

# CITY OF WILLOW PARK

ORDINANCE NO. 606-09

## AN ORDINANCE PROVIDING FOR A REVIEW AND AMENDMENT OF WATER RATES AS CHARGED BY THE MUNICIPAL UTILITY TO PROVIDE JUST AND ADEQUATE RATES FOR OPERATION AND DEBT; PROVIDING FOR UNIFORM STANDARDS, RULES AND REGULATIONS FOR ALL MUNICIPAL UTILITY CUSTOMERS; 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 (CNN) 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 has made a careful and diligent study, analysis and consideration of rates, charges, expenses incurred, investments made and contemplated, a rate of return to permit capital

improvement, including allocation of revenue for debt service, maintenance and operations and other and necessary and appropriate improvements to the capacity, storage, transmission, delivery, or treatment; and

WHEREAS, the City did acquire through condemnation all real property and personalty, including all assets of Deer Creek Waterworks, Inc. in *City of Willow Park v. Deer Creek Waterworks, Inc.*; CV-05-1671, County Court at Law, Parker County, Texas by compromise of and settlement of said litigation. The terms of the settlement, are set forth in that certain "*Addendum to the Agreement of Purchase and Sale of Public Water and Sewer Utility in Parker County Due to Condemnation*" executed August 17, 2005, between the City and Deer Creek Waterworks, Inc. and Doyle Hanley; and

WHEREAS, the application to transfer all real property and personalty related to the acquisition of Dyegard Water Company, Inc., to the City including transfer of CCN No. 12747, as identified in Application No. 34749-S, was approved by the Commission; and

WHEREAS, the City has adopted and implemented a water conservation plan or strategy that includes an increasing block or tiered rate structure to provide adequate financing to operate and improve the systems as well as discourage excessive water usage; and

WHEREAS, the City seeks to effectively and efficiently manage and operate the water systems and finds that consolidating the current ten rate tier system into eight tiers is more efficient, maintains conservation oriented water rates and complies with Title 30 TEXAS ADMINISTRATIVE CODE, Chapter 288, Rule §288.2.

**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 all persons, customers, and property served by or with the City of Willow Park waterworks, or wastewater works, 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)(4) is amended as follows:

"(b) (4) Residential volume Charge per 1,000 gallons:

(i) Residential

0 –	7,500 gallons	\$3.05
7,501 –	15,000 gallons	\$3.40
15,001 –	20,000 gallons	\$3.70
20,001 –	25,000 gallons	\$4.30
25,001 –	30,000 gallons	\$4.90
30,001 –	35,000 gallons	\$5.50
35,001 –	40,000 gallons	\$6.15
40,001 –	45,000 gallons	\$6.75
45,001 –	<del>50,000</del> over gallons	\$7.35
50,001 –	<del>75,000</del> gallons	<del>\$8.60</del>
75,001 –	<del>over</del> gallons	<del>\$12.25</del>

SECTION 4. FINDING

The governing body of the City of Willow Park does hereby, after due and deliberate consideration, find that the rates established herein are fair, just and reasonable both to the utility consumer and to provide for adequate and efficient expansion, improvement, maintenance, debt service, and operations of the utility services.

SECTION 5. NOTICE

The Mayor, or Designee, is hereby directed within 30 days after the date of this final decision on the rate change, to provide written notice to each rate payer of the municipal utility, that includes: (i) the

effective date of the new rates; (ii) the new rates; and (iii) the location where additional information on rates can be obtained.

SECTION 6. RATE CHANGE

The effective date of the new rates will be the first day of the billing period, next occurring after the adoption of this Ordinance. The new rates may not apply to service received before the effective date of the new rates.

SECTION 7. 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.

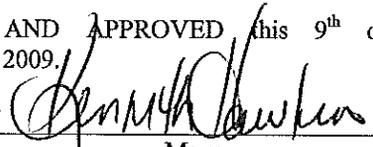
SECTION 8. SEVERABILITY

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 9. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption, consistent with "Section 6. RATE CHANGE" herein.

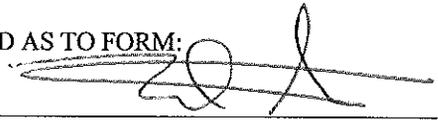
PASSED AND APPROVED this 9<sup>th</sup> day of November, 2009.

/s/   
Mayor

ATTEST:

/s/ \_\_\_\_\_  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/   
City Attorney

The Willow Park City Council in acting on Ordinance No. 606-09, did on the 9<sup>th</sup> day of November, 2009 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____/✓	_____
Gene Martin, Place 2	_____/✓	_____
Barry Brown, Place 3	_____/✓	_____
Mark Hickerson, Place 4	_____/✓	_____
Hale Alderman, Mayor Pro Tem, Place 5	_____/✓	_____