

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CITY CODE OF ORDINANCES, ARTICLE 13.02 "WATER AND WASTEWATER RATES AND CHARGES", SECTIONS 13.02.002 WASTEWATER SERVICE CHARGE, 13.02.004 WATER SERVICE CHARGES, AND 13.02.008 BILLING, DISCONTUANCE OF SERVICE; AMENDING APPENDIX A, FEE SCHEDULE, ARTICLE A13.02 "WATER AND WASTEWATER RATES AND CHARGES", SECTIONS A13.02.002 WASTEWATER SERVICE CHARGE, AND A13.02.004 WATER SERVICE CHARGE, AS ATTACHED IN EXHIBIT A; PROVIDING FOR: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, CODIFICATION, AND PROPER NOTICE AND MEETING

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt ordinances or regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council of the City of Bastrop, Texas conducted a special workshop on water and wastewater on November 15, 2018 to review the findings of a Water and Wastewater Rate Study conducted by NewGen Strategies and Solutions; and

WHEREAS, the rate study was to evaluate revenue requirements forecasted out over five (5) years and review current water and wastewater rate ordinance along with billing methodology; and

WHEREAS, the rate study recommended changes to the method of billing for wastewater commercial multi-unit accounts to include a minimum base charge per number of units equivalent to the lowest minimum adopted; and

WHEREAS, the rate study recommended changes to standardize outside city rates for water customers; and

WHEREAS the rate study recommended a phase-in plan for the demand charge by meter size for water meters that reflects the American Waterworks Associations industry standards; and

WHEREAS this ordinance increases the minimum customer charge for wastewater by five dollars (\$5.00) as part of the forecasted five-year plan to fund ongoing water and wastewater infrastructure projects; and

WHEREAS, the City Council of the City of Bastrop, Texas has determined that in order to properly bill water and wastewater charges to the customers, it is necessary to amend the City Code of Ordinances Article 13.02 Water and Wastewater Rates and Charges; and Appendix A: Fee Schedule Article A13.02 Water and Wastewater Rates and Charges, as attached in Exhibit A.

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

SECTION 1. FINDINGS OF FACT The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT Article 13.02 Water and Wastewater Rates and Charges, Sections 13.02.002 Wastewater Service Charges, 13.02.004 Water Service Charges and 13.02.008 Billing; Discontinuance of Service, and Appendix A, Article A13.02 Water and Wastewater Rates and Charges, Sections A13.02.002 Wastewater service charge and A13.02.004 Water service charge are hereby amended to read in accordance with Exhibit A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined language shall be added. Stricken language shall be deleted.

SECTION 3. REPEALER All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

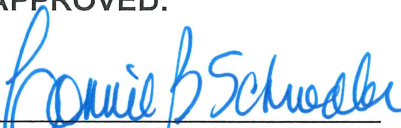
SECTION 5. EFFECTIVE DATE This Ordinance shall be effective April 1, 2020.

SECTION 6. PROPER NOTICE & MEETING 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & APPROVED on First Reading on the 10th day of March 2020.

READ & ADOPTED on the Second Reading on the 24th day of March 2020.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin

Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

**Article 13.02
Water and Wastewater Rates and Charges**

Sec. 13.02.002 - Wastewater service charge.

- (a) *Applicability.* The rates as provided for in the fee schedule found in appendix A of this Code are applicable to residential, multi-family, commercial and commercial multi-unit retail wastewater customers within the corporate limits of the city. These rates are not applicable to customers who receive water from the city but have septic system(s), other on-site wastewater/sewer systems, or irrigation system(s) and are not connected to the city's wastewater system. These rates also do not apply to irrigation-only water meters, which are not connected to the city's wastewater system.
- (b) *Customer charge.* Each active wastewater customer of the city shall have a monthly wastewater customer charge regardless of whether water is received during any specific billing cycle.
- (c) *Method of computing Winter Sewer Average.*
 - (1) Residential and Multi-Family (those with two (2) or more residential dwelling units served by a single water meter)
 - (A) Wastewater bills for residential and multi-family residential wastewater customers shall be computed on the basis of the average monthly water consumption ("winter water average") for the months December, January and February. The winter water average shall be recomputed following the March billing of each year to reestablish the winter water average; this will be the basis for calculation of water use for the wastewater bill for the next twelve-month period.
 - (B) 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.
 - (C) When residential accounts do not have an established history of winter water use, charges shall be billed on the current month's water usage or the annual average water use of the residential customer class, established in March of each year, whichever is less, until such time as a complete three-month history of winter water use is established, at which time the customer will be charged as set forth in subsection (c)(1)(A), above.
 - (D) When multi-family accounts do not have an established history of winter water use, charges shall be billed on the current month's water usage or the annual average water use of the multi-family customer class, established in March of each year, whichever is less, until such time as a complete three-month history

of winter water use is established, at which time the customer will be charged as set forth in subsection (c)(1)(A), above.

(E) Wastewater bills for multi-family customers (those with two (2) or more residential dwelling units served by a single water meter) will be computed on the basis of a monthly minimum wastewater charge per unit, plus the consumption charge for the "winter water average" for all usage for the meter (as stated in A above).

(F) Transferring residential customers take their established sewer charge with them to their new service address.

- (d) Wastewater bills for commercial wastewater customers shall be computed on the basis of (i) 100% of the metered water consumption; or (ii) 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.
- (e) Wastewater bills for commercial multi-unit wastewater customers shall be computed on the basis of (i) a monthly minimum wastewater charge per unit that has a service connection to the master meter, plus (ii) 100% of the metered water consumption.
- (f) *Industrial service.* Industrial wastewater services shall be subject to the provisions of the city industrial waste regulations as contained in article 13.03 of this chapter, and any conflict between this article and the industrial waste regulations shall be resolved in favor of the industrial waste regulations.

Sec. 13.02.004 - Water service charges.

- (a) *Inside city limits.* The rates as provided for in the fee schedule found in appendix A of this Code will be applicable to all sales or service of water within the corporate limits of the city.
- (b) *Outside city limits.* The rates as provided for in the fee schedule found in appendix A of this Code will be applicable to all sales or service of water outside the corporate limits of the city.
- (c) *Customer charge.* Each active water customer of the city shall be charged a monthly water customer charge, regardless of whether water is received during any specific billing cycle.

Sec. 13.02.008 - Billing; discontinuance of service.

- (a) All charges provided for in the above schedules shall be due and payable within ten (10) days from date of bill. After providing notice to the customer and an opportunity to make payment, service to any customer may be discontinued and a penalty of ten (10)

percent assessed to the amount of the bill for failure to pay within ten (10) days. A service charge fee is to be added for reconnection. Any customer who reconnects his own meter after services have been discontinued for nonpayment will have his meter removed by the city. A reset fee, as provided for in section A13.02.008 of the fee schedule in appendix A to this code, in addition to the charges set forth above, must be paid before service will be resumed.

(b) Commercial Multi-Unit property owners are responsible for the water and/or sewer service to all units within the property. The utility accounts for these services will only be set in the name of the property owner or management company. All customer fees and usage/consumption will be billed to the property owner/management company account.

(c) Average monthly payment plan.

(1) A customer may apply to participate in the average monthly payment plan, an optional billing plan designed to make monthly bills more uniform throughout the year. Under this plan, the customer will be charged each month for actual consumption, including any adjustments, but the average monthly payment amount due will be computed based on the average of bills for the most recent twelve (12) months (to include the current month bill) on a continuing basis. It is not intended to be used to defer payment of delinquent bills.

(2) Eligibility.

A. An applicant for the average monthly payment plan must meet certain qualifications to be eligible for the program. All applications are subject to city approval. The average monthly payment plan will be available only to residential customers. Customers with only one (1) type of service, such as just electric or just water, will also be eligible to participate. If a customer receives all available utilities, then the plan must apply to each and all services.

B. Customers must have a minimum of twelve (12) months of continuous service with the city utilities to be eligible. This may have been attained at one (1) or more addresses within the city's service area and applies only to the customer's primary residence. A customer transferring from one (1) address to another may continue to participate.

C. Customers must not have been disconnected for non-payment during the preceding twelve (12) months. Applicants must have a good utility payment history with no more than two (2) penalties, no returned checks or bank drafts in the previous twelve (12) months and no previous balance on their account. They must also not be facing or subject to bankruptcy.

D. A customer average monthly payment plan application shall be signed and the following guidelines shall be implemented. A customer must participate in the average monthly payment plan for a period of twelve (12) months following date of registration. A customer whose service is discontinued for non-payment of bill, or who fails to make any two (2) payments by the fifteenth of the month within any twelve (12) month period, or has a non-sufficient funds returned item

will be taken off the program. Any amounts due will be subject to immediate collection. Such customers may then become eligible for re-enrollment after establishing a good payment history for a minimum of twelve (12) successive months.

- E. A customer who terminates service(s) entirely and reconnects at a future date is also ineligible for re-enrollment in the average monthly payment plan for a minimum of twelve (12) months.

(3) Method of billing.

- A. The monthly bill will be based on the average of the most recent twelve (12) months of billing. The bill will not be a fixed amount but will be computed on a running average. The current month will be averaged with the prior eleven (11) months, and the oldest month will be dropped from the calculation. The average monthly amount will usually be either higher or lower than the actual bill. This method of billing will result in an accumulated debit or credit on the customer's account on some months.
- B. No interest will be charged on any account debit balance accrued under average monthly payment, or will interest be paid on any account credit balance accrued under average monthly payment.
- C. Customers who discontinue average monthly payment at any time or for any reason will have their account adjusted as described in section (3)B above at the time average monthly payment is stopped.
- D. Finalized accounts (terminating and not involving transfer of service) reflecting a credit balance will have the amount credited against the final bill. If the credit balance is larger than the final bill, a refund check will be issued to the customer for the difference. If a finalized account reflects a debit balance, this amount as well as any other charges owed by the customer will be due and payable immediately to the city.
- E. Under no circumstances will any accumulated credit be used to reduce a customer's bill unless participation is discontinued.
- F. The city will continue to read the meter(s) each month and will provide full information on the billing. Monthly bills will show the actual consumption, the regular itemized charges computed on the actual consumption and the total payment due under average billing.
- G. Utility rates are not changed for average monthly payment, but it allows a customer to pay approximately the same amount each month rather than more in high usage months and less in low usage months.

(4) If utility rates are changed at any time, the new rates will be factored into the billing and may cause an adjustment to the average monthly bill payment due.

(5) Enrollment period for applications to participate in the average monthly payment plan shall be October. Eligible customers will be given the opportunity to enroll only during this month. Terms of agreement and the application form will be furnished

by the city. An application must be received by the city prior to the last business day of the enrollment period.

- (6) If a customer who is on the average monthly payment plan experiences a rate classification change, such as from residential to commercial or industrial, they will be discontinued in the program as average monthly payment applies only to the single residential service. The account will then be adjusted as described in section (3)B No cash refunds will be made for any credit accrued unless the customer discontinues receiving service under said account and the account is finalized.
- (7) Average monthly payment accounts shall be subject to the same rules, rates, charges, fees, penalties and polices established by the city as regular utility customer accounts.

Appendix A – Fee Schedule

Sec. A13.02.002 - Wastewater service charge.

- a) These rates are applicable to all residential, multifamily, commercial and commercial multi-unit retail wastewater customers within the corporate limits of the city who have metered water connections and to whom city wastewater service has actually been connected, except for customers who have a city-approved, on-site sewer system, septic system or other on-site wastewater system, and have not connected to the city's wastewater system, or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

Minimum charge:	\$41.97
Plus the following charges for consumption per 1,000 gallons:	
0-5,000 gallons	\$2.45
5,000 – 10,000 gallons	\$2.77
10,000 – 20,000 gallons	\$2.95
20,001-50,000 gallons	\$3.18
Over 50,000 gallons	\$3.47

Sec. A13.02.004 - Water service charges.

- (a) Retail Water: The following rates will be applicable to retail all sales or service of water within the corporate limits of the city.
- (1) Residential - In city limits

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$82.06
2"	\$124.19
3"	\$232.86
4"	\$296.46
6"	\$714.14

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$ 2.85
3,001—5,000 gallons	\$ 3.04
5,001—10,000 gallons	\$ 3.22
10,001—20,000 gallons	\$ 3.42
20,001—50,000 gallons	\$ 3.69
Over 50,000 gallons	\$ 3.87

(3) Commercial - In city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$82.06
2"	\$124.19
3"	\$232.86
4"	\$296.46
6"	\$714.14

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$ 2.85
3,001—5,000 gallons	\$ 3.04
5,001—10,000 gallons	\$ 3.22
10,001—20,000 gallons	\$ 3.42
20,001—50,000 gallons	\$ 3.69
Over 50,000 gallons	\$ 3.87

(5) Residential and Commercial - Outside city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$41.59
1"	\$70.70
1½"	\$123.09
2"	\$186.29
3"	\$349.29
4"	\$507.34
6"	\$1,071.21

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$ 4.12
3,001—5,000 gallons	\$ 4.42
5,001—10,000 gallons	\$ 4.70
10,001—20,000 gallons	\$ 4.98
20,001—50,000 gallons	\$ 5.39
Over 50,000 gallons	\$ 5.66