



EL PASO · DISTRICT 1

PLATFORM NO. 07 · AUGUST 2026

CITY OF EL PASO - DRAINAGE & FLOOD CONTROL POLICY PLAN

Downstream

Every New Rooftop Adds Runoff. Everyone Already Here Borrows to Handle It.

**Leadership that is not afraid
to fight for its people.**

PRINCIPLED. EXPERIENCED. PROVEN.

It's time to elect leadership that will make the city work for its people again.



MJK26

MATTHEW JAMES KOZIK · DISTRICT 1

“New subdivisions shouldn’t get to add pavement and rooftops and send the flood-control bill to everyone who already lives here — growth should pay for the drainage capacity it requires, the same way we already ask it to on our water lines and our roads.”

“Every new subdivision adds rooftops and pavement, and every drop that runs off them has to go somewhere. Right now, building that somewhere gets borrowed against your water bill — and your bill only goes one direction. The developers making money on those subdivisions don’t pay a dime toward it until the houses are sold. Growth should pay for the drainage it creates. We already ask it to for water lines. This finishes the job.”

Executive Summary

El Paso's stormwater system is funded almost entirely through a recurring monthly utility fee paid by existing customers. The typical residential stormwater charge is \$7.42 a month, up from \$3 when the fee began, and there is no separate, one-time fee charging new subdivisions for the added drainage and flood-control capacity their development requires. The timing is the problem: the monthly charge only begins once a structure exists and is occupied, but the arroyo crossing, the storm drain and the detention pond that structure requires must be built and financed before that — and under the current structure that financing comes from raising the monthly bill on everyone who already lives here. The monthly fee does not build anything. El Paso Water has said so plainly: the fee is just enough to fund operations and maintenance, every capital project the stormwater utility undertakes is financed with debt, and the utility is now in its seventeenth consecutive year of issuing bonds, running roughly \$59 to \$65 million a year in stormwater capital against about \$20 million a year in stormwater bond debt service — a yearly deficiency in the \$47 to \$52 million range covered by debt, grants or construction funds. The history makes the stakes concrete: catastrophic citywide flooding in 2006 exposed the fact that no dedicated city funding for stormwater management existed at all, the 2009 master plan identified \$650 million in needed projects, and as of 2025 the utility had spent about \$362 million since 2008 with growth continuing to add new demand on top of the original backlog.

This plan establishes a Stormwater (Drainage and Flood Control) Impact Fee under Texas Local Government Code Chapter 395 — the same statute already funding the companion roadway and water impact fee plans — charged to developers only, in designated growth service areas, assessed at plat recordation and collected at building permit. Nobody's monthly bill goes up; the existing charge that funds system-wide operations, maintenance and the legacy backlog is untouched, and grows more slowly because less growth-driven capacity gets borrowed. The plan is deliberately honest about scale: El Paso Water's own CFO estimated that adopting the highest allowable water and wastewater fee would have reduced bills by roughly a dollar a month, and the effect here is likely smaller in absolute dollars because stormwater is a fraction of the utility's budget — anyone promising a dramatic cut is overselling it and will be caught. The binding constraint is political, not legal: the 2025 amendments now require a two-thirds vote of the governing body, and the May 2024 water impact fee increase passed 5–3, a margin that would not carry a new fee today. Several other 2025 changes shape the schedule — service areas may not cross watershed boundaries, systemwide land use assumptions are unavailable for stormwater, an independent audit may be triggered where service areas overlap existing impact fee zones, and a ten-year phase-in is now expressly authorized. The immediate, actionable first step is the study itself, because El Paso has never isolated how much of its stormwater capital spending is driven by new development — the same analysis El Paso Water's 2024 study already performed for water and sewer, and never performed for drainage.

1. The Problem

THE PROBLEM

WHAT THIS PLAN DOES, IN ONE SENTENCE

It shifts the cost of building drainage for new subdivisions off the monthly water bills of people who already live in El Paso, and onto the developers whose projects create the need. Nobody's bill goes up. The people who profit from putting new rooftops and pavement on the ground start paying for the flood control those rooftops and pavement require.

Funded almost entirely by existing customers

El Paso's stormwater system is funded almost entirely through a recurring monthly utility fee paid by existing customers.

\$3

when the fee began

\$7.42

typical residential charge today, per month

There is no separate, one-time fee that charges new subdivisions for the added drainage and flood-control capacity their development requires.

The charge is not flat

El Paso Water bills stormwater on a **tiered basis tied to structure size**: under the budget approved in **January 2026**, residential properties of **900 square feet or less** receive a roughly **19% reduction**, bringing the annual stormwater bill to about **\$36**, while the **largest residential properties pay substantially more**.

That tiering matters for this plan's argument, because it means **El Paso Water already accepts the principle that a property's contribution to stormwater cost should scale with how much of it is built**. An impact fee calculated on new impervious surface is an extension of a principle the utility already applies, not a departure from it.

What is missing is the timing

The monthly charge **only begins once a structure exists and is occupied**. The capacity that structure requires — **the arroyo crossing, the storm drain, the detention pond** — **has to be built and financed before that**.

Under the current structure, that financing comes from **raising the monthly bill on everyone who already lives here**, with **no mechanism to recover the cost from the development creating the demand**.

This is not hypothetical

El Paso Water's leadership has **cited the city's sprawl directly as a contributing driver of stormwater budget growth**, alongside rising interest rates.

The utility's history makes the stakes concrete: **catastrophic citywide flooding in 2006** exposed the fact that **no dedicated city funding for stormwater management existed at all**.

\$650M

in needed projects identified by the **2009 stormwater master plan**

~\$362M

spent since 2008, as of **2025**

growing

with growth continuing to add **new demand on top of the original backlog**

HOW THIS LOWERS WHAT EXISTING HOUSEHOLDS PAY

The monthly stormwater fee does not build anything. El Paso Water has said so plainly: the fee people pay is just enough to fund operation and maintenance, every capital project the stormwater utility undertakes is financed with debt, and the utility is now in its seventeenth consecutive year of issuing bonds.

\$59–65M a year in stormwater capital projects	~\$20M a year in stormwater bond debt service	\$47–52M yearly deficiency, to be covered by debt, grants, or construction funds
1 Impact fee revenue pays for growth-driven capacity in cash.	2 Capacity paid in cash is capacity that does not get bonded.	3 Debt not issued is debt service that never appears in a future stormwater budget.
		4 And debt service is what drives the monthly charge upward, because the fee exists principally to cover O&M and to service the bonds.

The consultant who ran El Paso Water's 2024 water and wastewater impact fee study put the same point in one line: impact fees and debt offset each other.

The honest scale, stated before an opponent states it

When Council considered the water and wastewater impact fee increase in May 2024, El Paso Water's chief financial officer estimated that adopting the highest allowable fee would have reduced customers' bills by roughly a dollar a month in the years ahead. That is the right order of magnitude to expect here, and probably smaller in absolute dollars, because the stormwater unit is a fraction of the utility's overall budget. **Anyone promising a dramatic cut to the monthly bill is overselling it, and will be caught.**

WHO PAYS NOW, AND WHO WOULD PAY INSTEAD

The distributional picture is the plainest argument in this document, and it should lead the public conversation rather than the statutory detail.

	WHO PAYS TODAY	WHO PAYS UNDER THIS PLAN
Drainage capacity for a new subdivision	Every existing El Paso Water customer, through the monthly stormwater charge and the bonds it services — including households on fixed incomes and in the oldest parts of the city, who receive no benefit from that capacity	The developer of that subdivision, once, at building permit, in proportion to the impervious surface the project actually adds
Operations, maintenance and the legacy backlog	Every existing customer through the monthly charge	Unchanged — the monthly charge continues to fund this, and by law an impact fee cannot
Effect on an existing household's bill	Rises to cover borrowing for growth-driven capacity	Rises more slowly, because less of that capacity is borrowed and shifted to developer.

Put in the terms residents actually use: a family in Central El Paso paying \$7.42 a month is helping finance the drainage ponds and arroyo crossings required by subdivisions being built on the edge of the city. The homebuilders and land developers putting those subdivisions in the ground are running commercial projects with real margins, and they pay nothing toward that capacity until the houses are sold and occupied — and then only the same monthly rate as the family in Central. That is not a claim about anyone's conduct. It is a description of how the fee is structured, and it is fixable.

2. What the Data Shows — and Where the Gap Is

WHAT THE DATA SHOWS — AND WHERE THE GAP IS

El Paso does not isolate how much of its stormwater capital spending is driven specifically by new development — the same missing-number problem this project's companion **Roadway Protection Plan** identified for streets.

WHAT IS KNOWN

■ The stormwater unit's budget for FY2026-27 is about **\$95 million** — a decrease of roughly **\$6 million** from the prior year. El Paso Water attributes the reduction to a **delayed start on capital projects rather than to reduced need**: the utility's CEO cited **easement and construction-method problems** on projects including the **Will Ruth Pond**, and noted the spending may simply be needed in the following fiscal year.

■ **Stormwater fees did not increase for FY2026-27** while water and wastewater charges rose about **\$9.99 a month, or 12%**, on the typical residential bill. **The flat stormwater year is a function of the construction delay, not of a resolved funding picture.**

■ The **flood-control capital program is a distinct line** from the utility's water and wastewater "growth" category. Named projects have included the **Palisades Stormwater Project**, **Hondo Pass improvements**, and the **Will Ruth Pond**. **No public breakdown separates how much of that spending is required because of new subdivisions versus legacy citywide deficiencies that predate recent growth.**

■ Since 2008 the utility has spent about **\$362 million** against the **\$650 million** identified in the 2009 master plan — a remaining gap of roughly **\$288 million** against that original estimate alone, **before accounting for capacity that growth has added to the need since.**

■ The monthly stormwater fee **exempts undeveloped and agricultural land**. A parcel starts paying into the shared stormwater fund **only once it is built and occupied**. **New subdivisions contribute nothing toward the drainage capacity their construction requires until after they exist** — and then they pay **on the same schedule as everyone else, not a share tied to the cost they specifically caused.**

The comparison point — where this analysis already exists in El Paso

El Paso Water's 2024 **Water and Wastewater Impact Fee Study** did exactly this kind of **growth-specific cost isolation** for water and sewer capacity, concluding that **new development should be paying substantially more than it does** — the analysis this project's companion **Resident Water Bill Defense Project** is built around. **No equivalent growth-specific study has ever been conducted for stormwater and drainage capacity in El Paso.**

Why this matters: without the study, the City is **setting stormwater rate policy — including every future increase to the monthly charge — without knowing how much of the cost is new-growth-driven and how much is legacy deficiency**. Until that number exists, **any estimate of how much this project would slow future stormwater fee increases is not defensible**. Producing it is the immediate, actionable first step.

3. The Goal

THE GOAL

Establish a **Stormwater (Drainage and Flood Control) Impact Fee**, authorized under **Texas Local Government Code Chapter 395** — the same statute already funding this project's companion roadway and water impact fee plans — so that **developers building in designated growth service areas pay directly for the drainage and flood-control capacity their projects require.**

Who pays

Developers only, in designated growth service areas. **No fee is charged to existing homeowners anywhere in the city.** The existing monthly utility charge, which funds system-wide operations, maintenance and the legacy capital backlog, is **untouched by this proposal** — and grows more slowly under it. **No fee is charged for infill or redevelopment that does not increase impervious surface** within already-served parts of the city.

Who benefits

Every existing El Paso Water ratepayer, through slower growth in the monthly stormwater charge. The relief is **indirect** and it arrives over years rather than at once, because it works by **reducing how much the utility has to borrow.** It is real, it compounds, and it is the only mechanism available that lowers the trajectory of the bill without cancelling a single flood-control project.

Under Chapter 395 the fee is **assessed at plat recordation and collected at building permit** — the same mechanism El Paso Water already uses for its water and wastewater impact fees.

ELEMENT	DETAIL
Pays for	New drainage and flood-control capacity required by new growth-area development. Not the legacy backlog — see Section 2.
Who pays	Developers of new subdivisions in designated growth areas only. Assessed at plat, collected at building permit.
Legal basis	Texas Local Gov't Code Ch. 395 — storm water, drainage and flood control facilities are one of four eligible capital improvement categories under §395.001(1), alongside water, wastewater and roadway.
Precedent	City of Houston's Developer Drainage Impact Fee; El Paso Water's own 2024 Water and Wastewater Impact Fee Study as a growth-cost-isolation template.
Adoption threshold	Two-thirds of the members of the governing body — a requirement added by SB 1883 effective September 1, 2025. See Section 4.

4. Legal Framework

LEGAL FRAMEWORK

Chapter 395 authorizes stormwater, drainage and flood control impact fees for municipalities generally. A separate provision, §395.079, additionally authorizes a county-level fee — but that section applies only to counties with a population of 3.3 million or more, or counties bordering one, which does not include El Paso County. El Paso, as a home-rule city, draws its authority from the same general Chapter 395 provisions already used for its water and wastewater impact fees. No separate or special legislative authority is required.

Chapter 395 was substantially amended in 2025. The requirements below reflect the current statute, and several of them are new enough that they will not appear in older guidance documents or in the memory of anyone who worked on El Paso's 2024 water fee update.

4.1

Requirements unique to the stormwater category

Service areas may not cross watershed boundaries.

§395.001(9) provides that for storm water, drainage and flood control facilities the service area "shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries." El Paso's stormwater service areas must be drawn along arroyo and drainage-basin lines, not simply reused from El Paso Water's three existing water and wastewater impact-fee zones, even though there will be significant overlap.

Systemwide land use assumptions are not available.

§395.0455 permits a political subdivision to adopt systemwide land use assumptions in lieu of per-service-area assumptions — except for storm water, drainage, flood control and roadway facilities. Land use assumptions must be adopted for each stormwater service area separately. This adds real work and time, and it should be scoped into the study contract from the start.

Fees may be assessed but not collected where service is not yet available

Unless the City commits to commence construction within two years and have service available within a reasonable period not exceeding five years (§395.019). For a fee aimed at greenfield growth areas, this condition will govern much of the program.

4.2

What changed in 2025, and why it matters here

Two-thirds vote to adopt.

§395.051(a), as amended by SB 1883 effective September 1, 2025, now requires "an affirmative vote of two-thirds of the members of the governing body" to approve the imposition of an impact fee. This is a materially higher bar than the simple majority that applied before. For context: Council approved the May 2024 water and wastewater impact fee increase on a 5–3 vote. A vote of that margin would not carry a new impact fee today. The vote count is the binding constraint on this plan, and the political work should be sized accordingly.

Three-year freeze after adoption — with a ten-year phase-in exception that works in this plan's favor.

§395.0515 bars increasing an impact fee for three years from adoption or last increase. But the same section expressly permits a collection schedule that collects less than the maximum adopted fee, phased up to that maximum, for a period not to exceed ten years. That is the drafting answer: adopt the full study-supported maximum once, then set a collection schedule that ramps toward it. The ramp is not an increase and does not restart the three-year clock.

The 60-day publication rule runs from the notice, not the hearing.

§395.043, as amended, requires land use assumptions, the projection period and a description of proposed capital improvement facilities to be made public at least 60 days before the first publication of the notice of hearing — and §395.044 requires that notice at least 30 days before the hearing itself. The practical lead time is roughly 90 days, not 60. The timeline in Section 8 reflects this.

An independent financial audit may be required before adoption.

§395.059, added by SB 1883, requires an independent financial audit before a political subdivision may increase an existing impact fee "or adopt a new impact fee for a service area where an impact fee had previously been adopted." Because El Paso's proposed stormwater service areas will overlap areas where water and wastewater impact fees already exist, whether this provision is triggered is a live question that should be answered by the City Attorney before the schedule is set — not discovered late. Note also §395.059(b)(2): the auditor may not have been under contract to provide any other service to the City in the preceding twelve months, which means the audit cannot be folded into the study consultant's scope, and the audit must be posted online at least 30 days before notice is published.

LEGAL FRAMEWORK (CONTINUED)

4.3

The credit requirement that will determine the size of the fee

§395.014(a)(7) requires the capital improvements plan to include a plan for awarding either (A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used to pay for improvements in the plan, including debt service, or (B) in the alternative, a flat credit equal to 50 percent of the total projected cost of implementing the plan.

This is the single largest determinant of what the fee actually collects, and it deserves a deliberate Council decision rather than a default.

Because El Paso's stormwater capital program is financed substantially through revenue bonds serviced by the monthly stormwater charge — which new units will pay — the revenue-based credit under option (A) could be significant. El Paso Water's water and wastewater study used a credit approach that roughly halved the maximum fee. Direct the consultant to model both options and present the difference to Council in dollars before the maximum fee is set.

4.4

Other constraints worth knowing before the first public conversation

The advisory committee is half development industry by statute.

§395.058 requires a capital improvements advisory committee of at least five members, of whom not less than 50 percent must be representatives of the real estate, development or building industries who are not City officials or employees. El Paso already has a Capital Improvements Advisory Committee serving this function for the water and wastewater fees. Expect the committee's written comments, filed no later than five business days before the hearing, to reflect that composition.

Already-permitted units get a one-year grace.

§395.016(c) provides that for land platted before adoption of an impact fee, the fee may not be collected on any service unit for which a valid building permit is issued within one year after adoption. Combined with assessment occurring at plat recordation, this means revenue ramps more slowly than a phase-in schedule alone suggests.

A development moratorium while the fee is developed is prohibited.

§395.076. Development will continue to plat and permit throughout the study period, which is another argument for starting the clock rather than studying the question further.

Affordable housing may be waived.

§395.016(g) permits reduction or waiver of an impact fee for units qualifying as affordable housing under 42 U.S.C. §12745, with the right to reverse the waiver if the housing is not built. Worth adopting alongside the fee to blunt the housing-cost objection.

Challenges must be filed within 90 days.

§395.077(b). Adoption is followed by a short, defined exposure window rather than open-ended risk — a point worth making to any council member worried about litigation.

The constitutional backstop still applies.

The fee must rest on an engineering study demonstrating drainage and flood-control capital costs "necessitated by and attributable to" new development — the statutory standard in §395.001(4) — and *Sheetz v. County of El Dorado* (2024) confirms that legislatively imposed permit conditions are subject to the same constitutional scrutiny as individually negotiated ones. The study is not a formality.

Verify two 2025 amendments before drafting.

§395.011, the authorization section, was amended in 2025 by both SB 840 and SB 2477. Confirm with the City Attorney whether either creates exemptions relevant to El Paso before the ordinance is drafted.

4.5

A note on Senate Bill 14 credits

SB 14 added §395.0231 effective January 1, 2026, requiring a mandatory credit against water and wastewater impact fees for facilities producing water reuse, conservation or savings. Note two things.

First, the mandatory credit runs against water and wastewater fees only, not against a stormwater fee — so it does not directly erode this proposal.

Second, and more usefully, one of the enumerated qualifying measures is a facility that "diminishes the demand for stormwater and drainage facilities per service unit." El Paso will have to build a credit procedure for that category anyway. Building the stormwater fee and the SB 14 credit procedure together is more efficient than doing them separately, and it gives the City a coherent answer to a developer installing genuine on-site detention or green infrastructure.

5. What Comparable Texas Cities Charge

WHAT COMPARABLE TEXAS CITIES CHARGE

A true one-time Chapter 395 stormwater or drainage impact fee is less common statewide than water, wastewater or roadway impact fees. Most Texas cities, El Paso included, charge only a recurring monthly stormwater utility fee. That makes the precedent thinner, but real.

Houston

Adopted a Developer Drainage Impact Fee following a voter-approved 2010 charter amendment, in effect since 2014 and updated since. It is charged once, at building permit, calculated per service unit of new impervious surface, on top of Houston's separate ongoing monthly drainage charge — structurally the same two-layer approach recommended here. Houston's service areas follow major watershed boundaries, consistent with §395.001(9).

Fort Worth and San Marcos

Rely, like El Paso today, on recurring monthly stormwater utility fees based on impervious surface area — useful as a reference for how the ongoing monthly rate should keep working alongside a new impact fee, not as a model for the impact fee itself.

Takeaway for Council: El Paso does not need to invent this mechanism. But the more directly useful in-house precedent is El Paso Water's own 2024 water and wastewater impact fee study — the same growth-cost-isolation method, the same advisory committee, the same council. The argument to make is not "look at Houston." It is "we already did this analysis for water pipes; we have never done it for drainage."

6. Interaction With the Meta 380 Agreement

INTERACTION WITH THE META 380 AGREEMENT

The exclusion is an argument for the fee, not against it. A city that waived its drainage impact fee for the single largest new impervious surface in its history — before that fee even existed — has a strong reason to make sure the next agreement does not do the same. This plan and the companion Meta 380 Leverage Plan point at the same conclusion: the fee should exist, and the standard incentive agreement should stop waiving it.

RECOMMENDED COMPANION ACTION

Direct staff that no future Chapter 380 or 312 agreement waive water, wastewater, stormwater or roadway impact fees, and that any proposed waiver be presented to Council as a separate line item with a dollar value attached.

7. Proposed Structure for El Paso

PROPOSED STRUCTURE FOR EL PASO

1 Commission a Stormwater (Drainage and Flood Control) Impact Fee Study

Ideally run in parallel with the Roadway Impact Fee Study this project's companion plan proposes, since both require overlapping land-use-assumption and capital-improvement-plan work. Consultants with relevant Texas drainage-fee experience include Freese and Nichols and Raftelis, the latter having done El Paso Water's 2024 water and wastewater study. Note the constraint in §4.2: whoever performs the study cannot also perform the §395.059 audit if one is required.

2 Resolve the §395.059 audit question first

Ask the City Attorney, in writing, whether adopting a stormwater impact fee in service areas that overlap existing water and wastewater impact fee areas triggers the independent audit requirement. The answer changes the schedule by months and the budget by a line item.

3 Define service areas along watershed and drainage-basin boundaries

Coordinating with but not copying El Paso Water's three existing zones, and adopt land use assumptions for each area separately as §395.0455 requires.

4 Have the consultant model both credit options under §395.014(a)(7)

The revenue-based credit and the flat 50 percent credit — and present the dollar difference to Council before the maximum fee is set.

5 Set the maximum allowable fee at the study-supported level

Calculated per unit of new impervious surface, then adopt a collection schedule below that maximum and ramp it up under the ten-year phase-in authority in §395.0515. Adopting a low maximum instead of a low collection rate is the mistake to avoid — it triggers the three-year freeze at the wrong number.

6 Adopt an affordable-housing waiver under §395.016(g)

At the same time as the fee.

7 Publish land use assumptions and the capital improvements plan

At least 60 days before the first publication of the hearing notice, per §395.043, and post any required audit online at least 30 days before that notice.

8. Anticipated Opposition — and Responses

ANTICIPATED OPPOSITION — AND RESPONSES

OBJECTION	RESPONSE
<i>“We already pay a stormwater fee every month — this is double-charging.”</i>	The monthly fee funds system-wide operations, maintenance and the legacy backlog identified in 2009 — costs that exist regardless of new growth, and which by law an impact fee cannot pay for. The impact fee funds only the additional capacity new development requires, calculated separately under Chapter 395’s “necessitated by and attributable to” standard. These are legally distinct buckets, the same distinction that already applies between El Paso Water’s water and wastewater impact fees and the monthly water bill.
<i>“So this will fix the flooding backlog?”</i>	No, and the plan does not claim it will. \$395.013 prohibits spending impact fees on existing deficiencies. What the fee does is stop the backlog from growing at existing ratepayers’ expense. That is a narrower claim and a defensible one — and it is better to make it than to be caught overpromising.
<i>“How much will this actually take off my bill?”</i>	Not much at first, and the plan says so rather than inflating it. El Paso Water’s own CFO estimated that the maximum allowable water and wastewater impact fee would have saved customers around a dollar a month in the years ahead; expect a similar order of magnitude here. The point is the direction of the bill, not a one-time cut. The stormwater charge has more than doubled since it began and the utility borrows every year to fund construction. This slows that curve for the growth-driven share, permanently.
<i>“Developers already pay their share through the fees on the homes they build.”</i>	They pay the same monthly charge as everyone else, and only after the homes exist and are occupied. The drainage capacity a subdivision requires has to be built and financed before that — and today that financing is borrowed against the bills of people who already live here. The developer’s contribution begins after the cost has already been socialized.
<i>“This will get passed along in the price of new homes.”</i>	The fee is charged to the developer at building permit, not to any existing resident, and any pass-through reflects the actual cost of the drainage capacity that home requires — the same principle already accepted for El Paso Water’s impact fees. The statute also permits waiving the fee entirely for qualifying affordable housing, which this plan recommends adopting alongside it.
<i>“El Paso is a desert — stormwater isn’t really a growth problem here.”</i>	The 2006 flood is the reason El Paso has a dedicated stormwater utility at all, and El Paso Water’s own leadership has cited the city’s sprawl as a contributing driver of stormwater budget growth. Flash flooding in a low-permeability desert environment is arguably more sensitive to new impervious surface, not less.
<i>“Developers will build outside city limits to avoid it.”</i>	Impact fees apply within corporate boundaries and, for non-roadway facilities, the extraterritorial jurisdiction — a known tradeoff addressed the same way in this project’s roadway and water plans, and one every Texas city using this tool faces.
<i>“You’ll never get two-thirds of Council.”</i>	This is the most serious objection and it deserves a direct answer rather than a rebuttal. The May 2024 water impact fee increase passed 5-3, which under the current statute would not carry a new fee. The path runs through the affordability argument the Mayor already made from the Public Service Board dais in January 2026 — this is the alternative funding source he asked for — and through sequencing the vote after the study produces a defensible growth-cost number rather than before.

9. Suggested Timeline

SUGGESTED TIMELINE

Longer than a first pass suggests, because the 2025 amendments added roughly a quarter to the front end and a possible audit to the middle.

1	Month 1–2	Council directs staff to scope and fund a Stormwater Impact Fee Study, coordinated with the Roadway Impact Fee Study's RFP where possible. City Attorney opinion requested on the \$395.059 audit question and on the 2025 amendments to \$395.011.
2	Month 3–10	Consultant completes the drainage and capital cost study along watershed-based service areas, adopts land use assumptions per service area, models both \$395.014(a)(7) credit options, and drafts the maximum fee schedule.
3	Month 10–11	If required, independent financial audit under \$395.059 by an auditor with no other City contract in the preceding twelve months; posted online.
4	Month 11	Public release of land use assumptions and capital improvements plan. The 60-day clock under \$395.043 begins, running to the first publication of the hearing notice.
5	Month 13	Hearing notice published; 30-day clock under \$395.044 begins. Advisory committee written comments due no later than five business days before the hearing.
6	Month 14	Public hearing on land use assumptions and capital improvements plan; stakeholder engagement with developers and homebuilders.
7	Month 15–16	Second hearing on imposition of the fee under \$395.047, then the two-thirds Council vote under \$395.051. Collection schedule and phase-in ramp adopted at the same time.
8	Ongoing	Collection begins subject to the one-year grace for already-platted units under \$395.016(c). Advisory committee semiannual reports. Land use assumptions and plan updated at least every five years under \$395.052.



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