

ORDINANCE NO. 1389-2023

AN ORDINANCE AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.011 "WATER RATES" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; ADOPTING AND RATIFYING FEES FOR WATER RATES INSIDE AND OUTSIDE THE CITY LIMITS; 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 1.7 percent water rate decrease has been recommended by city staff for the minimum base water rates of residential water customers in and out of the water district from \$29.50 to \$29.00; and

WHEREAS, a 1.2 percent water rate decrease has been recommended by city staff for the minimum base water rates of commercial customers in and out of the water district from \$42.00 to \$41.50; and

WHEREAS, a 1.97 percent water rate decrease has been recommended by city staff for the minimum base water rates of commercial customers outside of the City and inside the water district from \$52.00 to \$51.00; and

WHEREAS, a 3.7 percent water rate decrease has been recommended by City Staff for the usage charge of residential customers outside of the city and in the water district from \$0.1400000 to 0.1350000 per cubic foot for usage over 400 cubic feet; and

WHEREAS, a 3.6 percent water rate decrease has been recommended by City Staff for the usage charge of commercial customers outside of the city and in the water district from \$0.1450000 to 0.1400000 per cubic foot for usage over 400 cubic feet; and

WHEREAS, the City Council has determined that the City's water rates as codified into Article 13.03, Section 13.03.011 of the River Oaks Code of Ordinances (2006) as amended does provide sufficient enough revenues even with the minimum base rate and usage charge reductions to cover the annual costs for operations of the water department; and

WHEREAS, the City Council has concluded after due and careful consideration to reduce the water rates for both residential and commercial customers inside and outside the water district and those customers outside the city limits for equitable 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)	\$ 29.00	\$ 0.0500000
(B) Customers inside the city and outside the District (RIO)	\$ 29.00	\$ 0.0500000
(C) Customers outside the city and inside the district (ROI)	\$ 49.00	\$ 0.1350000

(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)	\$ 41.50	\$ 0.0650000
(E) Customers inside the City and outside the District (CIO)	\$ 41.50	\$ 0.0650000
(F) Customers outside the city and inside the District (COI)	\$ 51.00	\$ 0.1400000

(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."

**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 # 1325-2021 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, 2023 in order to coincide with the October 2023 billing cycle 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 10th DAY OF OCTOBER 2023.



Darren Houk, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks