

ORDINANCE NO. 18-01-04-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 13, UTILITIES, ARTICLE 13.1000, UTILITY BILLING OF THE CITY'S CODE OF ORDINANCES TO ADD SECTION 13.1050, RECLAIMED WATER; ALSO AMENDING APPENDIX A, SECTION 6.200, TO ADD RECLAIMED WATER RATES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY PROVISION AND PROVIDING OPEN MEETINGS AND AN EFFECTIVE DATE.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City ("City"); and

WHEREAS, the City, by and through the Texas Commission on Environment Quality, has been permitted for treatment and use of Type II Reclaimed Wastewater Effluent ("Reclaimed Water"); and

WHEREAS, the City Council has worked with City staff on the use and disposal of such Reclaimed Water and desires allow the possible sale of such Reclaimed Water under certain circumstances; and

WHEREAS, the City Council desires to effectuate such provisions and adopt the priority of usage and possible sale provisions, together with rates for such possible sale, within an ordinance and provisions related thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. Findings. All the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated herein into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment Of Article 13.1000, Utility Billing, Section 13.1050, Reclaimed Water, and Amendment of Appendix A, Section 6.200, Utility Rates and Fees, Lago Vista Code Of Ordinances. The City Council of the City of Lago Vista, Texas, does hereby add Section 13.1050, Reclaimed Water and amend Appendix A, Sec. 6.200, Utility Rates and Fees, Lago Vista Code of Ordinances as set forth below:

ARTICLE 13.1000 UTILITY BILLING

Sec. 13.1050. Reclaimed Water; Bulk Sale; Priority; Receptacles; Rates.

(a) The City currently has been issued by the Texas Commission on Environmental Quality (TCEQ) a Type II Reclaimed Wastewater Effluent Permit for treatment and use of wastewater within the City of Lago Vista. The City may sell Type II Reclaimed Wastewater Effluent ("Reclaimed Water") to any person or entity within or without the City Limits of the City of Lago Vista, provided that the provision of the same is not to be considered an essential or guaranteed service of the City's Water Utility Service. The City Manager or designee, in that person's sole

discretion, shall determine whether such water is available for bulk sale and the amount of such water which is available for sale at any time.

(b) Priority of use: City of Lago Vista uses shall always have priority over Bulk Reclaimed Water customers. After such priority uses, and any other public uses deemed advisable by the City Manager, the City Manager shall equitably determine allocations, if any, as well as when equitable cutbacks are necessary to preserve such Reclaimed Water for the City. Any allocations or cutbacks to a customer determined by the City Manager shall be final.

(c) Reclaimed water customers shall be responsible for providing receptacles, approved by the City Manager for such service. The same shall be utilized in accordance with the City's specifications, and the same shall be subject to inspection prior to connection to the City's system or delivery of reclaimed water. The City is not responsible for determining the condition of receptacles or the presence of contaminants in the same.

(d) All Reclaimed water customers of the City are responsible for testing the water received by them to determine if it is suitable for their own purposes at all times. By use of the reclaimed water, all customers understand that the quality of the water and its contents may continually change. The City is and shall not liable for any damages, loss of life or any other thing as a consequence of the provision of reclaimed water.

(e) No reclaimed or effluent water may be returned or added to the City's system without approval of the Manager.

(f) Rates: Each Bulk Reclaimed Water customer shall pay for Bulk Reclaimed Water at the rates set forth in the fee schedule found in Appendix A to this Code. All Bulk Reclaimed Water customers shall be charged for such Reclaimed Water service for each month. Failure to pay such rates in a timely manner shall be treated the same as other unpaid City utility bills as set forth in Section 13.1015 of this Code of Ordinances. Additionally, the City may refuse to sell additional Bulk Reclaimed Water to any customer with an unpaid bill.

(g) This reclaimed water service requires no continuing contract with the City, and does not affect any reclaimed or bulk water sales provided by the City in connection with other contracts approved by the City Council.

SECTION 3. Rates. Appendix A, Sec. 6.200, Utility Rates and Fees, Lago Vista Code of Ordinances is hereby amended to add Subsection (d), Reclaimed Water Rates, to read as set forth in the attachment hereto entitled "Sec. 6.200 Utility Rates and Fees," with subsequent subsections being renumbered, all as attached to and incorporated in this ordinance as though fully transcribed herein for all purposes.

SECTION 4. Amendment of Conflicting Ordinances. The above-referenced sections of the Code are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

SECTION 5. Savings Clause. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 6. Severability Clause. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

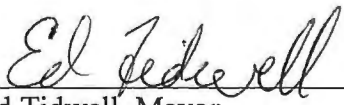
SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*, and the City's Charter.

SECTION 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THIS THE 4 DAY OF JANUARY, 2018.



CITY OF LAGO VISTA



Ed Tidwell, Mayor

ATTEST:



Sandra Barton, City Secretary

On a motion by Councilman Weatherly, seconded by Councilman Davila, the above and foregoing ordinance was passed and approved.

EXHIBIT A

Appendix A, Sec. 6.200, Utility Rates and Fees

Sec. 6.200 Utility Rates and Fees

(a) Residential and commercial water service:

(1) Monthly fee per LUE during stage 1 of water conservation: \$5.00.

(2) Residential (base rate plus volumetric rate (actual usage) by customer class).
Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$0.00.

(ii) 2,001–5,000 gallons: \$5.04 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.29 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.29 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$10.79 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$13.79 per 1,000 gallons.

(vii) 50,001–above: \$17.29 per 1,000 gallons.

(3) Commercial (base rate plus volumetric rate (actual usage) by customer class).
Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$3.95 per 1,000 gallons.

(ii) 2,001–5,000 gallons: \$4.95 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.20 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.20 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$10.70 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$13.70 per 1,000 gallons.

(vii) 50,001–above: \$17.20 per 1,000 gallons.

(4) Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Volumetric rate:

(i) 0–2,000 gallons: \$4.65 per 1,000 gallons.

(ii) 2,001–5,000 gallons: \$5.65 per 1,000 gallons.

(iii) 5,001–10,000 gallons: \$6.90 per 1,000 gallons.

(iv) 10,001–15,000 gallons: \$8.90 per 1,000 gallons.

(v) 15,001–25,000 gallons: \$11.90 per 1,000 gallons.

(vi) 25,001–50,000 gallons: \$14.90 per 1,000 gallons.

(vii) 50,001–above: \$17.90 per 1,000 gallons.

(5) Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2017, billed November 30, 2017 and bills due December 15, 2017:

(A) Base rate: \$36.52.

(B) Flat volumetric rate: \$4.17 per 1,000 gallons.

(b) Temporary water turn on for inspections and cleaning (up to 3,000 gallons): \$55.00.

(c) Wastewater (sewer) service (base rate plus volumetric rate). Effective: New rate effective with bills due May 15, 2018:

(1) Residential (volumetric rate will be determined by “winter averaging” a residential customer’s water usage for the months of November 2017; January and February 2018):

(A) Base rate: \$17.22.

(B) Volumetric rate: \$10.75 per 1,000 gallons.

(2) Commercial/industrial (volumetric rate will be determined based on water usage):

(A) Base rate: \$17.22.

(B) Volumetric rate: \$10.75 per 1,000 gallons.

(3) Sewer only or limited history, citywide average takes into account all water usage for the months of November, January and February. New rate effective with bills due May 15, 2018. Rates are the citywide average.

(4) Time of use sewer rate for nonprofit organizations:

(A) 1 to 2 days facility use per week: \$32.33.

(B) 3,000+ gallons: \$3.80 per 1,000 gallons.

(C) 3 to 4 days facility use per week: \$39.30.

(D) 3,000+ gallons: \$3.80 per 1,000 gallons.

(E) 5 to 7 days facility use per week: \$46.25.

(F) 3,000+ gallons: \$3.80 per 1,000 gallons.

(5) Rainwater system only customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services for the months of November, January and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate and then will be updated on May 15, 2018.

(d) Reclaimed Water Rates

(1) Type II Reclaimed Water rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.

(e) Sanitation service:

(1) Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.

(2) Additional trash and/or recycling carts: \$9.24 each plus tax.

(f) Deposits:

(1) Security deposit: \$130.00.

(2) Residential water and sewer deposit (without trash): \$100.00.

(3) Commercial water deposit: \$300.00.

(4) Sanitation deposit: \$30.00.

(g) Late payment penalty: \$15.00.

(h) Disconnection and reconnection fee: \$55.00.

(i) Disconnection/reconnection for nonpayment: \$55.00.

(j) RPZ inspection fee: \$50.00.

(k) Damage or injury to waterworks system: \$50.00.