

TAKINGS IMPACT ASSESSMENT

Proposed Action: The County proposes to adopt regulations for Game Rooms pursuant to Texas Local Government Code, Chapter 234.

County Department: Commissioners Court

Contact Person: County Judge Dustin Fawcett

Phone: (432) 498-4100

I. Stated Purpose

The purpose of the proposed action is to regulate the operation of game rooms in the County as defined by Chapter 234, Texas Local Government Code, in order to protect the public health, safety and welfare of the citizenry. The Texas Legislature determined that counties have the authority to: (1) restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county; (2) prohibit a game room location within a certain distance, as prescribed by the commissioners court, of a school, regular place of religious worship, or residential neighborhood; and (3) restrict the number of game rooms that may operate in a specified area of the county. See Tex. Loc. Gov't Code § 234.133. Therefore, it is the judgment of the Commissioners Court that regulation of game rooms is necessary to protect the public health, safety and welfare of the citizens of Ector County.

II. The Nature of the Action

A takings impact assessment is required only for two types of governmental of actions. State whether the proposed action is one of the following:

- 1) the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure; or
- 2) an action that imposes a physical invasion or requires a dedication of private real property;

Yes. The proposed course of action is to adopt an ordinance.

III. Potential Effect on Private Property

1. Does the county action require a physical invasion, occupation or dedication of real property?

Yes _____ No __x__

2. Does the county action limit or restrict a real property right, even partially or temporarily?

Yes _____ No __x__

The proposed action does place restrictions on: (1) the location of game rooms to specified areas of Ector County; (2) the distance to schools, regular place of religious worships, or residential neighborhoods; and (3) the number of game rooms that may operate in a specified area of Ector County. Under Texas law, a county may adopt regulations regarding the operation of game rooms, as defined by Chapter 234 of the Texas Local Government Code, as necessary to promote the public health, safety and welfare of the citizenry. The adoption of the proposed action does not result in the physical taking of private real property. The adoption of the proposed action does not deprive the owner of all economically viable uses of the property, have a significant impact on the property owner's economic interest, or deny a fundamental attribute of ownership. Therefore, the proposed action does not appear to be an action covered under the Texas Real Property Rights Preservation Act.

IV. Exemptions

After consideration, the Commissioners Court finds that the proposed action is:

1. an action taken to prohibit or restrict a public or private nuisance;
2. an action taken to prevent a grave and immediate threat to life or property; and
3. an action a) taken in response to a real and substantial threat to public health and safety, b) designed to significantly advance the health and safety purpose, and c) one that does not impose a greater burden than

necessary to achieve the health and safety purpose.

Based upon the above findings, the proposed action is exempt from the provisions of the Texas Real Property Rights Preservation Act.

IV. Analysis of Purpose, Burdens and Benefits

A. Referring to the purpose of the county action in Section I above, state how the action achieves or advances its purpose.

As stated, the purpose of the proposed action is to promote the public health, safety and welfare of the citizenry by placing restrictions on: (1) the location of game rooms to specified areas of Ector County; (2) the distance to schools, regular place of religious worships, or residential neighborhoods; and (3) the number of game rooms that may operate in a specified area of Ector County, as authorized by law.

B. Describe the benefits to society resulting from the county action.

The benefits include 1) prohibiting illicit game rooms which are associated with adverse secondary effects, including but not limited to personal and property crimes, gambling offenses, weapon offenses, urban blight and litter and illicit drug use and drug trafficking; 2) reduces the threat of harm to persons and property; 3) prevent the unnecessary reduction of property values in the county; 4) provides for orderly and appropriate use of property; and 5) protects neighboring landowners right to full use and enjoyment of their property.

C. Discussion of the burdens that may be imposed on private real property by the county action.

After consideration, the Commissioners Court finds as follows:

1. The proposed action will not result indirectly or directly in a permanent or temporary physical occupation of private real property;

2. The proposed action does not require a property owner to dedicate property or grant an easement;

3. The proposed action does not deprive the owner of all economically viable use of his property;

4. The proposed action does not deny any owner the right to possess his real property, enjoy it, exclude others from it or sell it; and

5. It does appear that the proposed action will serve to reduce the market value of the owner's property.

Additional discussion of potential burdens:

The proposed action does not restrict any property owner's right to use and enjoy his property. The proposed action does not, and is not intended to, prohibit development of property. The County is permitted to adopt regulations that address the public health, welfare and safety of its citizenry. The adoption of the proposed action does not result in the physical taking of private real property. The adoption of the proposed action does not deprive the owner of all economically viable uses of the property, have a significant impact on the property owner's economic interest, or deny a fundamental attribute of ownership. Therefore, no existing property rights will be impinged and market value should not be affected.

V. Alternatives

A. Describe alternative actions that could accomplish the same purpose as the proposed action.

After consideration, the Commissioners Court finds that there are no alternatives which would effectively accomplish the same purpose.

B. Would these alternatives impose a lesser burden on the property which is the subject of the proposed action?

This section is inapplicable in light of the response to V(A.).

VI. Potential Impact on Value

A. Will the county action reduce the market value of any parcel of private real property by 25% or more?

Yes _____ No x

This regulation does not prevent any use of the property other than the operation of game rooms in specified areas of Ector County. The Commissioners Court finds that there are alternative uses available for the property.

- VII. Conclusion:**
- _____ Not a Covered Action
 - x No Impact on Private Real Property
 - x Proposed Action is Exempt
 - x Proposed Action Fully Assessed for Potential Impact on Private Property.

Read and adopted this 19th day of November, 2024, by a vote of 5 ayes and 0 nays.

Dustin Fawcett
Dustin Fawcett, County Judge

Mike Gardner
Mike Gardner
Commissioner, Pct. 1

Greg Simmons
Greg Simmons
Commissioner, Pct. 2

Don Stringer
Don Stringer
Commissioner, Pct. 3

Billy Hall
Billy Hall
Commissioner, Pct. 4

ATTEST:

Suzanne Franco, Deputy Clerk
County Clerk



STATE OF TEXAS §
 §
COUNTY OF ECTOR §

ORDER OF COMMISSIONERS COURT

Adopting Game Room Regulations

WHEREAS, Ector County received and reviewed the Takings Impact Assessment concerning the new regulations as authorized by Chapter 234 of the Texas Local Government Code concerning the following general areas: Regulating the operation of game rooms; Restricting the location of game rooms to specified areas of the county, including the unincorporated area of the county; Prohibiting a game room location within a certain distance of a school, regular place of religious worship, or residential neighborhood; and Restricting the number of game rooms that may operate in a specified area of the county; and

WHEREAS, Ector County scheduled a public hearing for November 19, 2024, on the proposed new regulations concerning Game Rooms; and

WHEREAS, Ector County published the public notice of the scheduled hearing on the proposed new regulations concerning Game Rooms thirty (30) days before the Commissioners Court considered the proposed regulations; and

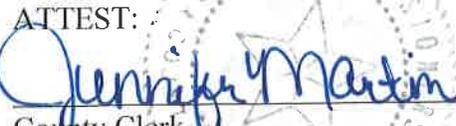
WHEREAS, Ector County received comments and testimony at the public hearing on November 19, 2024, on the proposed regulations concerning Game Rooms; and

THEREFORE, the Ector County Commissioners Court hereby adopts the attached Ector County Game Room Regulations.

Adopted the 19th day of November, 2024, by a vote of 5 ayes and 0 nays.



Dustin Fawcett, County Judge

ATTEST: 
County Clerk 