

ORDINANCE NO. 2025-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 13 - UTILITIES, ARTICLE 13.02 - WATER AND WASTEWATER RATES AND CHARGES, BY ENACTING SECTION 13.02.13 TITLED "UTILITY PASS-THROUGH FEES"; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop has general authority to amend an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City of Bastrop is a home-rule municipality established and operating by the laws of the State of Texas and in the interest of the public health and safety, including maintaining and providing essential utility services; and

WHEREAS, pursuant to Texas Local Government Code Chapter 552, the City of Bastrop, being a home-rule municipality, may buy, own, construct, maintain, and operate various public utilities and may require and receive compensation for services furnished; and

WHEREAS, the City Council of the City of Bastrop finds that it has elected nine focus areas to accomplish its mission and vision; and

WHEREAS, one of those focus areas is Fiscal Responsibility, better identified as fiduciary responsibility; and

WHEREAS, the City Council recognizes that adopting language in the code of ordinances that will allow for the City of Bastrop to pass through fees associated with Tariffs, Service Charges, and Processing Fees will meet the focus area of Fiscal Responsibility; and

WHEREAS, the City Council of the City of Bastrop finds this ordinance necessary to maintain a balanced budget for the City of Bastrop;

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

Section 1. Findings of Fact. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

- Section 2. Amendment To The Bastrop Code of Ordinances, Chapter 13.** Chapter 13 – Utilities is hereby amended and shall read in accordance with Exhibit “A,” which is attached hereto and incorporated into this Ordinance for all intents and purposes.
- Section 3. Severability.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.
- Section 4. Codification.** The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.
- Section 5. Repeal.** This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.
- Section 6. Effective Date.** This Ordinance shall take effect 90 days after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.
- Section 7. Proper Notice and 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.

[Signature page to follow]

READ & ACKNOWLEDGED on First Reading on this the 13th day of **May 2025**.

READ & ADOPTED on Second Reading on this the 27th day of **May 2025**.


APPROVED:

by: 
John Kirkland, Mayor Pro-Tem

ATTEST:


Victoria Psencik, Assistant City Secretary

APPROVED AS TO FORM:


City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.



Sec. 13.02.013 Utility Pass-through Fees.

- (a) The City of Bastrop retains the right to pass through any costs applied to the City that are a result of market-driven expenses. These costs included, but are not limited to:
 - (1) Tariffs;
 - (2) Processing Fees;
 - (3) or Service Charges.
- (b) The City of Bastrop shall be required to provide documentation to substantiate any additional fees that are to be collected in accordance with this Section.