

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 13, ARTICLE 13.02, SECTION 13.02.002 "WASTEWATER SERVICE CHARGE"; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROPER NOTICE AND MEETING AND ESTABLISHING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop, Texas conducted a special workshop on water and wastewater on November 15, 2018 to discuss the current state of both utilities; and

WHEREAS, after technical analysis and a review of prevailing trends in the industry, the City has determined that a change should be made to the method in which non-residential wastewater service is billed to customers; and

WHEREAS, in order to fully address the policy goals and objectives associated with the City's water and wastewater rate design, City Staff and professional consultants are developing a multi-year program to finance the needed infrastructure improvements, with the objectives of providing for the health, safety and welfare of Bastrop's citizens, and providing for the orderly and equitable funding of the operation, maintenance, and capital investment which are necessary for the ongoing and future provision of continuous and adequate water and wastewater services to the citizens of Bastrop; and

WHEREAS, the City Council of the City of Bastrop, Texas has determined that in order to properly bill non-residential customers for wastewater service within the City, it is necessary to amend the City Code of Ordinances Chapter 13, Article 13.02, Section 13.02.002 "Wastewater Service Charge" as noted below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Section 1: That Chapter 13 of the Code of Ordinances, entitled Utilities Article 13.02 "Water and Wastewater Rates and Charges", shall be amended as follows:

ARTICLE 13.02 Water and Wastewater Rates and Charges

Sec. 13.02.002 Wastewater Service Charge

- (a) *no change*
- (b) *no change*
- (c) *Method of computing average monthly water use.*
 - (1) (A) Wastewater bills for residential wastewater customers shall be computed on the basis of the average monthly water usage ("winter water average" December, January and February) for the bills due and payable in January, February and March of each year. In the event that the monthly water usage for any month during the period of March through November, inclusively, is less than the computed "winter water average," the lesser of the two shall be used as the basis

for calculation of the wastewater bill. The winter water average shall be recomputed following the March billing of each year to reestablish the winter water average for the next twelve-month period.

(B) Wastewater bills for commercial wastewater customers shall be computed on the basis of (i) 100% of the metered water consumption; (ii) projected water usage, if the customer has no water usage history; (iii) the minimum usage charge with no gallonage charge if the customer has applied for service and the service is available, but the customer has not physically connected to the system; or (iv) the annual average water use of the residential customer class if the customer is not connected to the water system.

(C) If a Residential customer can show that an anomalous condition beyond the control of the customer results in the current annual average consumption being at least fifty thousand (50,000) gallons per year greater than the average of the year immediately preceding, the City Manager or designee is authorized to adjust the monthly charge to a fair and equitable amount.

(2) *no change*

(3) *no change*

(4) *no change*

(5) *remove section*

(d) *no change*

Section 2: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

Section 3: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

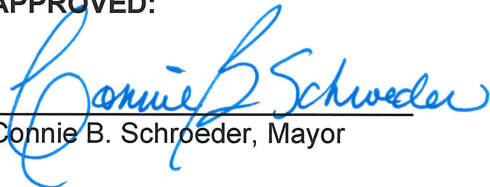
Section 4: This Ordinance shall be effective for the billing period ending March 2019 (bills due April 15, 2019).

Section 5: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ and APPROVED on First Reading on the 26th day of February 2019.

READ and ADOPTED on Second Reading on the 12th day of March 2019.

APPROVED:



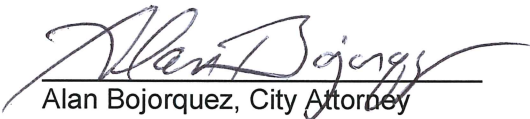
Connie B. Schroeder, Mayor

ATTEST:



Traci Chavez, Deputy City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney