

ORDINANCE 2022-09-04

AN ORDINANCE OF THE CITY OF ANAHUAC CREATING A SPECIAL SPLASH PAD ACCOUNT WITH CHAMBERS COUNTY, TEXAS FOR THE COUNTY'S PURCHASE AND USE OF WATER FROM THE CITY'S WATER SYSTEM, AND USE OF THE CITY'S SEWER SYSTEM, FOR THE OPERATION OF A RECREATIONAL SPLASH PAD TO BE CONSTRUCTED AND OPERATED FOR THE BENEFIT OF THE PUBLIC IN FORT ANAHUAC PARK LOCATED IN THE ANAHUAC CITY LIMITS; RELATED CHARGES FOR THE CITY'S OR COUNTY'S GARBAGE DISPOSAL SYSTEMS, RESPECTIVELY; MAKING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEALING OR AMENDING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY & SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Anahuac (the City) is a Type A general-law municipality located in Chambers County, Texas created in accordance with the provisions of the Texas Revised Civil Statutes of 1925 (as amended) or Chapter 6 of the Texas Local Government Code (as amended), and operating pursuant to the enabling legislation of the State of Texas (as amended).

WHEREAS, the City Council of the City of Anahuac (the City Council), as the City's governing body, is authorized to provide for the public safety under the City Council's general police power authority for good government, peace, order, trade and commerce, as is necessary or proper for the government, interest, welfare, or good order of the City as a body politic, not inconsistent with state law.

WHEREAS, the City provides and operates a utility system within its corporate limits that includes water and sewer services, and is authorized to regulate the utility system in a manner that protects the interests of the City, *see* TEX. LOC. GOV'T CODE §552.001(b); and has exclusive jurisdiction over all water and sewer rates, operations, and services provided by the water and sewer utility within its corporate limits so that rates may be fair, just, and reasonable and the services adequate and efficient, *see* TEX. WATER CODE 12.042(a).

WHEREAS, the Chambers County, Texas (the County) is authorized to operate and regulate solid waste collection, handling, storage and disposal in areas of the county not in a municipality or in the extraterritorial jurisdiction of a municipality, including property necessary or convenient to the exercise of the powers and purposes provided by Chapter 364 of the Texas Health and Safety Code (the County Solid Waste Control Act) and cooperative efforts between the County, public agencies and other persons, including municipalities, and the fees charged for solid waste disposal. *See* TEX. HEALTH & SAFETY CODE §§ 364.002, 364.001(a), 364.013 & 364.014.

WHEREAS, the County operates and regulates solid waste disposal in an area of the county not in a municipality or in the extraterritorial jurisdiction of a municipality, which is located on the north side of State Highway 65 and is commonly called the County Landfill.

WHEREAS, the City disposes of solid waste County Landfill obtained in solid waste and collection services the City provides to residents and businesses in the City (currently through an independent contractor for solid waste collection and disposal), and historically the County did not charge the City for solid waste disposal but started charging the City in the year 2021.

WHEREAS, the County intends to create a recreational "splash-pad" improvement in Fort Anahuac Park (being land and facilities belonging to the County that is located inside the City's corporate limits), as a development project funded in part with development funds of the Anahuac Municipal Development District (being a political subdivision of Texas and the City), and the use of the park splash-pad will require the City to provide water and sewer services from the utility system that the City provides and operates.

WHEREAS, the prudent planning and operation of the "park splash-pad" improvement requires a substantial degree of long-term certainty of the water and sewer services cost which the City will provide, the City has authorized this interlocal agreement with the County in cooperation of

promoting the “park splash-pad” improvement project on the following terms and consideration:

on 10 January 2022 the City Council voted unanimously in the affirmative that the City of Anahuac enter into an interlocal agreement with Chambers County for the City to provide water at a special long-term price to the proposed splash pad at Fort Anahuac Park (a price based on the City’s estimated cost of producing the water, on terms allowing the County to make a long-term budget for the splash pad operation) and in exchange the County waives, and not charge, the City for the garbage disposal land-fill fees the County currently charges the City. Specifically, the interlocal agreement proposed is for an initial term of 10 years, renewable automatically unless a party gives a termination notice at least 90 days before the end of the term, (a) the City will charge the County a flat rate of three dollars (\$3.00) per thousand gallons for water service at the splash pad as a special splash pad account, the City will waive or not charge any user, sewer, or garbage service fee on this special splash pad account, and in exchange during the term (b) the County will waive all, and not charge any, garbage disposal land-fill fees for the City.

WHEREAS, the County, acting through its Commissioners Court, has represented and agreed that the County will waive all, and not charge any, garbage disposal land-fill fees for up to 10 (ten) loads per month for the City; and additional loads above the maximum 10 loads per month will be charged at the current fee rate.

WHEREAS, City Council finds the up to 10 (ten) loads per month provision reasonable and acceptable.

WHEREAS, the City Council finds that this agreement should be made through an interlocal cooperation contract between the County and the City establishing the special park splash pad account and that this agreement will increase the efficiency and effectiveness of each governmental party to the agreement in providing for the governmental functions and services under with the park splash pad will be established and operated.

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

I.

There is established a Special Splash Pad Account for the County for the City to provide water at a special long-term price to the splash pad at Fort Anahuac Park for an initial term of 10 years, renewable automatically unless a party gives a termination notice at least 90 days before the end of the term, (a) the City will charge the County a flat rate of three dollars (\$3.00) per thousand gallons for water service at the splash pad as a special splash pad account, the City will waive or not charge any user, sewer, or garbage service fee on this special splash pad account, and in exchange during the term (b) the County will waive all, and not charge any, garbage disposal land-fill fees for up to 10 (ten) loads per month for the City; and additional loads above the maximum 10 loads per month will be charged to the City at the current fee rate.

II.

Pursuant to and attached to this ordinance is a written Interlocal Agreement between Chambers County and the City of Anahuac, the terms and provisions of which are hereby incorporated by reference, and the Mayor of the City is authorized to execute said Interlocal Agreement on the City’s behalf.

III.

Cumulative; Repeal of Conflicting Provisions. This ordinance and section shall be cumulative of all provisions of ordinances and of the City Code, as amended, except where the provisions of this ordinance and section are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such other ordinances and other code are hereby repealed or amended in a manner so that this ordinance and section shall

survive and prevail.

IV.

Severability. It is hereby declared to be the intention 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 or invalidity 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 or invalid phrase, clause, sentence, paragraph or section. If any section, subsection or provision of this ordinance is held invalid, the remainder shall not be affected by such unconstitutionality or invalidity.

V.

Effective Date. This ordinance and chapter shall be in full force and effect from and after its passage, and it is so ordained.


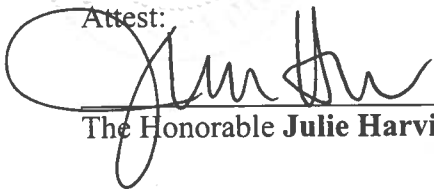
VI.

IT IS SO ORDAINED. This Ordinance PASSED, APPROVED and ADOPTED this **12th** day of **September, 2022 A.D.**

CITY OF ANAHUAC

 By: _____

The Honorable **Danny Thompson**, Mayor


[City Seal]
Attest: 

The Honorable **Julie Harvill**, City Secretary