

ORDINANCE NO. 2020-O-111

AN ORDINANCE OF THE CITY OF MARBLE FALLS AMENDING CHAPTER 26, "UTILITIES," ARTICLE IV, EXTENSION OF WATER AND SEWER LINES, SECTION 26-111 TO AMEND VARIOUS DEFINITIONS AND ADD A DEFINITION FOR WHOLESALE WATER SERVICE; AMENDING ARTICLE V, "RATES AND CHARGES," DIVISION 2, "WATER AND SEWER," SECTION 26-136, "WATER SERVICE", TO CHANGE THE RATES FOR WATER SERVICE PROVIDED BY THE CITY INSIDE THE CITY LIMITS AND OUTSIDE THE CITY LIMITS; SECTION 26-138 "SEWER SERVICE" CHANGING THE RATES FOR SEWER SERVICE PROVIDED BY THE CITY INSIDE THE CITY LIMITS AND OUTSIDE THE CITY LIMITS; PROVIDING A NEW SECTION 26.138.1 "WHOLESALE WATER SERVICE", ESTABLISHING RATES AND TERMS AND CONDITIONS FOR WHOLESALE TREATED WATER SERVICE; AND PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS; PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, the City of Marble Falls 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 of Marble Falls operates and maintains a Water and Wastewater system to provide potable water and wastewater treatment services to the public; and

WHEREAS, the City of Marble Falls has an inherent fiduciary responsibility to manage the Water and Wastewater Fund in a prudent, fiscally sound manner; and

WHEREAS, the City of Marble Falls has analyzed the future capital improvement and revenue needs of the Water and Wastewater Fund; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENTS

A. That Section 26-111 Definitions are hereby amended as follows:

1. *City's water and sewer system* means the water and sewer facilities owned or operated by the city in the provision of water and sewer service within the city's service area and such wholesale treated water service and wholesale sewer service provided in areas outside of the city's service area.
2. *Customer* means any person provided retail water and sewer service, including water treatment and distribution service, or sewage collection, treatment and disposal service, by the City of Marble Falls and its designee.
3. *Water and sewer service* means retail water and sewer service provided by the city or its designee directly to the ultimate retail customer and wholesale water and sewer service provided by agreement to customers located outside of the service area.
4. *Wholesale Customer* means any wholesale customer that purchases water and/or sewer service from the city by agreement for resale to a retail customer.

B. That Subsection (4), Section 26-136. - Water service, is hereby amended as follows.

(4) Users outside the city limits will be charged the outside the city rates as specified for all applicable water and sewer fees.

C. That Subsection (f) of Section 26-138 Sewer Service is amended to read as follows as follows:

(f) Customers beyond the city limits shall be charged the out of city rate as set forth in the master fee schedule, appendix C.

D. Chapter 26 Utilities is amended by creating a new Section 26.138.1 "Wholesale Water Service" which shall read as follows:

Section 26.138.1 Wholesale Water Service

The City may from time to time may enter into an agreement to provide wholesale water service to persons or entities desiring to receive treated water for resale to its retail customers at the wholesale rates described in the Master Fee Schedule, appendix C. Such wholesale water agreements shall provide for submittal of an application consistent with the requirements of this Chapter, compliance with the City's requirements related to construction and operation of potable water distribution systems, the city drought contingency plan, provide for inspection of facilities and the right of entry thereto, and such other terms and conditions deemed appropriate by the city. Wholesale water service shall be subject to the availability of water from the city.

SECTION III. PROVIDING FOR A SAVINGS CLAUSE.

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION IV. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION V. ENFORCEMENT AND PENALTIES

A violation of this Ordinance shall be enforced in accordance with General Penalties provision in Section 1-9 of the City Code of Ordinances.

SECTION VI. EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2021.

SECTION VII. PROPER NOTICE AND MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Passed and approved this 17th day of November, 2020.



Attest:

Christina McDonald
Christina McDonald, City Secretary

John Packer
John Packer, Mayor

Approved as to Form:

Patty L. Akers
Patty L. Akers, City Attorney