

CITY OF WILLOW PARK

ORDINANCE NO. 547-06

AN ORDINANCE PROVIDING FOR AMENDMENT OF APPENDIX A "FEE SCHEDULE" WILLOW PARK CODE OF MUNICIPAL ORDINANCES, ARTICLE 15.000 "RATE SCHEDULE FOR WATER SERVICE" SUBSECTION (b) BY ADDING A NEW SUBSECTION TO PROVIDE A DISCOUNT FOR PERSONS 65 YEARS OF AGE OR OVER OR DISABLED; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, the City is a municipality that provides potable water service and sewer service through a municipal utility, owned, operated and controlled by the municipality for the benefit of residents and customers proximate to the City; and

WHEREAS, the City does possess a Certificate of Public Convenience and Necessity (CCN) to furnish water and wastewater service issued by the Texas Commission of Environmental Quality, to wit: CCN Nos. 11814 and 20773, respectively in Parker County, Texas; and

WHEREAS, the City desires to create, provide and maintain both waterworks and wastewater facilities that are safe, adequate and sufficient for the provision of said services; and

WHEREAS, the City may ascertain and fix just and reasonable standards, classifications, regulations, service rules, service standards and practices to be observed in the furnishing of water and wastewater services; and

WHEREAS, the City acknowledges and recognizes that the provision of adequate, efficient and safe water and wastewater services to those inside and outside the corporate boundaries of the City are dependent upon adequacy of supply and age of delivery system and facilities, capacity of the system, pressure within the system, remoteness of the customer and other objective and physical differences; and

WHEREAS, the City now owns, operates, or manages potable or wastewater utility services in and for Certificate of Convenience and Necessity No. 11814, 20773, 12027, 20849, and 12747; and

WHEREAS, the governing body of the City is the regulatory authority for public utilities operating within the corporate limits and pursuant to §13.139, TEX. WATER CODE, has the authority to fix reasonable standards, classifications or practices related to the utility services; and

WHEREAS, Art. VIII, §1-b, TEXAS CONSTITUTION, recognizes the reasonableness of a classification involving a person 65 years of age or older or disabled; and

WHEREAS, persons 65 years of age or older or disabled may be living on a fixed income or possess more limited financial resources than individuals not in that classification; and

WHEREAS, the City has adopted a tiered rate schedule for water service, based partially on conservation principals, by adoption of Ordinance 545-05 on September 20, 2005; and

WHEREAS, a discount for delivery of residential water volume in the initial tier of not more than 7,500 gallons to the classification of persons 65 years of age or older or disabled is a just and equitable regulation or practice.

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATION

The provisions of this Ordinance shall apply to the classification of qualified persons 65 years of age or older or disabled, as defined herein, served by or with the City of Willow Park Waterworks, wherever situated.

SECTION 3. AMENDMENT

Appendix A "Fee Schedule" Willow Park, Code of Municipal Ordinances, Article 15.000 "Rate Schedule for Water Service" subparagraph (b) is amended by adding a new subsection (15) as follows:

- (15) Senior or Disabled Persons Discount for Residential Water Usage
- (a) The City shall grant a twenty-five percent (25%) discount to be credited against the residential minimum monthly charge and the residential volume charge, per 1,000 gallons of water delivered, to a qualified person 65 years of age or older or a disabled person, as defined by Art. VIII, Section 1-b TEXAS CONSTITUTION.
- (b) The value of the discount credited to the monthly bill of the person qualified under this subsection is calculated by deducting the twenty-five percent (25%) discount from the cost of the residential minimum monthly charge and the residential volume charge, calculated under subsection (b)(2)(i) and (b)(4) above, for the amount charged per 1,000 gallons of water up to 7,500 gallons. All residential water volume delivered to a qualified person over 7,500 gallons shall be charged at the specified, non-discounted residential volume rate.
- (c) To qualify for the twenty-five percent (25%) discount under this subsection, the person must present acceptable proof of: (i) age or disability, as defined in subsection (a) above; and, (ii) proof of head of household status, to the City. Proof of age shall require a record or document issued by a state or governmental entity. The determination of qualification for the discount permitted by this subsection is in the sole and absolute discretion of the City.

SECTION 4. EFFECTIVE DATE

The effective date of the discount authorized herein will be the first day of the billing period, next occurring after the adoption of this Ordinance and after the qualification of the person for the discount has been authorized by the City. The new discount may not apply to service received before the effective date.

SECTION 5. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 6. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND APPROVED this 17th day of January, 2006.

/s/ Tony J. Skyrp
Mayor

ATTEST:

/s/ Andrea Lott
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 547-06, did on the 17th day of January, 2006 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Terry Skaggs, Mayor	_____	_____
LaDonna Allen, Place 1	_____✓_____	_____
Rob Welch, Place 2	_____✓_____	_____
Brad Johnson, Place 3	_____✓_____	_____
Jason Ellerbusch, Place 4	_____✓_____	_____
Marvin Glasgow, Place 5	_____✓_____	_____