

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2022-10A

AN ORDINANCE AMENDING CHAPTER 20, ARTICLES 20.02 AND 20.06, SECTIONS 20.02.006(c) AND 20.06.004 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE GENERAL PROVISIONS RELATED TO WASTEWATER AND WATER RATES INCLUDING RATES FOR SERVICE PROVIDED TO OUT OF CITY CUSTOMERS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs owns and operates its municipal wastewater collection and treatment facilities (hereinafter, the "system"); and

WHEREAS, the City of Dripping Springs provides water service to citizens both inside and outside the city limits; and

WHEREAS, the city has adopted ordinances regarding construction, operation, extension and regulation of the wastewater system and system services; and

WHEREAS, the City performed a water and wastewater study related to rates for residents and for out of city residents; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance modify water and wastewater rates such that they are fair, just, and reasonable and so that the services are adequate and efficient and reflect the results of the water and wastewater studies; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs, Texas:

1. FINDINGS OF FACT

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

2. ENACTMENT

Chapter 20, Article 20, Sections 20.02.006(c) and 20.06.004 of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment "A" which is attached

hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment A.

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resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

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.

5. 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.

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.

PASSED & APPROVED this, the 16th day of August 2022, by a vote of __ (ayes) to __ (nays) to __ (abstentions) of the City Council of Dripping Springs, Texas as amended on August 16, 2022.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMNT “A”

Sec. 20.02.006. - Application for service; rates.

* * *

(c) Wastewater service rates.

(1) The following monthly wastewater rates and charges for the collection, treatment and disposal of wastewater are in effect for residential customers, including multifamily and apartment, and commercial customers both within and outside the corporate limits of the city from the effective date of this article:

(A) Minimum usage charge per LUE: ~~\$26.25~~28.2828.88.

(B) Excess usage charge per LUE: \$50.00.

(C) Gallonage charge: ~~\$3.68~~4.05 per 1,000 gallons.

(2) Minimum usage charges per LUE apply to each LUE for which a connection fee has been paid.

(3) Excess usage charges apply to each LUE (or fraction thereof) in use at a service address that exceeds the number of LUE's for which a connection fee has been paid. The number of LUE's in use is measured by the city, using methods authorized by this chapter for billing purposes, such as metered water consumption by the customer. The city may vote to waive excess use fees for a particular customer class until excess use exceeds a specified amount.

(4) In addition, the city shall charge each customer any regulatory assessment required by the state commission on environmental quality.

(5) The rates fixed herein are estimated to be sufficient to provide for the expenses of operation, maintenance, and replacement of the system, including debt service. Such rates may be revised from time to time as may be necessary. Prior to revising such rates, the city may obtain a cost-of-service audit to be used as the basis for a rate increase.

* * *

Sec. 20.06.004 Water rates and charges.

(a) Applicability . These rates and charges are applicable to all sales or service of water within and outside the corporate limits of the city.

(b) Rates and charges. The city's rates and charges to customers for the sales or service of water shall consist of two parts: (i) base rates, (ii) Special charges, and (iii) administrative fee.

(1) Base rates. For customers who live within the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited

to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation.

(2) Base rates. For customers who live outside the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation plus an additional twenty percent (20%) for the rates, fees, and charges.

~~(A) that are charged to the city by its wholesale water provider, WTCPUA pursuant to WTCPUA tariff and policies for water service and all contracts with the WTCPUA, and (B) that are charged to the city by any service provider or contractor that is engaged by the city to assist with the operation or maintenance of the city's retail water system. Except for special charges, all rates, charges, and fees imposed by the WTCPUA or by a city contractor providing services that allow the city to provide water service on the city will be passed through to each customer on a pro rata basis so that the city fully recoups from its retail customers the rates, fees, and charges that are billed to the city. The base rate will be shown separately on customer's water bill. Costs associated with water loss in the city's retail water system shall be allocated to retail customers on a pro rata basis.~~

~~(2)~~(3) Special charges. Each retail water customer shall be responsible to pay costs incurred that are attributable to a specific retail customer or retail customer account (such as, but not limited to, returned check fees, disconnect charges, and resumption of service charges).

~~(3)~~(4) Administrative fee. Except for wholesale water impact fees, the city shall charge an administrative fee calculated as a percentage of the sum of the base rates and special charges charged pursuant to subsections (b)(1), ~~and~~ (b)(2), and (b)(3) above. The applicable percentage shall initially be six percent and periodically reviewed and revised, as appropriate. The administrative fee will be shown separately on customer's water bill.