

ORDINANCE NO 2023-26

AN ORDINANCE AMENDING THE ENGINEERING SERVICES AND CONSTRUCTION INSPECTION FEE IN THE CITY OF LEAGUE CITY AND REPEALING AND REPLACING ORDINANCE 2018-46

WHEREAS, the City of League City, Texas incurs administrative expenses in providing engineering and inspection services for public improvements which are constructed by developers, and such expenses should be properly borne as fees by developers; and

WHEREAS, on January 9, 2018, the City Council passed Ordinance 2018-46 which established the public works engineering services and inspection fee (“inspection fee”) in an amount equal to 2.5% of the cost to construct public improvements by developers; and

WHEREAS, in 2023, the Texas Legislature passed HB 3492, which added, among other provisions, Section 212.906 of the Texas Local Government Code (“Section 212.906”) related to fees assessed by cities for engineering and inspection services and HB 3492 becomes effective September 1, 2023; and

WHEREAS, under Section 212.906: 1) cities may no longer base any application, review, inspection, or other related fees for constructing or improving public infrastructure for a subdivision lot on the cost or value of the infrastructure project, 2) cities may no longer require an applicant to disclose information related to the cost or value of a public infrastructure project for city acceptance of the subdivision or infrastructure project, except as required by the Federal Emergency Agency for participating in the National Flood Insurance Program and 3) cities may only determine such fees by considering the city’s actual review, processing, and inspection costs related to the public infrastructure project; and

WHEREAS, under Section 212.906, when determining actual review costs, cities may consider: 1) the fee that a qualified independent third-party entity would charge to review, process, and inspect such applications and construction, 2) the hourly rate for the estimated actual direct time of a city employee to review, process, and inspect such applications and construction or 3) the actual costs that a third-party charged the city to provide such services; and

WHEREAS, in compliance with HB 3492, city staff proposes a new engineering and inspection services fee structure based on (1) the number of plan submittals and the time of construction, or (2) the size of the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. For projects with a minimum of 25 lots, Developers shall pay an Engineering Fee of \$8,500 per plan review submittal and a Construction Inspection Fee of \$5,000 per month. The City will provide an initial invoice to the Developer of the total Engineering Fees and Construction Inspection Fee based on the contracted construction time. The fees listed in the initial invoice must be paid to the City by the Developer of such development prior to the Pre-Construction Meeting being scheduled by city staff. If applicable, the City will provide a final invoice to the Developer for any outstanding Construction Inspection Fees if actual construction time exceeds the contracted constructed time. All final invoices must be paid prior to a project’s final acceptance by the City.

Section 3. For projects with less than 25 lots, Developers shall pay a combined Engineering and Inspection Fee of \$7,500. The City will provide an initial invoice to the Developer of the combined Engineering and Construction Inspection Fee based on the contracted construction time. The fees listed in the initial invoice must be paid to the City by the Developer of such development prior to the Pre-Construction Meeting being scheduled by city staff. If applicable, the City will provide a final invoice to the Developer for any outstanding Construction Inspection Fees if actual construction time exceeds the contracted construction time. All final invoices must be paid prior to a project's final acceptance by the City.

Section 4. In compliance with Section 212.906, Texas Local Government Code, the City Secretary is directed to publish the new fee amounts and the city employee hourly rates and estimated times used to determine such amounts on the city's website.

Section 5. Ordinance 2018-46 is hereby repealed in its entirety.

Section 6. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

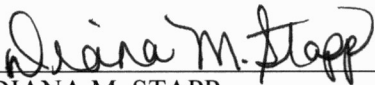
Section 10. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

PASSED on first reading the 22nd day of August, 2023.


PASSED AND ADOPTED on the 22nd day of August, 2023.

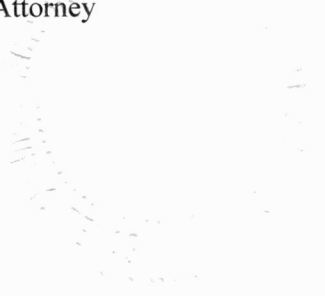
  
NICK LONG,  
Mayor

ATTEST:

  
\_\_\_\_\_  
DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
NGHIEM V. DOAN,  
City Attorney



SUSPENDED THE RULE AND ADOPTED ON FIRST AND FINAL READING

# The Daily News.

P.O. Box 1838  
Texas City, TX 77592  
(409) 683-5200

STATE OF TEXAS

COUNTY OF GALVESTON

Stephanie McBride, being duly sworn, says:

That she is an agent of THE GALVESTON COUNTY DAILY NEWS, a daily newspaper of general circulation, printed and published, a copy of which is attached hereto, was published in the said newspaper on the following dates:  
08/30/23

That said newspaper was regularly issued and circulated on those dates.

Signed: Stephanie McBride  
Stephanie McBride

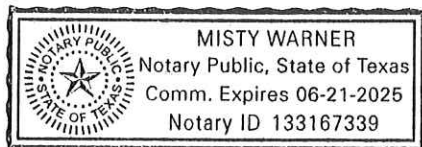
Subscribed to and sworn to me this 30th day of August, 2023

Misty Warner  
Misty Warner

Notary Public, State of Texas, Galveston County, TX  
My commission expires: June 21, 2025

Acct #53946      Ad #1151802

City of League City-LEGALS  
Accounts Payable  
300 West Waker St  
League City, TX 77573



## Affidavit of Publication

### ORDINANCE NO 2023-26

AN ORDINANCE AMENDING THE ENGINEERING SERVICES AND CONSTRUCTION INSPECTION FEE IN THE CITY OF LEAGUE CITY AND REPEALING AND REPLACING ORDINANCE 2018-46  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, this Ordinance shall become effective upon passage.

**PASSED AND ADOPTED on the 22nd day of August, 2023.**

Signed: Nick Long, Mayor  
Attest: Diana Stapp, City Secretary

Published: August 30, 2023



