

ORDINANCE NO. 1360-2022

AN ORDINANCE AMENDING ARTICLE 13.04 “SEWER SYSTEM”, SECTION 13.04.013 “SEWER SERVICE RATES”, OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING SEWER RATES INCORPORATING A RATE INCREASE FOR RESIDENTIAL, COMMERCIAL AND APARTMENT CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS; REPEALING ORDINANCE # 1326-2021 IN ITS ENTIRETY AND REPLACING IT WITH THIS ORDINANCE; 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, the City Manager performed this year’s rate study based on current allocated expenditures and revenue collections for providing sewer services inside and outside the city limits for the collection and treatment of all sanitary sewer as collected by the River Oaks Sanitary Sewer System; and

WHEREAS, the City of Fort Worth has contracted wastewater treatment services to the City of River Oaks and have calculated rates and charges to the test year billing units and are proposing a 12.82% change in sewer rates to the City of River Oaks; and

WHEREAS, the River Oaks Sewer Rate is calculated taking into consideration both wastewater collection and treatment costs; and

WHEREAS, following the initial City Manager’s rate study during the budget workshops it was recommended that the City Council increase sewer rates approximately 11.1 percent over all for residential and 11.7 percent over all for commercial and apartment customers within the City; and

WHEREAS, a 11.1% system wide average increase in the residential rates, which is an increase of \$4 in base rate from the current \$36 to \$40 and a usage rate increase of 25 cents for every 100 cubic feet. For example, a residential customer that uses an average of 399 cubic feet of water during the winter months of December, January and February will be increased from the current \$45.00 to \$50.00 per month for sewer; an increase of 11.1%; and

WHEREAS, Commercial customers on the other hand are billed for actual water usage and are being increased 11.5% this year on retail base rates from \$52.00 to \$58.00 plus an additional 11% in usage charges and apartments from \$48.00 to \$54.00 plus 11% in usage charges. A commercial customer using 399 cubic feet of water would pay \$58.00 compared to a residential customer paying \$50.00; and

WHEREAS, the increased sewer rates herein are to be implemented in the 2022-2023 Fiscal Year Water Fund in order to offset the additional treatment costs per contract with City of Fort Worth; and

WHEREAS, the City Council has concluded after due and careful consideration to increase sewer rates based on the expenditure breakdown study performed by the City Manager to be effective on November 1, 2022; and

WHEREAS, the City Council has further concluded that Ordinance # 1326-2021 as previously adopted shall be repealed in its entirety and replaced with Ordinance # 1360-2022 to be effective on November 1, 2022.

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

SECTION 1.

With the adoption of this Ordinance, Section 13.04.013 of Article 13.04 of the River Oaks Code of Ordinances (2006) will be amended to now read as follows:

“Section 13.04.013 Sewer Service Rates

(a) **Commercial Consumers.** The monthly charges to commercial and industrial class customers will be based on the total water use as measured by appropriate meters, with the provision that if a customer can show to the city’s satisfaction and within the scope of the contractual agreement between the City of Fort Worth and the City of River Oaks that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged only for that volume entering the sewers, as determined by a method approved by the City. **The commercial sewer customers will be charged the base rate amount of \$58.00 plus \$0.07600 per cubic feet of water consumption.**

(b) **Residential class customers.** The monthly volume charges for residential class customers will be based upon the individual customer average monthly water use during the preceding winter quarter months of December, January, and February, but in no event shall the volume used to compute this monthly charge exceed 1,500 cubic feet. The volumes used to compute these charges are based on the amount of water used by the residential class customer as measured by the water meter. Where no preceding winter quarter average is available from records, the utility manager shall estimate a volume to be used for this monthly volume charge, such estimated volume not to exceed 1,500 cubic feet. **The Residential sewer customers will be charged the base rate amount of \$40.00 plus \$2.50 per 100 cubic feet of water usage.**

Residential sewer rate schedule is as follows:

| Cubic Foot Range | Current Rate (2021) | New Base Rate (2021-2022) | \$2.50 usage per 100 cu. Ft. | New Rate (11-01-2022) |
|------------------|---------------------|---------------------------|------------------------------|-----------------------|
| 0-99 | \$38.25 | \$40.00 | \$ 2.50 | \$42.50 |
| 100-199 | \$40.50 | \$40.00 | \$ 5.00 | \$45.00 |
| 200-299 | \$42.75 | \$40.00 | \$ 7.50 | \$47.50 |
| 300-399 | \$45.00 | \$40.00 | \$10.00 | \$50.00 |
| 400-499 | \$47.25 | \$40.00 | \$12.50 | \$52.50 |
| 500-599 | \$49.50 | \$40.00 | \$15.00 | \$55.00 |
| 600-699 | \$51.75 | \$40.00 | \$17.50 | \$57.50 |
| 700-799 | \$54.00 | \$40.00 | \$20.00 | \$60.00 |
| 800-899 | \$56.25 | \$40.00 | \$22.50 | \$62.50 |
| 900-999 | \$58.50 | \$40.00 | \$25.00 | \$65.00 |
| 1000-1099 | \$60.75 | \$40.00 | \$27.50 | \$67.50 |
| 1100-1199 | \$63.00 | \$40.00 | \$30.00 | \$70.00 |
| 1200-1299 | \$65.25 | \$40.00 | \$32.50 | \$72.50 |
| 1300-1399 | \$67.50 | \$40.00 | \$35.00 | \$75.00 |
| 1400-1499 | \$69.75 | \$40.00 | \$37.50 | \$77.50 |
| 1500 | \$72.00 | \$40.00 | \$40.00 | \$80.00 |
| Wells | \$72.00 | \$40.00 | \$40.00 | \$80.00 |

(C) **Apartment Class Customers.** The monthly charges to Apartment Class Customers will be based on the total water use on a per cubic foot basis as measured by appropriate meters similar to that of a commercial consumer. **The Apartment customers will be charged the base rate amount of \$54.00 plus \$0.07100 per cubic feet of water consumption.”**

SECTION 2.

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 3.

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 4

REPEALING CLAUSE

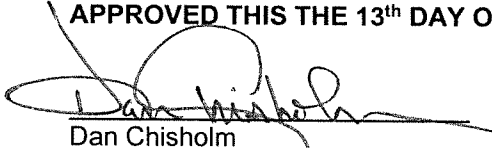
With the adoption of this Ordinance, Ordinance # 1326-2021 as adopted on September 14, 2021 is hereby repealed in its entirety and replaced with this ordinance as herein provided for.

SECTION 5

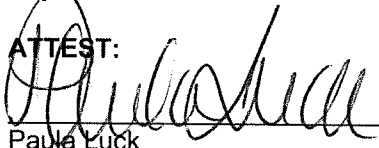
EFFECTIVE DATE

This Ordinance shall be in full force and effect on November 1, 2022 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 13th DAY OF SEPTEMBER 2022.


Dan Chisholm
Mayor Pro-Tem
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks