

ORDINANCE NO. 856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ADOPTING AN UPDATED SCHEDULE OF RATES, FEES, AND CHARGES FOR MUNICIPAL WATER AND WASTEWATER SERVICES; PROVIDING FOR THE APPLICATION AND COLLECTION OF SUCH RATES, FEES, AND CHARGES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING A GENERAL EFFECTIVE DATE AND AN EFFECTIVE DATE FOR THE RATES, FEES AND CHARGES ADOPTED HEREIN AT THE BEGINNING OF THE FIRST UTILITY BILLING CYCLE COMMENCING AFTER OCTOBER 1, 2026.

WHEREAS, the City of Everman, Texas, is a home-rule municipality possessing the full power of local self-government under its City Charter, the Texas Constitution, and the laws of the State of Texas; and

WHEREAS, the City owns and operates a municipal water and wastewater utility system for the purpose of providing safe, reliable, and efficient water and wastewater services to customers within the City and other authorized service areas; and

WHEREAS, the City Council is authorized to establish and collect reasonable rates, fees, and charges for water and wastewater services provided by the City; and

WHEREAS, the rates, fees, and charges collected by the City's water and wastewater utility system are necessary to fund the operation, maintenance, repair, rehabilitation, improvement, administration, regulatory compliance, and debt obligations of the utility system; and

WHEREAS, the City Council has reviewed the costs associated with operating and maintaining the municipal water and wastewater utility system and has determined that the existing rates, fees, and charges should be revised; and

WHEREAS, City staff has prepared an updated water and wastewater rate and fee schedule for Fiscal Year 2027, which is attached to this Ordinance as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the City's updated fee materials include water utility charges applicable to deposits, late payments, hydrant meter services, reconnections, transfers, utility relocations, meters, inspections, and other water utility services.

WHEREAS, the City Council finds that the updated rates, fees, and charges are reasonable and necessary to support the continued operation and financial stability of the municipal water and wastewater utility system; and

WHEREAS, the City Council further finds that implementing the updated rates at the beginning of a complete utility billing cycle will promote consistent and equitable billing and avoid the need to prorate rates during an ongoing billing period.

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

SECTION 1. FINDINGS INCORPORATED

The findings and recitations contained in the preamble of this Ordinance are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. ADOPTION OF WATER AND WASTEWATER RATE AND FEE SCHEDULE

The City Council hereby approves and adopts the updated schedule of rates, fees, and charges for municipal water and wastewater services attached to this Ordinance as Exhibit "A" and incorporated herein by reference for all purposes.

The rates, fees, and charges contained in Exhibit “A” shall apply to all water and wastewater utility accounts, customers, properties, services, connections, meters, inspections, deposits, and other activities falling within the classifications described in the schedule.

SECTION 3. BILLING-CYCLE IMPLEMENTATION

The rates, fees, and charges adopted by this Ordinance shall become effective and shall first be applied at the beginning of the first complete utility billing cycle commencing after October 1, 2026.

The updated rates shall apply to all water consumed and wastewater services provided during that billing cycle and each billing cycle thereafter.

The rates in effect immediately before implementation of the updated schedule shall continue to apply through the completion of the final utility billing cycle that commenced on or before October 1, 2026.

No customer’s usage shall be divided or prorated between the former and updated rate schedules solely because this Ordinance was adopted or became administratively effective during an ongoing billing cycle.

SECTION 4. ADMINISTRATION AND COLLECTION

The City Manager, or the City Manager’s designee, is authorized and directed to administer, implement, bill, and collect the rates, fees, and charges adopted by this Ordinance.

The City Manager is further authorized to:

Determine the first complete utility billing cycle commencing after October 1, 2026;
Make administrative and billing-system adjustments necessary to implement the updated rate schedule;
Establish procedures for calculating and collecting charges under the adopted schedule;
Correct clerical, typographical, formatting, or mathematical errors that do not materially change a rate, fee, charge, customer classification, or policy adopted by the City Council;
Provide notice of the updated rates to utility customers in a manner determined appropriate by the City Manager;
and
Take other administrative actions reasonably necessary to implement this Ordinance.

Nothing in this section authorizes the City Manager or any City employee to increase, decrease, waive, or materially alter a rate, fee, or charge adopted by the City Council except as expressly authorized by ordinance, law, contract, or the adopted schedule.

SECTION 5. CUSTOMER CLASSIFICATION AND BILLING DETERMINATIONS

The City Manager, or the City Manager’s designee, shall determine the appropriate customer, meter, service, and usage classification for each utility account in accordance with Exhibit “A,” applicable City ordinances, utility policies, and the characteristics of the service provided.

When a question arises concerning the applicability of a rate or classification, the determination shall be based upon the actual nature and use of the property, meter, account, connection, and utility service.

A customer may request administrative review of a classification or billing determination in accordance with procedures established by the City.

SECTION 6. PAYMENT OBLIGATION

All customers receiving water or wastewater service from the City shall pay the applicable rates, fees, and charges established by this Ordinance and Exhibit “A.”

The obligation to pay for utility service shall continue until service is properly terminated in accordance with City requirements. Nonuse of water, vacancy of property, failure to receive a utility bill, or temporary interruption of service shall not relieve a customer of charges that are properly assessed under the adopted schedule.

Nothing in this section shall require payment of a usage-based charge when no usage occurred unless the applicable schedule expressly provides otherwise.

SECTION 7. UTILITY DEPOSITS, PENALTIES, AND SERVICE-RELATED CHARGES

Deposits, late charges, reconnection fees, transfer fees, meter charges, inspection fees, hydrant meter charges, and other service-related charges shall be assessed and collected in accordance with Exhibit “A” and applicable City ordinances and policies.

Any deposit held by the City before implementation of this Ordinance shall remain on the customer’s account and shall be applied or refunded in accordance with City policy. Adoption of a revised deposit amount shall not, by itself, require an existing customer in good standing to increase a deposit unless otherwise provided by ordinance, policy, or the terms applicable to the account.

SECTION 8. WHOLESALE, CONTRACTUAL, AND SPECIAL SERVICE ARRANGEMENTS

Nothing in this Ordinance shall be construed to alter a water or wastewater rate, fee, or charge established by a valid wholesale agreement, interlocal agreement, utility service contract, development agreement, or other written agreement approved by the City unless the agreement expressly provides that City-adopted rates shall apply.

Where a written agreement incorporates the City’s generally applicable water or wastewater rates by reference, the rates adopted by this Ordinance shall apply in accordance with the terms of that agreement.

SECTION 9. REPEAL OF CONFLICTING PROVISIONS

All ordinances, resolutions, rate schedules, fee schedules, policies, and provisions thereof that conflict with this Ordinance or Exhibit “A” are hereby repealed to the extent of the conflict.

Any previously adopted water or wastewater rate, fee, or charge that corresponds to a rate, fee, or charge contained in Exhibit “A” shall be superseded upon implementation of the updated schedule at the beginning of the first complete utility billing cycle commencing after October 1, 2026.

Provisions that do not conflict with this Ordinance shall remain in full force and effect.

SECTION 10. SAVINGS AND TRANSITION

The repeal or amendment of any prior ordinance, resolution, or rate schedule shall not:

Affect any right, obligation, liability, charge, penalty, or amount that accrued before implementation of the updated rates;

Excuse or release any customer from payment of an amount billed or incurred under the rates previously in effect; Affect any enforcement, collection, administrative, or judicial proceeding commenced before implementation of the updated rates; or

Affect the validity of any lien, security interest, deposit, payment arrangement, or other remedy held by the City.

Any utility bill issued after October 1, 2026, that covers a billing cycle commencing on or before October 1, 2026, shall be calculated using the rates applicable to that billing cycle.

SECTION 11. SEVERABILITY

If any section, subsection, sentence, clause, phrase, provision, rate, fee, charge, classification, or application of this Ordinance or Exhibit "A" is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance or Exhibit "A."

The City Council declares that it would have adopted this Ordinance and each remaining provision, rate, fee, charge, and classification without the invalid portion.

SECTION 12. PUBLICATION AND NOTICE

The City Secretary is authorized and directed to cause the caption, penalty provision, or other required notice of this Ordinance to be published in the manner required by the City Charter and applicable law.

The City Manager is authorized to provide utility customers with notice of the updated rates through utility bills, billing inserts, electronic communications, the City's website, or any combination thereof.

SECTION 13. OPEN MEETINGS

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

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption and any publication required by law or the City Charter.

Notwithstanding the general effective date of this Ordinance, the updated water and wastewater rates, fees, and charges adopted herein shall be implemented and first applied at the beginning of the first complete utility billing cycle commencing after October 1, 2026.

PASSED AND APPROVED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS ON THE 11TH DAY OF AUGUST, 2026.

APPROVED:

Ray Richardson
Mayor

ATTEST:

APPROVED AS TO FORM

Mindi Parks
City Secretary
4923-6155-7701, v. 1

Victoria Thomas
City Attorney