

ORDINANCE NO. 2012-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, ADJUSTING UTILITY RATES, AMENDING THE DEFINITION OF CONSUMER, AMENDING THE PROCESS FOR CONSUMER APPEALS, AND PROVIDING AUTHORIZATION FOR CERTAIN COLLECTION EFFORTS.

WHEREAS, the City Council of the City of Uvalde, Texas (the "City"), finds and determines that it is appropriate, advisable, and in the best interests of the citizens of the City

WHEREAS, the City Council for the City of Uvalde, Texas finds that due to inflation and other cost increases in the administration of the City's utility systems, it is proper to make rate adjustments; and

WHEREAS, the City Council for the City of Uvalde, Texas finds that some consumers are attempting to obtain free services and more stringent penalties are required; and

WHEREAS, the City Council for the City of Uvalde, Texas finds it is for the welfare of the City as a whole and the utility systems to make adjustments to the City's utility regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE CHAPTER 13 OF THE CITY OF UVALDE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:

13.16.020 - Water rates.

A. Uniform Monthly Rates: The following uniform monthly rates shall be charged and collected monthly from each consumer located and receiving water service within the city limits:

1. Minimum Bill. The minimum monthly bill, which includes up to 2,000 gallons of water and is determined by the size of the meter supplying such consumer, is established according to the following schedule:

Size of Meter(Inches)	Residential	Commercial
$\frac{3}{4}$	\$11.52	\$16.84
1	\$15.14	\$21.70
$1\frac{1}{2}$	\$28.04	\$40.15
2	\$41.05	\$58.68
3	\$57.82	\$82.76
4	\$75.63	\$108.02

6	\$114.59	\$163.71
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2. **Volume Charge.** The consumption charge per 1,000 gallons of water, or fraction thereof, over 2,000 gallons per month, shall be as follows:

- a. The rate per 1,000 gallons over the first 2,000 gallons, up to 20,000 gallons in any one month, is \$1.29 per 1,000 gallons for both residential and commercial customers.
- b. The rate per 1,000 gallons or fraction thereof over 20,000 gallons and up to 50,000 gallons in any one month is, \$1.56/1,000 gallons for residential customers and \$1.62/1,000 gallons for commercial customers.
- c. The rate per 1,000 gallons or fraction thereof over 50,000 gallons in any one month is \$2.15/1,000 gallons for both residential and commercial customers.

B. Water Rights Fee: In addition to the above rates, a monthly fee will be charged to each account based on the following water consumption:

Monthly Gallons	Monthly Fee
0 to 2,000	\$3.75
2,001 to 20,000	\$6.01
20,001 to 50,000	\$8.11
50,001 and over	\$10.29

The funds collected from the monthly fee will be designated specifically for the purchase of Edwards Aquifer Water Rights and the funds will be kept in a separate fund for the purchase of Edward Aquifer Water Rights.

C. City Rate: The rate for the city shall be the appropriate monthly minimum for the size meter being used plus \$0.35 per 1,000 gallons of water used or fraction thereof over 4,000 gallons in any one month.

D. Connection/Disconnection and Reconnection Fee.

1. Residential consumers shall pay \$25.00 per service trip to connect or disconnect from the water system.
2. Commercial consumers shall pay \$25.00 per service trip to connect or disconnect from the water system.
3. Residential and commercial consumers shall pay \$30.00 per service trip to reconnect services after being disconnected for non-payment of bill.

- E. Rates for Outside City Limits:** The rate for water used by residential and commercial consumers outside the corporate limits of the city shall be two times the rate within the corporate limits.
- F. Rates for Multiple Residences:** Where more than one residence is served by a single meter, a minimum of five-eighths-inch meter monthly rate charge shall be made for each residence served. Allowances for vacancies are not allowed.
- G. Rates for Multiple Meters:** Each consumer having two or more meters at a single location, the minimum monthly bill for such consumer shall be the sum of the minimum for each size meter.
- H. Deposits:** An applicant for city water service shall deposit with the city the sum of \$100.00 as security for the payment of charges for residential, and \$200.00 for commercial. Every individual account is required to have a deposit. For commercial applicants whose water consumption is expected to be higher than average (such as restaurants, etc.) the deposit will be a minimum of \$300.00. Commercial applicants who will have multiple users (apartments, motel, etc.) will be charged a deposit. Customers that timely pay all charges for water service for a period of 24 months shall be entitled to a refund of their security deposit at the expiration of such period. If a consumer who has deposited security with the city requests termination of service, the charges due, if any, from the date of last billing to the date of termination shall be deducted from the security, and the balance refunded to the consumer.)

13.16.030 - Pass-through charges.

- A. Definitions.** As used in this section, the following terms shall have the meanings and definitions as follows:

"Consumer" means either a residential or commercial person, firm, corporation, organization and/or entity whose property is now or hereafter connected to the waterworks system and/or a water meter of the city. For purposes of this code, adult family members such as husband and wife or son and mother, who live at the same location as a family are jointly considered to be a single consumer and are jointly and severally liable for the account. For a husband/wife consumer, any utility account is considered a community debt under community property law."

"Edwards Aquifer Authority management fee" is the amount of a fee expressed in dollars per acre foot of water that the Edwards Aquifer Authority charges the city per year for each acre foot of water that the city withdraws per year from the Edwards Aquifer for management purposes.

"Habitat Conservation Plan fee" is the amount of a fee expressed in dollars per acre foot of water that the Edwards Aquifer Authority charges the city per year for each acre foot of water that the city withdraws per year from the Edwards Aquifer for the purpose of funding the Habitat Conservation Plan.

"Pass-through charge and/or fee" is the charge and/or fee that the city will charge each consumer in addition to the water bill that the city charges each consumer.

- B. Calculation of the Pass-Through Charge and/or Fee.** Each time the Edwards Aquifer Authority charges a management fee to the city, the city manager will divide the total amount of the management fee by the number by the average number of gallons used by the city in the previous three years. The answer of such division is then divided by the number of months remaining in the calendar year and the result will be the pass-through charge and/or fee that will be charged each month to each consumer per gallon of water consumed in addition to the water bill of the consumer. The city manager may make adjustments to this calculation to take into account any Edwards Aquifer water that has been contracted down, leased, contributed to conservation, or otherwise will not be subject to management fees. In addition, any rebates received from prior year management fees may be used to offset current year fees, subject to the approval of the City Council.

Each time the Edwards Aquifer Authority charges a Habitat Conservation Plan fee to the city, the city manager will divide the total amount of the Habitat Conservation Plan fee by the number of consumers in the city. The answer of such division is then divided by the number of months remaining in the calendar year and the result will be the pass-through charge and/or fee that will be charged each month to each consumer in addition to the water bill of the consumer.

- D. Collection.** The pass-through charge and/or fee will be charged and collected from each consumer with and in addition to the water bill of each consumer no less frequently than monthly.

13.16.060 - Bills—Due and payable when—Procedures for termination of services for nonpayment of charges.

- A. Payment Due Upon Receipt:** All utility charges as established by this code shall be determined on a monthly service basis and shall be due and payable upon receipt. However, payments are not considered late if paid within fourteen (14) days of the mailing of a utility bill, which is referred to in this chapter as the fourteen (14) day payment period. After fourteen (14) days the bill becomes delinquent.
- B. Delinquent Bills:** When a bill becomes delinquent, a one-time late payment charge equal to five percent of the delinquent amount is imposed on the consumer. When a utility bill becomes delinquent, the city shall mail a "Final Past Due Notice" to the consumer. The notice shall be mailed to the address shown in the city records and shall state the amount due, including the late payment charge, the scheduled turn-off date, which shall be not less than ten (10) calendar days after the notice is mailed, and shall contain the following message:

IMPORTANT

The monthly utility bill for this account was mailed to this address approximately fourteen (14) days ago. If you believe that the bill is incorrect or that a deferred payment plan is justified, please contact the Utility Office Manager at 830/278-6616.

Service will be discontinued if the payment (or other approved arrangements) is not completed by 5:00 p.m. on the turn-off date printed on the reverse side of this notice.

Please disregard this notice if the bill has been paid.

A \$50.00 RECONNECTION FEE IS CHARGED FOR INVOLUNTARY DISCONNECTIONS.

- C. Notification:** If there is a problem paying the bill, the consumer should notify the city before the ten (10) day period ends. Problems paying the bill include a consumer challenging the accuracy of the bill and/or the consumer's ability to pay the bill.
- D. Complaint:** If a consumer believes that the amount billed for utilities services is erroneous, or if a consumer believes he or she has been billed for services not actually rendered, the consumer must file a written complaint with the City Secretary before the end of the fourteen (14) day payment period. The consumer's complaint shall be thoroughly investigated by city staff and the results will be reported back to the consumer. Corrections to the bill will be made whenever justified. The consumer may request a hearing with the Utility Director at this point if he or she believes that the investigation results are in error or that the proposed adjustments are inaccurate.
- E. Hearing:** Upon receiving a request for hearing, which must be made in writing before the end of the fourteen (14) payment period, the Utility Director shall schedule such hearing to occur within two business days following receipt of such request, unless for good cause the consumer or the city requires additional time, in which case the hearing shall occur within five business days from receipt of such request. The consumer shall be advised of the date, time and place of the hearing; of his or her right to present documentary evidence or proffer testimony by witnesses; and that city records pertaining to his or her account will be available and city utilities personnel may also provide information. All hearings before the Utility Director shall be informal, shall not be governed by any the rules of evidence, and need not be recorded. At the conclusion of the hearing, the Utility Director shall orally announce his or her decision.
- Upon receiving the Utility Director's decision, if the consumer believes the bill is still in error, the consumer may make a final appeal to the City Manager by following all of the procedural requirements required for an appeal to the utility director. The City Manager shall make his or her decision in due course and shall inform the consumer in writing of such decision. The Utility Director's decision is final and non-appealable.
- F. Hearing Results:** If either the Utility Director or the City Manager finds that the billing complained of is in error, or that the consumer has been billed for services not actually received, he or she shall take all appropriate action to correct or adjust the error. Neither the Utility Director nor the City Manager shall have ~~no~~ authority to take preventive or corrective action except in cases of erroneous billing. If the Utility Director or City Manager's decision is adverse to the consumer, the consumer shall be deemed to have exhausted his or her administrative remedies.

- G. Deferred Payment Plan:** If a consumer anticipates a problem paying a utility bill due to sickness, injury or like cause, he or she should request a "deferred payment plan" agreement before the utility bill becomes delinquent. The "deferred payment" will include a one-time five percent administrative charge on the amount deferred. Temporary extensions may be granted at the discretion of the utility office manager following established deferred payment plan policy. The request for a "deferred payment plan" must be made in writing before the end of the fourteen (14) payment period.
- H. Delinquent Accounts:** Service shall be discontinued to customers with accounts that have been delinquent thirty-five (35) days. In order to reestablish service the consumer must pay an administrative reconnection fee of fifty dollars (\$50.00), the outstanding utility bill balance (or execute a "deferred payment plan" agreement), and any adjustments to the deposit that are required by this code.
- I. Double Deposits:** Any consumer of the utility services furnished by the city which has discontinued such services through either nonpayment of the utility bills or through relocation of residence with a delinquent account shall be required to furnish a double deposit for city services requested and such consumer shall also be required to pay all past due utility bills and penalties due.

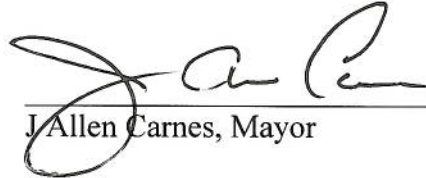
13.16.110 - Penalties

- A. Theft of Service:** If a consumer, residential or commercial, accumulates a past due balance which exceeds the security deposit and is more than thirty-five (35) days delinquent, such customer can be criminally charged with theft of service. Upon the filing of a charge, such security deposit is forfeit and shall be applied to the balance in mitigation. Nothing in this section shall be construed to limit forfeiture of the security deposit to a theft of service situation.
- B. Unlawful connection with water main:** It shall be unlawful for anyone without the written consent of the manager or owner of the water supply to bore or drill into any water main or make attachments to or connections with any service pipe or turn on water from street cocks.
- C. Maintenance of service pipes and penalties:**
1. The City's responsibility for maintenance extends only to the city's service box on the street side. Service pipes on the property owner's side are the responsibility of the property owner. All persons using water furnished by the city shall keep their service pipes from the city's service box in good repair, so as to prevent leakage on the streets. No free maintenance of the service pipes on the property owner's side of the service box is permitted.
 2. It is unlawful for any person to intentionally or knowingly attempt to solicit, obtain, or accept either free repair of service pipes on the property owner's side of the service box or free water. A violation of this provision is a class C misdemeanor punishable by a fine not to exceed \$2,000 for each day a violation exists.

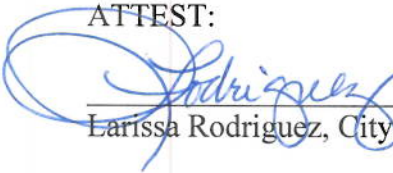
D. Unlawful taking of water: It shall be unlawful for any person without the written consent of the owner or manager of the water supply to make an attachment to, or to use water from, any private hydrant or service box for purposes other than those specified in the original application for water. A violation of this provision is a class C misdemeanor punishable by a fine not to exceed \$2,000 for each day a violation exists.

PASSED AND APPROVED this the 9 day of October, 2012.

CITY OF UVALDE TEXAS


J. Allen Carnes, Mayor

ATTEST:


Larissa Rodriguez, City Secretary