

## OUR TEXAS

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Cove residents to submit petition for city impact fees

**By Jacqueline Brown**  
**Killeen Daily Herald**

COPPERAS COVE – A group of Copperas Cove residents is planning to submit a petition for impact fees in the city, but officials say the residents do not have the power of initiative to put the issue on the ballot.

An impact fee is a one-time levy to accommodate off-site improvements in the city due to development and defray the costs for existing residents.

"Copperas Cove has a tremendous amount of retirees that have lived here for 30 to 40 years or more," said Chuck Downard, petition committee chair. "We have in fact built the current water/wastewater system with our money. Why should we continue paying for capital improvements in this area?"

However, City Attorney Jim Thompson issued an opinion Wednesday that said the residents of Copperas Cove do not have the power of initiative to enact such fees. He quoted a case dating back to 1938 which said ordinances that require minute investigation of facts and figures cannot be initiated by the public, "however intelligent and patriotic they may be."

Thompson also included letters from consultants that said the public does not have the right to initiate the fees.

"I was unable to find a court case that is directly on point, but I would argue that the imposition of impact fees is not subject to the initiative process," said Scott Houston, director of legal services for the Texas Municipal League.

Comprehensive plan consultant Dan Sefko confirmed Houston's opinion.

"Impact fees, similar to zoning, cannot be enacted by referendum/popular vote of the general public," he said, in a letter to the city manager. "They must be adopted in accordance with Chapter 395 (of the Texas Local Government Code), which states only the City Council can adopt impact fees."

Sefko said he is unaware of any alternative process.

Nevertheless, Downard said he and other committee members are exercising their civil right to petition the City Council.

He quoted the city charter, which says voters have the power to propose, repeal or reject any ordinance at the polls.

"The city charter specifically states the steps you should go through to do a petition," Downard said. "We're at the point where we are gathering the signatures as required per the city charter."

Downard said when the committee submits the petition with the required 334 signatures the city can respond with a legal opinion.

"We have a right to petition the City Council," he said. "I don't know how plainer you can be."

Downard said the committee has collected more than 100 signatures so far and plans to continue collecting signatures in the Li'l Tex parking lot across from City Hall Saturday from 7 a.m. to 7 p.m.

"People can vote and then walk across the street and sign the petition," Downard said. The committee has 45 days to gather the required signatures and submit the petition to the city secretary.

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