

ORDINANCE NO. 2018-08

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAGLE PASS (“CITY”) APPROVING THE CITY’S 2018 WATER CONSERVATION PLAN; AMENDING SECTION 21-51, ARTICLE II, CHAPTER 21 (PLUMBING) OF THE CITY OF EAGLE PASS CODE OF ORDINANCES BY REPLACING THE CURRENTLY REFERENCED WATER CONSERVATION PLAN (ON FILE IN THE OFFICE OF THE CITY SECRETARY) WITH THE 2018 WATER CONSERVATION PLAN APPROVED BY AND ATTACHED TO THIS ORDINANCE; AUTHORIZING AND DIRECTING THAT THE CITY MANAGER OR HIS DESIGNEE FILE THE 2018 WATER CONSERVATION PLAN WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE TEXAS WATER DEVELOPMENT BOARD AS REQUIRED BY LAW; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City of Eagle Pass, is Texas municipal corporation operating as a home rule municipality (“City”) in accordance with the provisions of Chapter 26 of the Texas Local Government Code and the Eagle Pass City Charter; and

WHEREAS, the City created and established a separate waterworks system pursuant to Article X, Section 10-4(d) of the Eagle Pass City Charter for the use of the public to furnish water and wastewater service and to make and collect such charges and fees for such waterworks as may be fixed by the City Council of the City (“City Council”); and

WHEREAS, the City’s waterworks system known as the City of Eagle Pass Water Works System (a) is owned by and is an agency of the City; and (b) manages and operates (i) a water supply, treatment, storage, transmission and distribution system; and (ii) a wastewater collection, transportation, treatment and disposal system; and

WHEREAS, pursuant to Title 31, Part 10, Rules 363.15 and 363.71 of the Texas Administrative Code, entities that are applying for or receiving financial assistance of more than \$500,000 from the Texas Water Development Board (“TWDB”) are required to develop, submit, and implement a water conservation program for the life of the loan and report annually on the progress of the program; and

WHEREAS, pursuant to Title 30, Part 1, Rule 295.9 of the Texas Administrative Code, entities that appropriate or use state (*i.e.*, surface) water for municipal use and/or amend existing water rights to change the place of use are required to submit a water conservation plan to the Texas Commission on Environmental Quality (“TCEQ”); and

WHEREAS, pursuant to Section 13.146 of the Texas Water Code and Title 30, Part 1, Rules 288.2 and 288.30 of the Texas Administrative Code, a retail public water supplier with 3,300 or more water connections has to develop and submit a water conservation plan with the

TCEQ and TWDB, and review and update the water conservation plan once every five (5) years thereafter; and

WHEREAS, a water conservation plan is a strategy or combination of strategies for reducing the consumption, loss or waste of water, improving or maintaining the efficiency in the use of water, or increasing recycling and reuse of water, and contains best management practice measures to attempt to meet the targets and goals of the water conservation plan; and

WHEREAS, Section 13.002(19) of the Texas Water Code, defines a “Retail Public Utility” as “any ... municipality, political subdivision ...operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation;” and

WHEREAS, the City of Eagle Pass Water Works System (“EPWWS”) is a Retail Public Utility, has 17,116 water connections, obtains its water supply through surface water and water rights and has obtained financial assistance from the TWDB in an amount of more than \$500,000; and

WHEREAS, the City through its EPWWS prepared its first water conservation plan and filed it with the TCEQ and TWDB prior to the required deadline of May 1, 2009 and has since updated the plan every five (5) years in compliance with the law; and

WHEREAS, the City through its EPWWS has once again updated the water conservation plan which is due on May 1, 2019; and

WHEREAS, the EPWWS Board of Trustees approved the updated water conservation plan attached hereto as Exhibit “A” and incorporated herein for all purposes (“2018 Water Conservation Plan”); and

WHEREAS, the EPWWS Board of Trustees further recommended to and requested that the City Council approve the 2018 Water Conservation Plan; and

WHEREAS, the City Council finds and determines that approving the 2018 Water Conservation Plan is necessary, required by law, is worthwhile and beneficial for the citizens of the City, and is in the best interest of and will promote the public health, safety, morals and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS:

SECTION 1. That the 2018 Water Conservation Plan is hereby adopted and approved.

SECTION 2. That Section 21-51 of the City of Eagle Pass Code of Ordinances is hereby amended to replace the currently referenced water conservation plan (on file in the office of the City Secretary) with the 2018 Water Conservation Plan approved by and attached to this Ordinance.

SECTION 3. That the City Manager or his designee are hereby authorized and directed to file the 2018 Water Conservation Plan with the TCEQ and TWDB within the time required by law (*i.e.*, within 90 days of adoption of the Plan and this Ordinance) and further to transmit a copy of the 2018 Water Conversation Plan to the Region M Planning Group.

SECTION 4. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public, and that public notice of the time, place, and subject matter of the public business to be conducted at such meeting, including this Ordinance, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION 5. If any part, section, paragraph, sentence, phrase, or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative, invalid or ineffective, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, inoperative, invalid or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, inoperative, invalid or ineffective.

SECTION 6. This Ordinance becomes effective immediately upon its passage after a third and final reading.

READ, PASSED, AND APPROVED ON FIRST READING, this 20th Day of March, A.D., 2018.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Ramon, Davis Villalpando, Sifuentes
NAYS: None
ABSTAINED: None
ABSENT: None

READ, PASSED, AND APPROVED ON SECOND READING, on this 3rd Day of April, A.D., 2018.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Ramon, Davis, Villalpando, Sifuentes
NAYS: None
ABSTAINED: None
ABSENT: None

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING, this 10th Day of April, A.D., 2018.

ATTEST:

Ramsey English Cantu
Mayor

Imelda B. Rodriguez
City Secretary

AYES: English-Cantu, Davis, Villalpando, Sifuentes
NAYS: None
ABSTAINED: None
ABSENT: Ramon

APPROVED AS TO FORM AND LEGALITY:

Langley & Banack, Inc.
City Attorney