

ORDINANCE NO. 1254-2019

AN ORDINANCE AMENDING ARTICLE 13.03 “WATER SYSTEM”, SECTION 13.03.011 “WATER RATES” OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING FEES FOR WATER RATES INSIDE AND OUTSIDE THE CITY LIMITS INCLUDING IRRIGATION METERS; REPEALING ORDINANCE # 1249-2019 AS ADOPTED ON SEPTEMBER 24, 2019 THAT INCREASED WATER RATES SYSTEM WIDE APPROXIMATELY 4.5%; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, a water rate increase was recommended by city staff due to increased maintenance costs, increased raw water rates projected at 3% annually, major capital improvement to ground water storage tank and consultant fees in order to complete the mandated CT study; and

WHEREAS, City Staff has discovered that an error occurred wherein the base rate for commercial customers in city and in district was \$32.63 and not \$24.00 as previously provided for in the Code of Ordinances; and

WHEREAS, the increase of commercial base rates within the city and in district from \$24.00 to \$28.00 with the adoption of Ordinance # 1249-2019 was in error necessitating that Ordinance # 1249-2019 be repealed and that the November 1, 2019 rate increase not be implemented; and

WHEREAS, with the repealing of Ordinance # 1249-2019, it necessitates that Article 13.03 “Water System”, Section 13.03.011 “Water Rates” of the River Oaks Code of Ordinances be amended with the adoption of this Ordinance to read herein as provided for in Section 1 of this Ordinance to become effective 30-days after adoption of this Ordinance; and

WHEREAS, the City’s current combined average monthly water and wastewater rate is \$101.05 per capita. Based on staff’s analysis of financial documentation received, current water system revenues are 94.2% of the revenues needed to offset expenditures; and

WHEREAS, In order to generate sufficient revenues to meet the proposed debt service, the City will need to increase water rates approximately 4.1 percent instead of the previous projected 4.5 percent increase system wide; and

WHEREAS, with the increase the base rate for residential customers will still only increase 37 cents or 1.01% and usage charge will increase one-half cent per cubic foot for usage over 400 cubic feet for inside city customers; and

WHEREAS, with the increase the base rate for commercial customers will increase the same 37 cents or 1.01% and the usage charge will increase an average of one-half cent for every cubic foot over 400 cubic feet for inside city customers; and

WHEREAS, the City Council has determined that the City’s current water rates as codified into Article 13.03, Section 13.03.011 of the River Oaks Code of Ordinances (2006) as

amended does not provide sufficient enough revenues to cover the annual costs for the annual operations of the water department; and

WHEREAS, the City Council has concluded after due and careful consideration that it is now necessary to increase the water rates inside and outside the city limits for use of the city water by all customers connected to the River Oaks Water System.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

With the adoption of this Ordinance, Section 13.03.011 of Article 13.03 of the River Oaks Code of Ordinances (2006) will be amended to now read as follows:

“Section 13.03.011 Water Rates

(a) The following uniform monthly rates shall be charged all persons for the use of the city water inside and outside the city limits:

(1) **RESIDENTIAL CUSTOMERS:**

	<u>Base Minimum</u>	<u>Usage Rate Charge Per Cubic feet</u>
(A) Customers inside the city and inside the District (RII)	\$ 23.00	\$ 0.0420000
(B) Customers inside the city and outside the District (RIO)	\$ 27.00	\$ 0.0480000
(C) Customers outside the city and inside the district (ROI)	\$ 42.00	\$ 0.1000000

(2) **COMMERCIAL CUSTOMERS:**

	<u>Base Minimum</u>	<u>Usage Rate Charge Per Cubic Feet</u>
(D) Customers inside the city and inside the District (CII)	\$ 33.00	\$ 0.0490000
(E) Customers inside the City and outside the District (CIO)	\$ 36.00	\$ 0.0600000
(F) Customers outside the city and inside the District (COI)	\$ 50.00	\$ 0.1200000

(b) **Water Rates** shall be billed on a monthly basis as follows:

- (1) **Base Minimum** is the rate for customers using 400 cubic feet or less of water for each month billed.
- (2) **Usage Rate Charge Per Cubic Feet** is the rate for each cubic feet of water consumption over the minimum of 400 cubic feet for each month billed.
- (3) **For customers with a water usage each month over 400 cubic feet they will**

be billed the Base Minimum plus the Usage Rate Charge Per Cubic Feet for the cubic feet of water used over 400 cubic feet.

- (4) **Irrigation Only Meters:** Irrigation customers will be billed the same water and usage rate inside and outside the city as provided for in section (a) above. **They will not be charged for sewer.**

**SECTION 2.
REPEALING CLAUSE**

With adoption of this Ordinance, the previously adopted Ordinance # 1249-2019 as adopted on September 24, 2019 is hereby fully repealed in its entirety and replaced with Ordinance # 1254-2019 as herein adopted.

**SECTION 3.
CUMULATIVE CLAUSE**

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

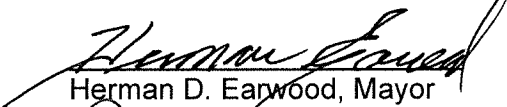
**SECTION 4.
SEVERABILITY CLAUSE**

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

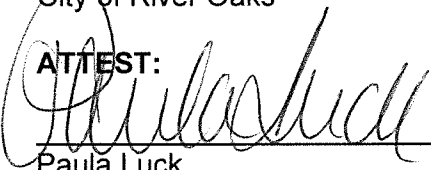
**SECTION 5.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect 30-days after its passage by a majority vote of the City Council of the City of River Oaks and the legal publication of this ordinance if any is required and it is so ordained.

APPROVED THIS THE 12th DAY OF NOVEMBER, 2019.


Herman D. Earwood, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks