

## **ORDINANCE NO. 1250-2019**

**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 # 1203-2018 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 3.3% 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 3.2 percent over all for residential, commercial and apartment customers within the City; and

**WHEREAS**, a 3.2% system wide average increase in the residential base rates, which is an increase of \$1 in base rate from the current \$31 to \$32 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 \$38.00 to \$40.00 per month for sewer; an increase of 5.3%; and

**WHEREAS**, Commercial customers on the other hand are billed for actual water usage and are being increased 4.77% this year on base rates from \$42.00 to \$44.00 plus an additional 1 cent in usage charges; Apartment customers will be charged the base rate amount of \$40.00 plus \$0.05200 per cubic feet of water consumption; in comparison a commercial customer using 399 cubic feet of water would pay \$44.00 compared to a residential customer paying \$40.00; and

**WHEREAS**, this year EPA inspected all wholesale cities and in their inspection they found that we were understaffed in the Sewer Department and recommended we increase our staff two additional employees to eliminate sewer overflows and that alone was an \$89,000 labor cost increase from last year, which resulted in us having to propose a sewer rate increase this year; and

**WHEREAS**, the increased sewer rates herein are to be implemented in the 2019-2020 Fiscal Year Water Fund in order to offset the additional labor cost; 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, 2019; and

**WHEREAS**, the City Council has further concluded that Ordinance # 1203-2018 as previously adopted on September 4, 2018 shall be repealed in its entirety and replaced with Ordinance # 1250-2019 to be effective on November 1, 2019.

**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 \$44.00 plus \$0.05800 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 \$32.00 plus \$2.00 per 100 cubic feet of water usage.**

**Residential sewer rate schedule is as follows:**

<b>Cubic Foot Range</b>	<b>Current Rate (2018)</b>	<b>New Base Rate (2018-2019)</b>	<b>\$2.00 usage per 100 cu. Ft.</b>	<b>New Rate (11-01-2018)</b>
0-99	32.75	\$32.00	\$ 2.00	\$34.00
100-199	34.50	\$32.00	\$ 4.00	\$36.00
200-299	36.25	\$32.00	\$ 6.00	\$38.00
300-399	38.00	\$32.00	\$ 8.00	\$40.00
400-499	39.75	\$32.00	\$10.00	\$42.00
500-599	41.50	\$32.00	\$12.00	\$44.00
600-699	43.25	\$32.00	\$14.00	\$46.00
700-799	45.00	\$32.00	\$16.00	\$48.00
800-899	46.75	\$32.00	\$18.00	\$50.00
900-999	48.50	\$32.00	\$20.00	\$52.00
1000-1099	50.25	\$32.00	\$22.00	\$54.00
1100-1199	52.00	\$32.00	\$24.00	\$56.00
1200-1299	53.75	\$32.00	\$26.00	\$58.00
1300-1399	55.50	\$32.00	\$28.00	\$60.00
1400-1499	57.25	\$32.00	\$30.00	\$62.00
1500	59.00	\$32.00	\$32.00	\$64.00
Wells	59.00	\$32.00	\$32.00	\$64.00

(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 \$40.00 plus \$0.05200 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**

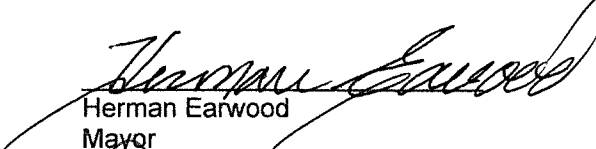
With the adoption of this Ordinance, Ordinance # 1203-2018 as adopted on September 25, 2018 is hereby repealed in its entirety and replaced with this ordinance as herein provided for.

### **SECTION 5**

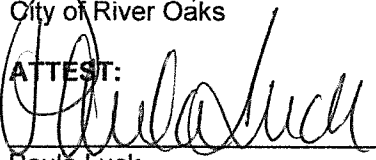
### **EFFECTIVE DATE**

This Ordinance shall be in full force and effect on November 1, 2019 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 24<sup>th</sup> DAY OF SEPTEMBER 2019.**

  
Herman Earwood  
Mayor  
City of River Oaks

**ATTEST:**

  
Paula Luck  
City Secretary  
City of River Oaks