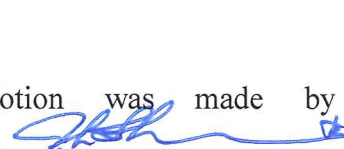


(Motion was made by , seconded by Belinda Ackleman, and passed by a vote of 5 to 0, that the following ordinance be passed.)

ORDINANCE NO. 08132018-01

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF WOODLOCH, TEXAS, REPEALING ORDINANCE NO. 2013-001 AND ORDINANCES AMENDING SAME, ESTABLISHING AND ADOPTING MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE THE CITY PURSUANT TO THE CODE OF ORDINANCES OF THE TOWN OF WOODLOCH, TEXAS; PROVIDING AND ESTABLISHING THAT AN AMOUNT BE COLLECTED TO OFFSET COSTS AND EXPENSES TO THE CITY FOR COSTS AND EXPENSES THE CITY WILL INCUR FOR MEETING GROUNDWATER REDUCTION REQUIREMENTS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT IN ADOPTING ITS GROUNDWATER REDUCTION PLAN, SO THAT THESE EXPENSES MAY BE PASSED ON TO CONSUMERS; DESCRIBING THE METHOD FOR CHARGES AND BILLING; PROVIDING FOR THE DUE DATE OF PAYMENT OF SUCH SERVICES AND INTEREST ON DELINQUENT ACCOUNTS; AUTHORIZING DISCONTINUANCE OF SERVICES FOR NON-PAYMENT; PROVIDING REQUIREMENTS REGARDING RECONNECTION; ESTABLISHING AN AMENDED SCHEDULE OF FEES, DEPOSITS, RETURNED CHECKS, AND OTHER CHARGES REQUIRED BY THE CODE OF ORDINANCES OF THE TOWN OF WOODLOCH, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 21, 2018.

WHEREAS, the Code of Ordinances of the Town Of Woodloch, Texas, authorizes City Council, by ordinance, to establish monthly service rates and charges for water and sewer services inside the City and to establish fees for inspections, tap fees, deposits, returned checks, and other charges related to providing utilities; and

WHEREAS, to protect the health, safety, and general welfare of the citizens of the Town of Woodloch, Texas, and to satisfy the requirement of State and Federal regulatory agencies, the monthly rates and other charges for said water and sewer services should be increased; and

WHEREAS, the City Council, having previously considered a water and sewer rate study and model prepared by the City Engineer, and receiving advice and input from the City Engineer and City Staff, has determined appropriate rates and fee schedules for certain utility services, based on historical data and other factors related to the costs of providing such services; and

WHEREAS, the Lone Star Groundwater Conservation District has established a regulatory plan to reduce groundwater production from certain aquifers located within Montgomery County, Texas by its establishment of regulatory deadlines subject to its enforcement; and

WHEREAS, the City is mandated to comply with the Lone Star Groundwater Conservation District's regulatory deadlines as, and as a result, has a groundwater reduction plan approved and on file with the Lone Star Groundwater Conservation District in order to comply with the requirements of the Lone Star Groundwater Conservation District; and

WHEREAS, the City Council believes it is in the best interest of the City and its customers that the monthly "Water Use Fee" assessed by the Lone Star Groundwater Conservation District which has been passed through to its residential and commercial customers be increased for residential customers as provided in this Ordinance, to recover additional costs to the City associated with its obligation to pay "Water Use Fees" each month to the Lone Star Groundwater Conservation District as well as historical use permitting fees as required by the Lone Star Groundwater Conservation District; and

WHEREAS, the City Council believes it is in the best interest of the City and its customers that an amount equal to the monthly fees, rates, and charges, and other anticipated penalty expenses of complying with the Lone Star Groundwater Conservation District and costs associated with implementing the City's Groundwater Reduction Plan, be passed through to the individual water and sewer customers inside and outside the City, on the basis of the amount of water consumed monthly by each customer, as set out in the Lone Star Groundwater Conservation District guidelines and regulations and Groundwater Reduction Plan in order to recover the City's additional costs or other expenses anticipated with submitting and implementing its own groundwater reduction planning; and

WHEREAS, the City Council believes it is appropriate to repeal the existing Ordinance No. 2013-001 passed on FEBRUARY 25, 2013, and any amendments thereof, while concurrently creating this new Ordinance providing for water and sewer rates and other charges;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF WOODLOCH, TEXAS:

SECTION 1. Fees for Water Service Inside City Limits:

(1) The amounts listed below shall be charged and collected each month by the city from the consumers of water and water service residing in the limits of the city.

(a) MINIMUM MONTHLY CHARGE \$ 38.00

Plus additional charges based on water consumption as follows:

(b) 2001 gallons, but less than 4,000 gallons,
the rate per thousand gallons used \$ 3.60

(c) 4,000 gallons, but less than 6,000 gallons,
the rate per thousand gallons used \$ 3.85

(d) 6,000 gallons, but less than 8,000 gallons,
the rate per thousand gallons used \$ 4.10

(e) 8,000 gallons, but less than 10,000 gallons,
the rate per thousand gallons used \$ 4.35

(f) 10,000 gallons, but less than 12,000 gallons,
the rate per thousand gallons used \$ 5.00

(g) 12,000 gallons, but less than 14,000 gallons,
the rate per thousand gallons used \$5.50

(h) 14,000 gallons, but less than 16,000 gallons,
the rate per thousand gallons used \$6.00

(i) 16,000 gallons, but less than 26,000 gallons,
the rate per thousand gallons used \$6.50

(j) 26,000 gallons, but less than 36,000 gallons
the rate per thousand gallons used \$7.00

(k) 36,000 gallons, but less than 46,000 gallons
the rate per thousand gallons used \$8.00

(l) 46,000 gallons or more \$9.50.

- 2.) An additional charge upon water consumption is imposed in the amount of \$1.00 for the Lone Star Groundwater Conservation District fee for historical use permitting. This charge shall be listed on a separate line on each invoice as "Permit Fee" or something similar.

SECTION 2. Fees for Solid Waste Collection

The city may contract with an independent contractor to provide for solid waste collection within the city limits (which may include recycling). If the City Council determines that it is in the best interest of the city to contract for solid waste collection, the fee for such service, as established by contract, shall be listed on as a separate line on each invoice as "Garbage Fee," or something similar, and shall include applicable sales tax.

SECTION 3. Fees for Groundwater Reduction Planning, Fees, Rates, and Charges

In addition to the above rates in order to defray costs and expenses of groundwater reduction planning, an additional charge of \$0.90 per thousand gallons of water consumed, shall be charged to all water customers. This charge may be adjusted from time to time, and is based on anticipated cost for implementing the city's groundwater reduction plan. This charge shall be listed on a separate line on each invoice as "GRP Fee" or something similar.

SECTION 4. RATES FOR SANITARY SEWER SERVICE INSIDE CITY LIMITS:

The amount listed below shall be charged and collected each month by the city from the consumers sanitary sewer collection and treatment service residing in the limits of the city.

Flat fee	\$ 48.00
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SECTION 5. Deposits, Returned Check Charges, Fees for Inspections, Tap Fees, and Other Charges

The following schedule of charges required by the Code of Ordinances of the Town Of Woodloch is as follows:

Residential Consumers Deposits:

Home Owner Deposit	\$300.00
Renter Deposit	\$500.00
Returned Check Charge	\$ 30.00
Discontinuation or Restoration of Water Service fee for failure to pay or upon request of consumer	\$ 75.00
Customer service inspections minimum of	\$100.00

SECTION 6. Method of Charges

Charges for water supplied by the City's water works system and for the sanitary sewer system shall be based on the water consumed as registered by the meter servicing each consumer.

SECTION 7. Billing

A composite billing statement will be used by the City. The billing statement will itemize the charges for water, sanitary sewer service, garbage service, permit fees, and Groundwater reduction plan fees. The total of such amounts shall be due and payable to the City on or before the fifteenth (15th) day of the month following the month in which the services are rendered, and shall become delinquent if not paid by that time. If a consumer fails to pay any amount on or before such due date, a penalty of ten percent (10%) of the existing unpaid balance is assessed on each delinquent account on the sixteenth (16th) day of the month.

SECTION 8. Discontinuance of Utility Service

- a. Utility service to any address may be disconnected if an account for utility services rendered at the service address remains unpaid after the tenth day following the due date.
- b. Notice of any proposed termination shall be issued by mail or hand delivery at least five days prior to the termination date set forth in the notice. Issuance of a termination notice by mail is sufficient if directed to the billing address. A termination notice must state the proposed date of service termination and the amount of the delinquency, including any applicable penalty, which must be paid to avoid termination of service.
- c. Utility service may not be disconnected on a holiday, the day preceding any holiday, or upon any Friday, Saturday or Sunday. If a termination notice states a proposed termination date which falls upon any day upon which termination is prohibited, then, such termination date shall be extended to the next regular business day following such date.
- d. Except to the extent such property may be homestead property protected by the state Constitution, a lien is hereby imposed against each real property for which there exists delinquent bills for the provision of utility services to such property. Such lien may be perfected by recording in the real property records a notice of lien executed by the Mayor or authorized representative of the City and containing a legal description of the property, the account number, and a statement of all delinquent charges, including penalties, interest, and costs of collection. Upon payment in full of all delinquent charges, the Mayor or authorized representative of the City may execute and deliver a release of such lien to the owner of the real property.

SECTION 9. Penalties

Any consumer who is found to have made an unauthorized connection to the system shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover a reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this section or the orders, rules, regulations, and permits issued hereunder.

SECTION 10. Rate Adjustments

The City Council shall have authority from time to time to amend the water and sanitary sewer rates and fees set out in appendices in order to cover the City's cost of providing such services. Furthermore, the City Council shall have the authority to contract with commercial users outside the City for different rates based on other consideration that may be provided to the City.

SECTION 11. Construction

This Ordinance shall not be construed so as to conflict with any state or federal statute.

SECTION 12. Repeal of Conflicting Ordinances.

All provisions of the ordinances of the Town Of Woodloch in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the Town Of Woodloch, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 13. Severability Clause

If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

SECTION 14. Texas Open Meetings Clause

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

SECTION 15. Effective Date.

This Ordinance shall become effective and be in full force of and from August 21, 2018

PASSED AND APPROVED on the 19 day of August, 2018.



Ralph Leino, Jr, Mayor

ATTEST:

By: 

Carmen Loor, City Secretary