

**ORDINANCE NO. 21-11-04-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES, ARTICLE 6.000 UTILITY RELATED FEES; SECTION 6.200, SUBSECTION (C) FOR WASTEWATER RATES, PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.**

**WHEREAS,** The City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS,** The City Council adopted rates for wastewater service by Ordinance as codified in Appendix A Fee Schedule, Article 6.000, Section 6.200, Subsection (c) of the City's Code of Ordinances; and

**WHEREAS,** wastewater rates were previously established via a winter average calculated using the months of November, January and February as stated in Subsection (c); and

**WHEREAS,** the City experienced a winter storm in February 2021 impacting water utility services; and

**WHEREAS,** due to the winter storm, the City Council adopted a different methodology for calculating the winter average for wastewater services for the next year only; and

**WHEREAS,** after further evaluation of this different methodology, the City Council finds it necessary and proper to make the change permanent; and

**WHEREAS,** the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Appendix A Fee Schedule, Article 6.000, Section 6.200, Subsection (c) of the City's Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend Article 6.000 Utility Related Fees, Section 6.200 Utility Rates and Fees, Subsection (c) Wastewater (sewer) service as shown in Exhibit "A." Underlined language shall be added and language to be deleted is signified by strike-through.

Exhibit "A"

**ARTICLE 6.000 UTILITY RELATED FEES**

**Sec 6.200 Utility Rates and Fees**

(c) Wastewater (sewer) service (base rate plus volumetric rate). Effective: ~~New rate effective with bills due May 15, 2021:~~

1. Inside City Residential (volumetric rate will be determined by "winter averaging" a residential customer's rate using the two lowest month's water usage from the 4 consecutive months of November 2020, December 2020, January 2021, and February 2021.
  - (A) Base rate: \$19.00.
  - (B) Volumetric rate: \$10.75 per 1,000 gallons.
2. Inside City Commercial/industrial (volumetric rate will be determined based on water usage):
  - (A) Base rate: \$19.00.
  - (B) Volumetric rate: \$10.75 per 1,000 gallons.
3. Inside City Sewer only or limited history; citywide average rate takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November 2020, December 2020, January 2021, and February 2021. ~~New rate effective with bills due May 15, 2021. Rates are the citywide average.~~
4. Inside City Time of use sewer rate for nonprofit organizations:
  - (A) 1 to 2 days facility use per week: \$32.33.
  - (B) 3,000+ gallons: \$3.80 per 1,000 gallons.
  - (C) 3 to 4 days facility use per week: \$39.30.
  - (D) 3,000+ gallons: \$3.80 per 1,000 gallons.
  - (E) 5 to 7 days facility use per week: \$46.25.
  - (F) 3,000+ gallons: \$3.80 per 1,000 gallons.
5. Rainwater system ONLY customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services using the two lowest month's water usage from the 4 consecutive months of November 2020, December 2020, January 2021, and February 2021. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate. ~~and then will be updated on May 15, 2021.~~
6. Outside City Sewer Residential volumetric rate will be determined by the citywide average rate which takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November 2020, December 2020, January 2021, and February 2021 plus twenty (20) percent.

**SECTION 3. REPEALER.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

**SECTION 7. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 4<sup>th</sup> day of November 2021 by a vote of the City Council of the City of Lago Vista, Texas.

ATTEST:



Sandra Barton, City Secretary



  
Ed Tidwell, Mayor

On a motion by Councilor Sullivan, seconded by Councilor Prince, the above and foregoing ordinance was passed and approved.