

CITY OF WILLOW PARK

ORDINANCE NO. 608-09

AN ORDINANCE PROVIDING FOR A REVIEW AND AMENDMENT OF WATER RATES AS CHARGED BY THE MUNICIPAL UTILITY TO PROVIDE JUST AND ADEQUATE RATES FOR MAINTENANCE AND OPERATION AND FOR DEBT RETIREMENT; 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 80th Session of the Texas Legislature passed S.B. 1983 (Acts 2007, 80th Leg., R.S., Chpt 1343, Sec. 1; eff. June 15, 2007) authored by Senator Estes and sponsored by Representative King, which created the "Upper Trinity Groundwater Conservation District" ("District"); and

WHEREAS, the District was delegated the authority to assess to any person "production fees" based on the amount of groundwater withdrawn from a well or wells; and

WHEREAS, the District was authorized by §8830.152 Tex. Special District Laws to expend said production fees for "any lawful purpose"; and

WHEREAS, the District by resolution, rule or order has set a "production fee" of \$0.22 per thousand gallons of water withdrawn and used for non-agricultural purposes.

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" is amended by adding a new Section 15.200 "Groundwater Conservation District Fee Recovery" as follows:

Section 15.200 "Groundwater Conservation District Fee Recovery"

If a Groundwater Conservation District having jurisdiction over the City lawfully assesses an annual "production fee," the City shall pass through the cost to the utility customer as an adjustment to the gallonage charge pursuant to the following formula:

Adjusted Gallonage Rate (AG) = G + [B/(1-L)].

Where:

AG = adjusted UTGCD gallonage charge, rounded to nearest one cent;

G = approved UTGCD gallonage charge, per 1,000 gallons;

B = change in fee (per 1,000 gallons);

L = water or sewer line loss for preceding 12 months, not to exceed 0.15 (15%)

UTGCD - Upper Trinity Groundwater Conservation District

SECTION 4. PASS-THROUGH FEE

The pass-through fee, as calculated pursuant to SECTION 3 above, shall be itemized on each customers' monthly utility bill as the: "Upper Trinity Groundwater Conservation District Fee".

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 Resolution.

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. REPEALER

All Ordinances in conflict herewith be and the same are hereby repealed or amended as shown

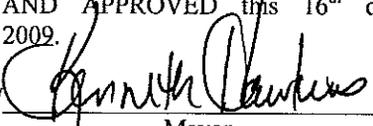
SECTION 8. PUBLICATION

That the City Secretary of the City of Willow Park, Texas is hereby ordered and directed to cause the caption of this Ordinance to be published, subsequent to its adoption.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be effective on or after publication of the caption in a newspaper of general circulation stating its purpose and penalty.

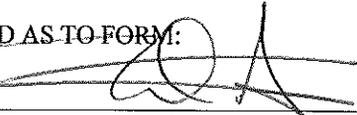
PASSED AND APPROVED this 16th day of November, 2009.

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ 
City Attorney

The Willow Park City Council in acting on Ordinance No. 608-09, did on the 16th 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	_____ ✓	_____