000	10,675,000	4,525,674	29,070	50,468	59,939,995	1,188
Pumping	22,000,000	7,825,000	3,317,414	8,721	50,468	146,511,810	2,903
Distribution Lines	46,100,000	16,400,000	6,952,792	122,093	50,468	21,929,740	435
Total Water	115,100,000	40,950,000	17,360,782	N/A	50,468	500,114,428	9,910
Wastewater							
Collection Lines	42,300,000	8,239,171	11,482,705	40,000	50,468	67,857,639	1,345
Total Wastewater	42,300,000	8,239,171	11,482,705	N/A	50,468	67,857,639	1,345
Total Northeast Area	\$157,400,000	\$49,189,171	\$28,843,487	N/A	50,468	\$567,972,068	\$11,254
Westside							
Water							
Reservoirs	24,000,000	8,545,000	3,622,659	23,256	22,099	26,248,625	1,188
Pumping	15,500,000	5,520,000	2,340,208	13,081	22,099	30,138,280	1,364
Distribution Lines	100,600,000	35,795,000	15,175,316	197,965	22,099	12,924,089	585
Total Water	140,100,000	49,860,000	21,138,183	N/A	22,099	69,310,994	3,136
Wastewater							
Collection Lines	2,500,000	1,605,000	680,441	5,982	22,099	11,748,547	532
Pumping	50,300,000	32,200,000	13,651,213	22,463	22,099	62,913,960	2,801
Total Wastewater	52,800,000	33,805,000	14,331,654	N/A	22,099	74,662,507	3,332
Total Westside Area	\$192,900,000	\$83,665,000	\$35,469,837	N/A	22,099	\$143,973,500	\$6,469
Eastside							
Water							
Treatment	\$190,000,000	\$67,570,000	\$28,646,350	18,169	27,839	335,022,742	12,034
Reservoirs	30,000,000	10,670,000	4,523,554	14,535	27,839	66,123,764	2,375
Distribution Lines	46,500,000	16,540,000	7,012,145	98,256	27,839	15,161,694	545
Total Water	266,500,000	94,780,000	40,182,049	N/A	27,839	416,308,200	14,954
Wastewater							
Treatment	605,100,000	215,175,000	91,223,596	35,191	27,839	550,855,736	19,787
Collection Lines	27,000,000	13,675,000	5,797,526	26,862	27,839	33,990,192	1,221
Total Wastewater	632,100,000	228,850,000	97,021,122	N/A	27,839	584,845,929	21,008
Total Eastside Area	\$898,600,000	\$323,630,000	\$137,203,172	N/A	27,839	\$1,001,154,129	\$35,962
Systemwide							
Water	\$521,700,000	\$185,590,000	\$78,681,014	NA	100,406	\$985,733,622	\$9,875
Wastewater	727,200,000	270,894,171	122,835,482	NA	100,406	727,366,075	\$7,244
Systemwide Area	\$1,248,900,000	\$456,484,171	\$201,516,496	NA	100,406	\$1,713,099,697	\$17,119

Attachment G Impact Fee Credit Calculation

ATTACHMENT G
Water and Wastewater Impact Fee Study
Impact Fee Credit Calculation

Systemwide Water Credit Calculation

Line No.	Total (All Years)	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	
1	Principal Payments	\$185,590,000	\$5,612,722	\$5,893,358	\$6,188,026	\$6,497,427	\$6,822,298	\$7,163,413	\$7,521,584	\$7,897,663	\$8,292,546	\$8,707,174
2	Annual Interest on Future Debt		9,279,500	8,998,864	8,704,196	8,394,795	8,069,923	7,728,808	7,370,638	6,994,559	6,599,675	6,185,048
3	Total Debt Service		\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222
Present Value												
4	Principal on Future Debt		\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449
2	Interest Payments (present value)	78,681,014	8,837,619	8,162,235	7,519,012	6,906,418	6,322,996	5,767,356	5,238,175	4,734,193	4,254,210	3,797,083
3	Principal and Present Value of Interest	\$264,271,014	\$14,450,341	\$14,055,593	\$13,707,038	\$13,403,845	\$13,145,295	\$12,930,769	\$12,759,759	\$12,631,856	\$12,546,756	\$12,504,257
4	Beginning Year Service Units		252,766	262,807	272,847	282,888	292,928	302,969	313,010	323,050	333,091	343,131
5	Incremental Service Units		10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041
6	Total Service Units		262,807	272,847	282,888	292,928	302,969	313,010	323,050	333,091	343,131	353,172
7	Debt Service Credit per Unit	\$799	\$55	\$52	\$48	\$46	\$43	\$41	\$39	\$38	\$37	\$35

Notes:
 1. Present value calculations apply a 5 percent discount rate.

ATTACHMENT G
Water and Wastewater Impact Fee Study
Impact Fee Credit Calculation

Systemwide Water Credit Calculation

Line No.	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	
1	Principal Payments	\$9,142,532	\$9,599,659	\$10,079,642	\$10,583,624	\$11,112,805	\$11,668,445	\$12,251,868	\$12,864,461	\$13,507,684	\$14,183,068
2	Annual Interest on Future Debt	5,749,689	5,292,563	4,812,580	4,308,598	3,779,417	3,223,776	2,640,354	2,027,761	1,384,538	709,153
3	Total Debt Service	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222	\$14,892,222
Present Value											
4	Principal on Future Debt	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449	\$5,345,449
2	Interest Payments (present value)	3,361,724	2,947,097	2,552,214	2,176,135	1,817,964	1,476,849	1,151,978	842,576	547,909	267,272
3	Principal and Present Value of Interest	\$12,504,257	\$12,546,756	\$12,631,856	\$12,759,759	\$12,930,769	\$13,145,295	\$13,403,845	\$13,707,038	\$14,055,593	\$14,450,341
4	Beginning Year Service Units	353,172	363,213	363,213	363,213	363,213	363,213	363,213	363,213	363,213	363,213
5	Incremental Service Units	10,041	0	0	0	0	0	0	0	0	0
6	Total Service Units	363,213	363,213	363,213	363,213	363,213	363,213	363,213	363,213	363,213	363,213
7	Debt Service Credit per Unit	\$34	\$35	\$35	\$35	\$36	\$36	\$37	\$38	\$39	\$40

Notes:
 1. Present value calculations apply a 5 percent discount rate.

ATTACHMENT G (continued)
Water and Wastewater Impact Fee Study
Impact Fee Credit Calculation

Systemwide Wastewater Credit Calculation

Line No.		Total (All Years)	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
1	Principal Payments	\$289,740,000	\$8,762,487	\$9,200,612	\$9,660,642	\$10,143,674	\$10,650,858	\$11,183,401	\$11,742,571	\$12,329,699	\$12,946,184	\$13,593,494
2	Interest Payments (present value)	\$122,835,482	13,797,143	12,742,744	11,738,555	10,782,185	9,871,356	9,003,899	8,177,751	7,390,942	6,641,601	5,927,942
3	Principal and Present Value of Interest	\$412,575,482	\$22,559,630	\$21,943,356	\$21,399,197	\$20,925,859	\$20,522,214	\$20,187,300	\$19,920,321	\$19,720,642	\$19,587,785	\$19,521,436
4	Beginning Year Service Units		206,116	216,157	226,197	236,238	246,278	256,319	266,360	276,400	286,441	296,481
5	Incremental Service Units		10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041	10,041
6	Total Service Units		216,157	226,197	236,238	246,278	256,319	266,360	276,400	286,441	296,481	306,522
7	Debt Service Credit per Unit	\$1,455	\$104	\$97	\$91	\$85	\$80	\$76	\$72	\$69	\$66	\$64

Notes:
1. Present value calculations apply a 5 percent discount rate.

ATTACHMENT G (continued)
Water and Wastewater Impact Fee Study
Impact Fee Credit Calculation

Systemwide Wastewater Credit Calculation

Line No.		2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
1	Principal Payments	\$14,273,168	\$14,986,827	\$15,736,168	\$16,522,976	\$17,349,125	\$18,216,582	\$19,127,411	\$20,083,781	\$21,087,970	\$22,142,369
2	Interest Payments (present value)	5,248,268	4,600,959	3,984,474	3,397,345	2,838,175	2,305,632	1,798,448	1,315,416	855,386	417,261
3	Principal and Present Value of Interest	\$19,521,436	\$19,587,785	\$19,720,642	\$19,920,321	\$20,187,300	\$20,522,214	\$20,925,859	\$21,399,197	\$21,943,356	\$22,559,630
4	Beginning Year Service Units	306,522	316,563	316,563	316,563	316,563	316,563	316,563	316,563	316,563	316,563
5	Incremental Service Units	10,041	0	0	0	0	0	0	0	0	0
6	Total Service Units	316,563	316,563	316,563	316,563	316,563	316,563	316,563	316,563	316,563	316,563
7	Debt Service Credit per Unit	\$62	\$62	\$62	\$63	\$64	\$65	\$66	\$68	\$69	\$71

Notes:
1. Present value calculations apply a 5 percent discount rate.

Attachment H Impact fee Assessment Schedules

ATTACHMENT H
Water and Wastewater Impact Fee Study
Impact Fee Assessment Schedules (Net Fee after Credit)

Northeast - Net Impact Fee after Max Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$5,012	\$672	\$5,684
1-inch	1.67	8,370	1,122	9,492
1½-inch	3.33	16,690	2,238	18,928
2-inch	5.33	26,714	3,582	30,296
3-inch	10.00	50,120	6,720	56,840
4-inch	16.67	83,550	11,202	94,752
6-inch	33.33	167,050	22,398	189,448
8-inch	53.33	\$267,290	\$35,838	\$303,128

Westside - Net Impact Fee after Max Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$1,568	\$1,689	\$3,257
1-inch	1.67	2,619	2,821	5,439
1½-inch	3.33	5,221	5,624	10,846
2-inch	5.33	8,357	9,002	17,360
3-inch	10.00	15,680	16,890	32,570
4-inch	16.67	26,139	28,156	54,294
6-inch	33.33	52,261	56,294	108,556
8-inch	53.33	\$83,621	\$90,074	\$173,696

Eastside - Net Impact Fee after Max Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$7,477	\$10,504	\$17,981
1-inch	1.67	12,487	17,542	30,028
1½-inch	3.33	24,898	34,978	59,877
2-inch	5.33	39,852	55,986	95,839
3-inch	10.00	74,770	105,040	179,810
4-inch	16.67	124,642	175,102	299,743
6-inch	33.33	249,208	350,098	599,307
8-inch	53.33	\$398,748	\$560,178	\$958,927

ATTACHMENT H
Water and Wastewater Impact Fee Study
Impact Fee Assessment Schedules (Net Fee after Credit)

Northeast - Net Impact Fee after Revenue Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$9,213	\$1,074	\$10,287
1-inch	1.67	15,386	1,794	17,179
1½-inch	3.33	30,679	3,576	34,256
2-inch	5.33	49,105	5,724	54,830
3-inch	10.00	92,130	10,740	102,870
4-inch	16.67	153,581	17,904	171,484
6-inch	33.33	307,069	35,796	342,866
8-inch	53.33	\$491,329	\$57,276	\$548,606

Westside - Net Impact Fee after Revenue Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$2,883	\$2,700	\$5,583
1-inch	1.67	4,815	4,509	9,324
1½-inch	3.33	9,600	8,991	18,591
2-inch	5.33	15,366	14,391	29,757
3-inch	10.00	28,830	27,000	55,830
4-inch	16.67	48,060	45,009	93,069
6-inch	33.33	96,090	89,991	186,081
8-inch	53.33	\$153,750	\$143,991	\$297,741

Eastside - Net Impact Fee after Revenue Credit

Meter Size	Meter Capacity Ratio	Water	Wastewater	Total
Less than 1-inch	1.00	\$13,745	\$16,788	\$30,533
1-inch	1.67	22,954	28,036	50,990
1½-inch	3.33	45,771	55,904	101,675
2-inch	5.33	73,261	89,480	162,741
3-inch	10.00	137,450	167,880	305,330
4-inch	16.67	229,129	279,856	508,985
6-inch	33.33	458,121	559,544	1,017,665
8-inch	53.33	\$733,021	\$895,304	\$1,628,325

From: [Manny Moreno](#)
To: [City Clerk](#)
Cc: [Hernandez, Cassandra](#)
Subject: CIAC Letter on Raising Impact Fees
Date: Wednesday, February 21, 2024 3:30:14 PM
Attachments: [Impact Fees Meeting 2-8-2024 \(4\).pdf](#)
Importance: High

Some people who received this message don't often get email from mmoreno3@elp.rr.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

To Whom It May Concern:

My name is Manuel (Manny) Moreno and I am the Vice Chair for the Capital Improvements Advisory Committee (CIAC) on Land Use Assumptions & Capital Improvement Plan for Water & Wastewater Impact Fees. A Special Meeting was held on February 8, 2024 with City Planning and El Paso Water on the aforementioned topic and the CIAC was asked to consider, prepare, and file written comments on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan, and Impact Fees to the Mayor and City Council. Attached is a letter fulfilling that requirement.

The Letter is to be put on record and made available to the Mayor & City Council members by the Monday, February 26, City Council Working Session of which the above topic is to be on the Agenda. I also need to be put on record to speak during the discussion on Impact Fees relative to the contents of the Letter. Thank you for addressing this request and let me know if you have any questions.

Sincerely,

Manuel (Manny) Moreno
Vice Chair – Capital Improvement Advisory Committee
Land Use Assumptions & Capital Improvement Plan for Water & Wastewater Impact Fees

February 26, 2024

Manuel (Manny) Moreno
144 Elder Rd
El Paso, TX 79915

El Paso City Mayor Oscar Leeser
El Paso City Council Members Brian Kennedy, Josh Acevedo, Cassandra Hernandez, Joe Molina,
Isabel Salcido, Art Fierro, Henry Rivera, Chris Canales

Dear Mayor Leeser and City Council:

On February 8, 2024 the Capital Improvements Advisory Committee (CIAC) met for a presentation on updated Land Use Assumptions, Capital Improvements Plan, and Impact Fee Structure as required by Chapter 395 of the Texas Local Government Code. Out of the eight (8) CIAC members, six (6) were present: Manny Moreno, Sebastian Alcazar, Donald Brown, Juan Carlos Gomez, David W. Marino, and Duane El Murphy. Mr. Moreno chaired the CIAC and conducted the meeting.

A presentation was made by Andrew Rheam of Raftelis Consultants, a Local Government and Utility Management Consulting Firm, that summarized the El Paso Water's Draft Water and Wastewater Study (DWWS) - January 3, 2024. The DWWS was made available to all CIAC members several days prior to the February 8th meeting. The Raftelis presentation was very informative and highlighted and summarized the main points outlined in the DWWS. There was also information in the Raftelis presentation that was not reflected in the DWWS. The bottom line of the presentation was that El Paso Water needs an increase in Impact Fees to cover the costs of the various Capital Improvement Projects taking place in the Northeast, Westside, and Eastside concerning new Water & Wastewater infrastructure related to new builds, developments, and expansion. The current Fees and the increased Fees recommended by the DWWS are reflected below:

- Northeast
 - Current Impact Fees \$1,469
 - DWWS Recommended Impact Fees \$5,684 (287% increase)
- Westside
 - Current Impact Fees \$1,586
 - DWWS Recommended Impact Fees \$3,258 (105% increase)
- Eastside
 - Current Impact Fees \$1,617
 - DWWS Recommended Impact Fees \$17,981 (1012% increase)

The significant difference between current and proposed Impact Fees on the Eastside was reflected in the numbers showing greater investment is required in that area relative to Water Supply & Treatment and Wastewater Collection.

There was a considerable amount of discussion, questions, answers, opinions, and clarifications that took place during the course of the Raftelis presentation, with several members of El Paso Water and City Planning answering several of the CIAC's questions. The meeting lasted approximately two (2) hours and at the end one conclusion was very obvious: Yes, Impact Fees need to be increased. The ultimate question: How much?

One significant point made in the Raftelis presentation was that of the approximately \$150M that has already been spent on Capital Improvement costs relative to Water & Wastewater, only approximately \$18M (12%) has come from collected revenue funding, Impact Fees. The remainder (88%), comes from EP Water's revenue from general consumer water bills. The obvious point here is that it appears that a very substantial number of El Paso Water customers are paying for Capital Improvement projects that do not benefit them directly. I have heard that comment and complaint many times from the general public when this topic comes up.

There wasn't much discussion relative to the numbers showing the increase in Land Use Assumptions (LUA), population growth, increase in residential and non-residential units, and total service units reflected in the DWWS and Raftelis presentation for the time period 2024 thru 2033. These numbers are projected as best as possible based on available and current data. Unanticipated incidents such as the Covid-19 Pandemic can never be predicted and their impact on the aforementioned factors. The bottom line is that El Paso is growing and the Northeast, Westside, and Eastside will be the areas most impacted by this growth.

One point that was made by M. Moreno of the CIAC was the numbers reflected in "Flow per Equivalent Service Unit" in gallons per day (gpd). The respective numbers, 688 for Water and 341 for Wastewater appeared rather high. It was clarified that the equivalent service unit flow represents flow to a residential, commercial, and industrial users with a water meter size of less than 1-inch, not just a residential unit.

Finally, all the discussions led to the answering of the ultimate question of how much the Impact Fees should be raised. The CIAC considered and voted on the following options:

- **Option 1: Raise the Impact Fees as recommended by the DWWS**
 - Northeast - **\$5,684** (287% increase to current fees)
 - Westside - **\$3,258** (105% increase to current fees)
 - Eastside - **\$17,981** (1012% increase to current fees)
- **Option 2: Raise the Impact Fees to 75% of the Fees recommended by the DWWS**
 - Northeast - **\$4,263** (190% increase to current fees)
 - Westside - **\$2,443** (54% increase to current fees)
 - Eastside - **\$13,486** (734% increase to current fees)
- **Option 3: Make an Inflationary Adjustment to the Current Impact Fees of 56%**
 - Northeast - **\$2,292** (56% increase to current fees)
 - Westside - **\$2,474** (56% increase to current fees)
 - Eastside - **\$2,552** (56% increase to current fees)

- **Option 4: Make an Inflationary Adjustment to the Current Impact Fees of 150%**
 - Northeast - **\$3,673** (150% increase to current fees)
 - Westside - **\$3,965** (150% increase to current fees)
 - Eastside - **\$4,043** (150% increase to current fees)

The four (4) Options were presented to the CIAC members and the results were the following:

- **Option 1: Motion made to vote on this Option** **3 – For 3 - Against**
- **Option 2: A motion was not made to vote on this Option**
- **Option 3: A motion was not made to vote on this Option**
- **Option 4: Motion made to vote on this Option** **3 – For 3 - Against**

Bottom line – none of the Options acquired a Majority Vote. However, as mentioned earlier, the subtle conclusion is that Impact Fees do need to be increased – but how much?

On November 30, 2023, The CIAC met for the semi-annual EI Water Report on the Water & Wastewater Impact Fee Program. This was for the period of March1, 2023 thru August 31, 2023. One of the observations made on Water & Wastewater Capital Improvement Projects was that of the 29 Projects currently in work or completed, 12 were over budget. Essentially, the Cumulative Costs from November 2009 to August 31, 2024 exceeded Total Project Costs originally set. Bottom line – **41%** of the projects are over the original budgeted project costs. It was stated that the original projected Project Costs included a 15% contingency.

As mentioned earlier, without a doubt the Covid-19 Pandemic had a very sizeable impact on these costs due to lack of available labor, increase in labor costs, increase in material costs, delay in material availability, and other factors. This phenomena impacted many similar projects worldwide. The ultimate question has to be: Will there be enough money to cover the completion of these projects and if not, where will the extra money be coming from?

In conclusion, the Capital Improvements Advisory Committee for Water & Wastewater Impact Fees voting suggests that the current Impact Fees that were implemented in 2009 need to be considered for an increased. Although the CIAC could not agree on what that increase should be, the four (4) options that were considered could offer a starting point for the El Paso City Council in making their decision.

Sincerely,

Manuel (Manny) Moreno
 Vice Chair – Capital Improvement Advisory Committee
 Land Use Assumptions & Capital Improvement Plan for Water & Wastewater Impact Fees



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-284, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

City Manager's Office, K. Nicole Cote, (915) 212-1092

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

FY 2023-2024 First Quarter Financial Report.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26, 2024

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER:

K. Nicole Cote, Managing Director, City Manager's Office (915) 212-1092

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: 6. Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: N/A

SUBJECT: FY 2023-2024 First Quarter Financial Report

BACKGROUND / DISCUSSION:

As required by the Budget Policy a financial report must be reported to the City Council within 45 days

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: City Manager's Office - Office of Management and Budget

SECONDARY DEPARTMENT: All City

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-292, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Climate and Sustainability, Nicole Ferrini, (915) 212-1659

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Climate and Sustainability Management Update.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26th, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Nicole Ferrini (915) 212-1659

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 8 – Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: Develop and implement a comprehensive climate action plan

SUBJECT:

Climate and Sustainability management update.

BACKGROUND / DISCUSSION:

The update will provide comprehensive information on the progress of developing the Priority Climate Action Plan, slated for completion by March 1st. This detailed document will outline various strategic initiatives and objectives aimed at mitigating climate-related risks and bolstering resilience within our community. Additionally, the update will offer an overview of potential projects earmarked for submission in the upcoming CPRG Phase II, due by April 1st, highlighting their critical role in advancing sustainability efforts and enhancing our community's capacity to address environmental challenges.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

NA

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Office of Climate and Sustainability – Nicole Ferrini

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____



File #: 24-293, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Climate and Sustainability, Nicole Ferrini, (915) 212-1659

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action that the Mayor be authorized to sign the Interlocal agreement between the City of El Paso and all members of the Leadership Steering Committee relating to the Environmental Protection Agency's (EPA) Climate Pollution Reduction Grant (CPRG) program.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: February 26th, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Nicole Ferrini (915) 212-1659

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 8 – Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: Develop and implement a comprehensive climate action plan

SUBJECT:

The City Mayor will be authorized to sign the Inter-local agreement between the City of El Paso and all members of the Leadership Steering Committee relating to EPA's Climate Pollution Reduction Grant (CPRG) program.

BACKGROUND / DISCUSSION:

The City's EPA-approved CPRG workplan includes the creation of a Leadership Steering Committee. The committee will function as a senior level advisory group charged with guiding the scope of work led by the City of El Paso. The LSC will be comprised of multiple public entities committed through an Inter-local Agreement. Each entity will assign a point of accountability as an official representative. This Committee will participate in (i) data collection and sharing (ii) stewardship of engagement and outreach activities within their region, and (iii) review and comment regarding CPRG deliverables.

PRIOR COUNCIL ACTION:

This item is an administrative correction to the previous City Council's approval on January 3rd 2024 of a Memorandum of Understanding (MOU) instead of an Inter-local Agreement.

AMOUNT AND SOURCE OF FUNDING:

NA

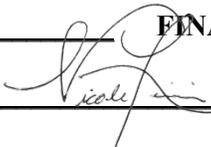
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Office of Climate and Sustainability – Nicole Ferrini

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____


APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, through the Inflation Reduction Act of 2022 (IRA), Congress provided many tools to pursue greenhouse gas (GHG) pollution reductions, including the Climate Pollution Reduction Grants (CPRG) program;

WHEREAS, the El Paso Metropolitan Statistical Area (MSA), as one of the 67 most populous metropolitan areas, and with the City of El Paso as the lead entity, was awarded a planning grant under CPRG to develop a Comprehensive Climate Action Plan (CCAP);

WHEREAS, the City of El Paso and its regional partners of the Paso del Norte Community Climate Collaborative (PDNC3) have the purpose of building a partnership to accelerate the work of the El Paso MSA addressing environmental justice and climate empowering community-driven solutions in overburdened and underserved areas across the region;

WHEREAS, the Leadership Steering Committee (LSC) committee will function as a senior level advisory group charged with guiding the CCAP scope of work led by the City of El Paso;

WHEREAS, the LSC will be comprised of multiple public entities committed through an interlocal agreement. Each entity will assign a point of accountability as an official representative; and

WHEREAS, the LSC will participate in data collection efforts, engagement and outreach activities within their region, and review and comment regarding CPRG deliverables.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement for the City of El Paso, in a form substantially similar to that which is attached to this Resolution as Attachment A, with all members of the Leadership Steering Committee relating to the CPRG Program;

(Signature Page to Follow)

APPROVED this ___ day of _____, 2024

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Sr. Assistant City Attorney

APPROVED AS TO CONTENT:



Abraham Gutierrez
for Nicole Ferrini

Nicole Alderete-Ferrini
Climate and Sustainability Officer

ATTACHMENT A

**INTERLOCAL AGREEMENT BETWEEN
[_____LEADERSHIP STEERING COMMITTEE ENTITY_____]
AND THE CITY OF EL PASO OFFICE OF CLIMATE AND SUSTAINABILITY
FOR ASSISTANCE AND COOPERATION IN THE
LEADERSHIP STEERING COMMITTEE
FOR THE REGIONAL CLIMATE INITIATIVE**

STATE OF TEXAS § INTERLOCAL AGREEMENT BETWEEN LEADERSHIP
 § STEERING COMMITTEE ENTITY AND THE CITY OF EL PASO
 § OFFICE OF CLIMATE AND SUSTAINABILITY FOR
 LEADERSHIP STEERING § ASSISTANCE AND COOPERATION IN THE LEADERSHIP
 COMMITTEE MEMBER § STEERING COMMITTEE FOR THE REGIONAL CLIMATE
 § INITIATIVE

This Interlocal Agreement (the “Agreement”) is made on _____, 2024 (“**Effective Date**”) and is made by and between LEADERSHIP STEERING COMMITTEE ENTITY (hereinafter referred to as the “**Committee Member**”), and the City of El Paso (hereinafter referred to as the “**Lead Organization**”), a Texas Municipal Corporation, duly herein and through its City Council a set of regional entities committed to the efforts of the Environmental Protection Agency (EPA) Regional Climate related program objectives. Committee Member and CITY may be referred to singularly as a "Party" or collectively as "Parties." The Parties agree to all the recitals, terms, conditions and representations contained in this Agreement. This Agreement is made pursuant to Chapter 791 of the Texas Government Code.

RECITALS

WHEREAS, The Lead Organization’s implementation of the Leadership Steering Committee was established as a collaboration of organizations, cities, and townships to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution the City of El Paso; and

WHEREAS, the Committee will collaborate with the Lead Organization on Regional Climate related program initiatives by establishing an institutional framework that can articulate the requirements of such programs. One of the key success factors is the leadership and political commitment of the relevant actors of the region; and

NOW, THEREFORE, upon and in consideration of the mutual promises and covenants contained herein and for other valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1
PURPOSE

1. The purpose of this Agreement is to establish an institutional framework that can articulate the requirements of Regional Climate related programs. One of key success factors is the leadership and political commitment of the relevant actors of the region, as more specifically described herein ("**Purpose**").

ARTICLE 2
TERM AND TERMINATION

2. Term. The term of this Agreement shall begin on the Effective Date and terminate **four (4)** calendar years from the Effective Date with the option to extend upon agreement by the Parties. ("**Term**").

- a. Termination.

- i. This Agreement may be terminated in whole or in part by either party upon sixty days written notice to the other party at the following addresses, or at a new address as provided in writing to the nonmoving party by a party which has moved its physical location within thirty (30) days of said relocation without the necessity of amending this contract:

CITY OF EL PASO: City of El Paso
 Attn: City Manager
 P.O. Box 1890
 El Paso, Texas 79950-1890

- i. The Parties may mutually agree to terminate this Agreement. Parties in their sole discretion will determine if, as part of the general termination.
- ii. Termination is not an exclusive remedy, but will be in addition to any other rights and remedies provided in equity, by law, or under this Agreement, including those remedies listed at 2 C.F.R. 200.207 and 2 C.F.R. 200.338 - 200.342. Following termination by the Committee Member or Lead Organization shall continue to be obligated to the Committee Member for the return of grant funds in accordance with applicable provisions of this Agreement.

ARTICLE 3
PROGRAM SCOPE

3. Outcome Statement. The Parties will develop and maintain a framework that will consist of the following outcomes:
 - a. Support data gathering efforts by the selected consultants, including, but not limited to: utility, economic, demographic, and environmental data.
 - b. Support the identification of measures to reduce air pollution and GHG emissions that could be implemented in the upcoming years, including measures required under CPRG Phase II and other related projects
 - c. All projects pertaining to CPRG Phase II will need to comply with EPA requirements and guidelines.
 - d. Commitment to enter into a Memorandum of Agreement (MOA, as defined by the Environmental Protection Agency (EPA) in its guidelines, to be part of a regional coalition to participating in CPRG Phase II.
 - e. Support outreach and community engagement efforts to be held in their communities as part of the Regional Climate related program or future Climate programs.
 - f. Actively participate in managing, planning, and decision-making meetings as a member of the Leadership Steering Committee.
 - g. Designate a person of contact for all Regional Climate related programs and Climate related activities.
 - h. Review and comment all Regional Climate Regional Programs and Climate related deliverables.

ARTICLE 4
LEGAL AUTHORITY

4. Lead Organization certifies that it possesses all legal authority necessary to apply for and receive funds pursuant to this Agreement. A resolution, motion or similar action has been or will be duly adopted or passed as an official act of Lead Organization's governing body, authorizing the approval of this Agreement, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required.

ARTICLE 5
PUBLIC INFORMATION

5. Notwithstanding any provisions of this Agreement to the contrary, Parties acknowledge that the Parties and this Agreement are subject to the Texas Public Information Act, Texas Government Code Chapter 552 (the "PIA"). Lead Organization acknowledges that the Parties will comply with the PIA, as interpreted by its legal counsel based on judicial opinions and opinions of the Attorney General of the State of Texas.

5.1 Committee Member acknowledges that information created or exchanged in connection with this Agreement, is subject to the PIA, whether created or produced by Committee Member or any third party, and Lead Organization agrees that information not otherwise excepted from disclosure under the PIA, will be available in a format that is accessible by the public at no additional charge to the Parties. Committee Member will cooperate with the Lead Organization in the production of documents or information responsive to a request for information.

ARTICLE 6

COOPERATION WITH MONITORING, AUDITS, AND RECORDS REQUIREMENTS

6. All records and expenditures are subject to, and Parties agree to comply with, monitoring and/or audits conducted by the United States Environmental Protection Agency Inspector General, other federal agencies or offices, or the Parties' Auditors or their designee. Parties shall maintain under GAAP or GASB, adequate records that ensure proper accounting for all costs and performances related to the Agreement.

6.1 If Lead Organization expends \$750,000 or more in federal funds in a fiscal year, it may be subject to Single/Audit Requirements in 2 CFR, Part 200, Subpart F - Audit Requirements, at [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title 02/0cfr200 main 02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title%2002/0cfr200%20main%20.pdf), and subject to the requirements in the Texas Single Audit Circular, at [https://comptroller.texas.gov/purchasing/docs/ugm .pdf](https://comptroller.texas.gov/purchasing/docs/ugm.pdf). The audit must be completed and the data collection and reporting package described in 2 CFR 200.512 must be submitted to the Federal Audit Clearinghouse (FAC) within 30 calendar days after receipt of the auditor' s report(s), or nine months after the end of the audit period, whichever is earlier.

6.2 If any audit, monitoring, investigations, review of awards, or other compliance review reveals any discrepancies, inadequacies, or deficiencies which are necessary to correct in order to maintain compliance with this Agreement, regional climate programs, United States Environmental Protection Agency applicable to climate programs funding, other applicable laws, regulations, or Lead Organization obligations hereunder, Lead Organization agrees to correct such discrepancies or inadequacies within ninety (90) days after Lead Organization receipt of the findings.

6.3 Lead Organization shall maintain appropriate records for the periods required by law to provide accountability for all expenditures of grant funds, reporting measures, and funds received from Committee Member under this Agreement. Records maintained by Lead Organization to permit an audit of its accounting systems and payment verification with respect to the expenditure of any funds awarded under this Agreement.

ARTICLE 7
PROCUREMENT PRACTICES AND POLICIES

7. The Lead Organization must follow applicable federal and state law, federal procurement standards specified in regulations governing federal awards to non-federal entities, their established policy, and best practices for procuring goods or services with grant funds.

ARTICLE 8
POLITICAL ACTIVITIES

8. Unless specifically authorized to do so by federal law, Lead Organization is prohibited from using grant funds directly or indirectly for political purposes, including lobbying or advocating for legislative programs or changes; campaigning for, endorsing, contributing to, or otherwise supporting political candidates or parties; and voter registration or get out the vote campaigns.
 - 8.1 Lead Organization officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the grantee agency of which the person is an

officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
 - 8.2 Grant-funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.
 - 8.3 Funding received under this Agreement may not be used to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 of the Government Code to register as a lobbyist. Furthermore, grant funds may not be used to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 of the Government Code to register as a lobbyist.
 - 8.4 As applicable, the Lead Organization and each contracting tier will comply with 31 USC § 1352, which provides that none of the funds provided under an award may be expended by the grantee to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with any Federal action concerning the award or renewal. Each contracting tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

ARTICLE 9
REMEDIES

9. If the Lead Organization determines that Committee Member has failed to comply with any term of this Agreement, whether stated in a federal or state statute or regulation, an assurance, in this Agreement, in guidance issued by federal authorities or subsequently issued by federal authorities may pursue any combination of the following remedies:
- i. wholly or partially suspend or terminate this Agreement;
 - ii. in accordance with Section 6.02, require return or recapture of any funding provided;
 - iii. terminate this Agreement;
 - iv. impose a corrective action plan;
 - v. withhold further awards; or
 - vi. take other remedies or appropriate actions.

ARTICLE 10
SEVERABILITY

10. If any provisions of this Agreement are rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provisions shall be modified or deleted in such manner so as to afford the part for whose benefit it was intended the fullest benefit commensurate with making this Agreement, as modified, enforceable, and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law.

ARTICLE 11
AMENDMENT

11. Any alternations, additions, or deletions to the terms of this Agreement must be documented in writing and signed by both Parties to be binding. Notwithstanding this requirement, it is understood and agreed by the Parties hereto, that changes in local, state and federal rules, regulations or laws applicable hereto, may occur during the term of this Agreement and that any such changes shall be automatically incorporated into this Agreement without written amendment hereto, and shall become a part hereof as of the effective date of the rule, regulation or law.

ARTICLE 12
INTERPRETATION

12. To the extent the terms and conditions of this Agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations and purposes of this

Agreement and in call cases, according to its fair meaning. The Parties acknowledge that each Party and its counsel have reviewed this Agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting Party shall not be employed in the interpretation of this Agreement. Any vague, ambiguous or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the Agreement.

ARTICLE 13
SURVIVABILITY

13. Notwithstanding any expiration or termination of this Agreement, the rights and obligations pertaining to the close-out, cooperation and provision of additional information, return of grant funds, audit rights, records retention, public information, and any other provision implying survivability shall remain in effect after the expiration or termination of this Agreement.

ARTICLE 14
SOVEREIGN IMMUNITY

14. It is expressly understood and agreed that in the execution of this Agreement, neither of the Parties waives or shall be deemed hereby to waive any immunity or defense that would otherwise be available to it against any claims asserted against it.

ARTICLE 15
TEXAS LAW TO APPLY

15. This Agreement shall be construed under, and in accordance with, the laws of the State of Texas, and all obligations of the Parties created hereunder are performed in the El Paso Metropolitan Statistical Area.

ARTICLE 16
PRIOR AGREEMENTS SUPERSEDED

16. This Agreement constitutes the sole and only agreement of the Parties hereto and supersedes all prior understandings or written or oral agreements between the Parties with respects to the subject matter of the Agreement.

ARTICLE 17
DELEGATION AND ASSIGNMENT

17. Neither Party may delegate the performance of any contractual obligation to a third party,

unless mutually agreed in writing. A Party to this Agreement may not assign its rights, privileges and obligations under this Agreement in whole, or in part, without the prior written consent of the other Party. Any attempt to assign without such approval shall be void.

ARTICLE 18
NOTICES

18. All notices required or permitted herein shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage, prepaid, registered or certified mail, return receipt requested, to the Party's office or usual mailing address. For the purpose of notice, the addresses of the Parties shall be as follows:

CITY OF EL PASO: City of El Paso
 Attn: City Manager
 P.O. Box 1890
 El Paso, Texas 79950-1890

COMMITTEE: _____

MEMBER _____

COPY TO: City of El Paso Climate and Sustainability Office
 Fernando L. Berjano
 Senior Climate Programs Manager
 P.O. Box 1890
 El Paso, Texas 79950-1890
 BerjanoFL@elpasotexas.gov

All notices of termination and/or recapture of funds shall be in writing within 120 days in advance.

ARTICLE 19
CURRENT REVENUES

19. Each Party paying for the performance of governmental functions or services will make those payments from current revenues then available to the paying Party.

[Signatures begin on the following page]

IN WITNESS HEREOF, THE PARTIES have made and executed this Agreement in duplicate originals on the date of the last signature below.

CITY OF EL PASO:

Oscar Leeser
Mayor

Date Signed: ____ / ____ / ____

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Nicole Ferrini, Director
Office of Climate and Sustainability

[COMMITTEE MEMBER SIGNATURE PAGE]



File #: 24-324, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Cassandra Hernandez, (915) 212-0003

Members of the City Council, Chris Canales, (915) 212-0008

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion on the lawsuit brought by the Texas Attorney General against El Paso non-profit Annunciation House, to include Annunciation House's response and what steps the City can take to protect the network of Non-Governmental Organizations (NGOs) supporting the City in the migrant response.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor & Council

AGENDA DATE: 2.26.24 Work Session

CONTACT PERSON NAME AND PHONE NUMBER: Representative Cassandra Hernandez ~ 915.212.0003
Representative Chris Canales ~ 915.212.0008

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL

Goal 2 - SET THE STANDARD FOR A SAFE AND SECURE CITY

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion on the lawsuit brought by the Texas Attorney General against El Paso non-profit Annunciation House, to include Annunciation House's response and what steps the City can take to protect the network of NGOs supporting the City in the migrant response.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The TX Attorney General's office launched an investigation into Annunciation House on Feb. 7, 2024 demanding the release of documentation within one day. The Annunciation House requested an extension but was denied. The Annunciation House's received a temporary restraining order the next day from 205th District Court Judge, which blocked the attorney general from enforcing the order. The Attorney General's office filed a counter-claim against Annunciation House, seeking to overturn the temporary restraining order alleging the Annunciation House is violating state law by refusing to turn over the requested records, and should be subsequently be shut down.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

*****REQUIRED AUTHORIZATION*****



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-313, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

City Attorney's Office, Donald C. Davie, (915) 212-0033

AGENDA LANGUAGE:

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El Paso Electric Company's Notice of Application to Reconcile Fuel Costs; HQ#UTILITY-15 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-314, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Donald C. Davie, (915) 212-0033

AGENDA LANGUAGE:

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El Paso Electric Rate Case Expense - PUC#52159; HQ#UTILITY-30 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-316, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Carlos Gomez Baca Jr., (915) 212-0033

AGENDA LANGUAGE:

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Anna Barnes v. City of El Paso, Texas, Gregory Allen, Oliver K. Meise and Jarred R. Frank; Western District of Texas; Cause No.: 3:22-CV-161 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-317, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Evan D. Reed, (915) 212-0033

AGENDA LANGUAGE:

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Jessica Weaver individually and as representative of the Estate of A.M. v. ASM Global, LLC d/b/a Destination El Paso, ASM Global Parent, Inc., and City of El Paso; In the 120th District Court; Cause No.:2023DCV2119 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-318, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Kristen Hamilton-Karam (915) 212-0033

AGENDA LANGUAGE:

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Contract with El Paso Zoological Society, HQ#2062 (551.071)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-315, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Karla M. Nieman, (915) 212-0033

AGENDA LANGUAGE:

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Discussion on purchase, exchange, lease, or value of real property located in Downtown El Paso Matter No. 16-1040-1083.046 (551.071) (551.072)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-319, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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Outside Counsel, Frank Garza, (210) 349-6484

AGENDA LANGUAGE:

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Complaint regarding elected City Official - Matter No. HQ # 1453 (551.071) (551.074)



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 24-327, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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City Attorney's Office, Evan D. Reed, (915) 212-0033

AGENDA LANGUAGE:

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Enforcement of El Paso City Code Chapter 5.09 (551.071)