

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 23-076-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING APPENDIX A, LEANDER CODE OF ORDINANCES, TO MODIFY ARTICLE A7.000, UTILITY RATES AND CHARGES, PROVIDING FOR SEVERABILITY, AN OPEN MEETING CLAUSE, AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is necessary to establish fees and charges for the purpose of recovering the cost and expense of providing services to customers of the City of Leander;

WHEREAS, rapid growth requires the City to expend public funds to serve such growth; and

WHEREAS, it is appropriate for the costs and expenses for providing services to be funded by user fees collected from persons and entities receiving the benefit of such services; and

WHEREAS, the City Council amends Section A7.002(a)(12) to reflect six pre-existing rates and/or billing practices related to the City's contractual arrangements: a) three being wholesale customer arrangements with governmental entities; b) two being development arrangements and c) one reflecting a contractual arrangement that ties some residential rates to what those residents would have been charged by their former provider; and

WHEREAS, given that the City entered into these certain contracts and commitments in good faith and to benefit the City over the course of several years, the City Council believes that these contractual commitments/arrangements should be memorialized in Appendix A due to their nature and to facilitate efficient administration by City staff.

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

SECTION 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Amendment of Appendix A, Article A7.000, Utility Rates and Charges. Appendix A, Article A7.000, Utility Rates and Charges, is hereby amended as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein as though fully transcribed herein for all purposes.

SECTION 3. CPI Adjustment. In accordance with Section 13(d)(2)-(3) of the Interlocal Cooperation Agreement for Water Treatment and Delivery Services, the City of Georgetown

wholesale volumetric rate under the agreement is increased from \$2.99 per 1,000 gallons to \$3.11 per 1,000 gallons effective as provided for in the agreement.

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 rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting building, subdivision, and zoning-related fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect upon final passage and publication in the manner required by the Texas Local Government Code and the Charter.

SECTION 7. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. Open Meetings. 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, Texas Government Code, Chapter 551.

PASSED AND APPROVED on this 2nd day of November, 2023.

ATTEST:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

EXHIBIT A

Article A7.002 Water rates and charges.

(a) (12) New subsection. Rates set by contract or other action by City Council.

(i) Interlocal Agreement for Water Treatment and Transportation Services made and entered into by and between the City of Leander, Texas and the City of Liberty Hill, Texas effective August 1, 2013 and as set forth therein in Section 15.

(ii) Affected Customers as defined in the Settlement Agreement made and entered into to be effective on the 8th day of August 2014 by and between the City of Leander, Chisholm Trail Special Utility District, and the City of Georgetown and as set forth therein in Section 7.c which states in part that as further compensation, Leander agrees that Affected Customers' payments for water service from Leander, now and in the future, will be no higher than the payments the Affected Customers would have paid to Georgetown if the transfer to Leander had not occurred. Affected Customers means those residential customers in the Leander Area, including Rancho Sienna, receiving retail water service from CTSUD on the date of the Closing of the transaction contemplated by the Consolidation Agreement. The closing of the transaction occurred on September 12, 2014.

(iii) Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2, and 3 and Development of the Bar W Ranch dated September 17, 2015 and as set forth therein in Section 5.01 that the City agrees to provide water service to customers within the Land in the same manner and on the same terms and conditions as the City provides service to similarly situated retail customers inside its corporate limits.

(iv) Interlocal Agreement for Wholesale Water and Wastewater Utility Services made and entered into by and between the City of Leander, Texas and the City of Jonestown, Texas on October 8, 2015 and as set forth therein in Section 3.17.

(v) City of Leander customers residing outside the city limits as of April 4, 2019 shall receive the same rates as inside city limit customers as long as the customer remains an active account at the same address as on April 4, 2019.

(vi) Interlocal Cooperation Agreement for Water Treatment and Delivery Services made and entered into by and between the City of Leander, Texas and the City of Georgetown, Texas effective April 28, 2020 and as set forth therein in Section 13.