

**CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL  
MEETING**



This meeting will be held in person at  
**CITY HALL - COUNCIL CHAMBERS**  
**550 LANDA STREET**

To participate via Zoom use the link  
<https://us02web.zoom.us/j/89332004990> or call  
**(833) 926-2300 with ID# 89332004990**



**MONDAY, OCTOBER 26, 2020 at 6:00 PM**

|  |   |
|--|---|
| Rusty Brockman, Mayor                      | Matthew E. Hoyt, Councilmember (District 4) |
| Shane Hines, Councilmember (District 1)    | Jason E. Hurta, Councilmember (District 5)  |
| Justin Meadows, Mayor Pro Tem (District 2) | James Blakey, Councilmember (District 6)    |
| Harry Bowers, Councilmember (District 3)   | Robert Camareno, City Manager               |

***MISSION STATEMENT***

*The City of New Braunfels will add value to our community  
by planning for the future, providing quality services, encouraging  
community involvement and being responsive to those we serve.*

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: City Secretary**

**REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT  
EMERGENCY ON-CALL PERSONNEL.**

**INVOCATION: Councilmember Hoyt**

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

**PRESENTATIONS:**

- A) Presentation, discussion and direction to staff regarding the implementation of a credit card convenience fee  
*Jared Werner, Chief Financial Officer and Sandy Paulos, Assistant Chief Financial Officer*
- B) 2020 River Season Review  
*Amy Niles, River Operations Manager*

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the Special Council City Meeting of October 5, 2020, Special Council Meeting of October 12, 2020, Regular City Council Meeting of October 12, 2020, and Special Council Meeting of October 19, 2020.  
*Drew Lyons, Assistant City Secretary*

**2. CITIZENS' COMMUNICATIONS**

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

### 3. **CONSENT AGENDA**

*All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.*

#### *Resolutions & Action Items*

- A) Approval of a resolution authorizing the submission of an application for funding of the development of a Drainage Area Master Plan utilizing a Texas Water Development Board, Flood Infrastructure Fund grant for Program Year 2020; and authorization for the City Manager to act on behalf of the City in all matters related to this grant, if awarded.  
*Greg Malatek, Public Works Director*
- B) Approval of the purchase of one front load and two automated side load collection vehicles from Chastang's Bayou City Autocar, through the Buyboard contract 601-19 and declaring the replacement vehicle surplus.  
*Michael Mundell, Solid Waste Manager*
- C) Approval of a budget amendment in the FY 2021 Golf Fund to account for the updated delivery date of the new golf cart fleet.  
*Greg Gutierrez, Financial Analyst*
- D) Approval of an interlocal contract with the Edwards Aquifer Authority for program funding associated with the Edwards Aquifer Habitat Conservation Plan.  
*Mark Enders, Watershed Program Manager*
- E) Approval of a contract modification with Spillman Technologies to add the Texas Accident Reporting Form module and Staff Productivity Module at a cost of \$47,970.  
*Tony Gonzalez, Director of Information Technology*
- F) Approval of a purchase with Austin Turf and Tractor for one John Deere 2550 Triplex Greens mower for the Landa Park Golf Course through a Buy Board Contract and to declare the replaced mower as surplus.  
*Stacey Dicke, Parks Director*

*Ordinances**(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)*

- G) Approval of the second and final reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.

*Garry Ford, P.E., Assistant Public Works Director/City Engineer*

- H) Approval of the second and final reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.

*Garry Ford, P.E., Assistant Public Works Director/City Engineer*

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider the approval of the second and final reading of an ordinance amending Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels relating to water rates and charges for Fiscal Year 2021; and providing for automatic upward adjustments of water rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

*Ian Taylor, NBU Chief Executive Officer*

- B) Discuss and consider the approval of the second and final reading of an ordinance amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels relating to sewer rates and charges for Fiscal Year 2021; and providing for automatic upward adjustments of sewer rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

*Ian Taylor, NBU Chief Executive Officer*

- C) Discuss and consider approval of the second and final reading of an ordinance amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, providing for upward adjustment of electric rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

*Ian Taylor, NBU Chief Executive Officer*

- D) Discuss and consider the appointment of Mayor Rusty Brockman to the Bexar Metro 9-1-1 Network's Board of Managers.

*Rusty Brockman, Mayor*

**5. EXECUTIVE SESSIONS**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

*NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).*

**6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.****7. ADJOURNMENT****CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on October 22, 2020 at 8:30 a.m.

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Andrew A. Lyons III, Assistant City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

10/26/2020

Agenda Item No. A)

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Presenter/Contact

*Drew Lyons, Assistant City Secretary  
(830) 221-4010 - [alyons@nbtexas.org](mailto:alyons@nbtexas.org)*

**SUBJECT:**

Discuss and consider approval of the minutes of the Special Council City Meeting of October 5, 2020, Special Council Meeting of October 12, 2020, Regular City Council Meeting of October 12, 2020, and Special Council Meeting of October 19, 2020.

**SPECIAL MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
SPECIAL MEETING OF MONDAY, OCTOBER 5, 2020**

The City Council of the City of New Braunfels, Texas, met in a special Session on October 5, 2020 at 4:34 p.m.

**Councilmembers present 7-** Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

**The meeting was called to order by Mayor Brockman via Zoom at 4:34 p.m. Mayor Brockman gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.**

**1. WORKSHOP**

- A) New Braunfels Utilities Financial Operating Plan, Water and Sewer Rates, and Updates on Key Initiatives from New Braunfels Utilities

**Mayor Brockman read the aforementioned caption.**

**Ian Taylor and Ryan Kelso, and Dawn Schriewer presented the item.**

**No action was taken.**

- B) Interview applicants for the New Braunfels Utilities Board of Trustees for a term ending October 31, 2025.

**Mayor Brockman read the aforementioned caption.**

**Drew Lyons presented the item.**

**Council recessed at 6:03 p.m. and reconvened at 6:10 p.m. in the Tejas room to interview two applicants for the New Braunfels Utilities Board. The interviews were open to the public.**

**No action was taken.**

**Council recessed at 6:43 p.m. and reconvened at 6:45 p.m. in the Council**

**Chambers.**

- C) Discuss and consider approval of the appointment of one individual to the New Braunfels Utilities Board of Trustees for a term ending October 31, 2025.

**Mayor Brockman read the aforementioned caption.**

**Drew Lyons presented the item.**

**Councilmember Hines moved to approve Wayne Peters to the New Braunfels Advisory Board for a term ending October 31, 2025.  
Councilmember Hurta seconded the motion which passed unanimously.**

**2. EXECUTIVE SESSION**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- TMLIRP Claim No. LB123354; Crawford, C.
- B) Deliberate the recruitment, appointment, evaluation, or duties of the Chief of Police, Assistant Chief of Police, and other personnel in accordance with Section 551.074 of the Texas Government Code.

**Mayor Brockman read the aforementioned captions.**

**City Council recessed into Executive Session from 7:02 p.m. to 8:24 p.m.**

**No vote or action was taken.**

*NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).*

3. **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

City Council reconvened into Open Session at 8:30 p.m.

No vote or action was taken.

4. **ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

Date Approved: October 26, 2020

\_\_\_\_\_  
Rusty Brockman, Mayor

Attest:

\_\_\_\_\_  
Andrew A. Lyons III, Assistant City Secretary

**MINUTES  
OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL  
REGULAR MEETING OF MONDAY, OCTOBER 12, 2020**

The City Council of the City of New Braunfels, Texas, met in a special Session on October 12, 2020 at 4:00 p.m.

**Councilmembers present 7-** Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

**Councilmember Hoyt joined the meeting via Zoom.**

**The meeting was called to order by Mayor Brockman at 4:00 p.m. Councilmember Hines gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.**

**1. WORKSHOP**

- A) Presentation and possible direction to staff on the preliminary engineering study for Barbarosa Road and Saur Lane between FM 1101 and FM 758.

**Mayor Brockman read the aforementioned caption.**

**Garry Ford presented the item.**

**Pamela Kraft and Pam Timmermann spoke on the item.**

**Council gave staff direction to move forward with the engineering study, and requested pavement marking options to improve road safety.**

**No action was taken.**

- B) Presentation and possible direction to staff on the preliminary engineering study for Hill country Drive between SH 46 and Veramendi.

**Mayor Brockman read the aforementioned caption.**

**Garry Ford presented the item.**

**Council gave staff direction to continue with the engineering study.**

**No action was taken.**

- C) Presentation and possible direction to staff on the traffic study for Business 46/Seguin Avenue and Main Plaza.

**Mayor Brockman read the aforementioned caption.**

**Garry Ford presented the item.**

**Council gave staff direction to continue with the traffic study and requested examples on how other cities reduce traffic congestion.**

**No action was taken.**

- D) Presentation and possible direction to staff on the transit study for New Braunfels.

**Mayor Brockman read the aforementioned caption.**

**Garry Ford presented the item.**

**No action was taken.**

**The meeting adjourned at 5:41 p.m.**

Date Approved: October 26, 2020

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Rusty Brockman, Mayor

Attest:

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Andrew A. Lyons III, Assistant City Secretary

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, OCTOBER 12, 2020**

The City Council of The City of New Braunfels, Texas, met in a Regular Session on October 12, 2020, at 6:00 p.m.

City Councilmembers present were:

**Present: 7** Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

**The meeting was called to order by Mayor Brockman at 6:02 p.m. Mayor Pro Tem Meadows gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.**

**PROCLAMATIONS:**

A) Living Legends

**Mayor Brockman proclaimed Fred Fey, Jimmy Owens, and Mitch Sacco to be living legends.**

B) Chamber Week

**Mayor Brockman proclaimed the week of October 19 - 23, 2020, as Chamber of Commerce Week.**

C) Chiropractic Health Month

**Mayor Brockman proclaimed October 2020 as Chiropractic Health Month.**

D) Domestic Violence Awareness Month

**Mayor Brockman proclaimed October 2020 as Domestic Violence Awareness Month.**

**PRESENTATIONS:**



- A) Update from the City Manager on the City's Response to COVID-19

**Mayor Brockman read the aforementioned caption.**

**Robert Camareno presented the item.**

**No action was taken.**

- B) Update on the Dry Comal Creek and Comal River Watershed Protection Plan implementation effort.

**Mayor Brockman read the aforementioned caption.**

**Mark Enders presented the item and showed a Public Service Announcement video on the importance of not feeding wildlife.**

**Mayor Pro Tem Meadows requested the number of complaints received by the City about residents feeding deer.**

**No action was taken.**

- C) Presentation, discussion and direction to staff regarding the use of the City of New Braunfels allocation of CARES act funds.

**Mayor Brockman read the aforementioned caption.**

**Jared Werner and Jeff Jewell presented the item.**

**Mayor Pro Tem Meadows moved to approve the expenditure plan as presented for the use of the City's CARES act funding allocation. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.**

## **1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 28, 2020.

**Mayor Brockman read the aforementioned caption.**

**Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call**

**vote.**

## **2. CITIZENS' COMMUNICATIONS**

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

**Mayor Brockman read the aforementioned caption.**

**Jim Holster spoke on the Veteran's Memorial location and New Braunfels Housing Authority.**

**George Green spoke on the Veteran's Memorial location.**

## **3. CONSENT AGENDA**

*All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.*

### *Resolutions & Action Items*

- A) Approval of a resolution recommended by the City of New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,500,000 for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, an eligible project expenditure and approving the issuance of an invitation for competitive sealed proposals for the construction; and declaring an effective date
- B) Approval of a contract with Dean Word company, Ltd for construction of Lakeview Blvd. Street and Sidewalk Project and authority for the City Manager to approved change orders up to a fifteen percent contingency, and approval of a contract amendment with HMT Engineering for additional services, including construction administration, and approval of a purchase order with Terracon to provide materials testing services, as part of the 2019 Bond Citywide Street Project.
- C) Approval of an amendment to the Purchasing Policy allowing for the receipt of bids and proposal through electronic transmission, and the

City Council to adopt rules to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

- D) Approval of the issuance of an invitation for competitive sealed proposals on the Westside Library Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.
- E) Approval to authorize the City Manager to negotiate and execute an agreement with McKenna Foundation for the administration of the COVID-19 Nonprofit Business Interruption Grant Program.
- F) Approval to authorize the City Manager to execute an Interlocal Agreement between the City of New Braunfels and the City of San Marcos, City of Seguin and Texas State University for Mutual Aid with Information Technology Service in response to emergencies.

#### *Ordinances*

*(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)*

- G) Approval of the first reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.
- H) Approval of the first reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.
- I) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Ch. 2, Sections 2-1 to 2-4 by removing references relating to employees.

**Mayor Brockman read the aforementioned captions.**

**Councilmember Bowers moved to approve the Consent Agenda.**

**Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider the confirmation of the City Manager's appointment of the Interim Police Chief of the New Braunfels Police Department.

**Mayor Brockman read the aforementioned caption.**

**Robert Camareno nominated Keith Lane to be the Interim Police Chief for the New Braunfels Police Department.**

**Mayor Pro Tem Meadows moved to approve Keith Lane as the Interim Police Chief. Councilmember Bowers seconded the motion which passed unanimously.**

- B) Administration of the Oath of Office to the Interim Police Chief of the New Braunfels Police Department.

**Mayor Brockman read the aforementioned caption.**

**Mayor Brockman administered the Oath of Office to Keith Lane.**

- C) Discuss and consider the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2022.

**Mayor Brockman read the aforementioned caption.**

**Drew Lyons presented the item.**

**Councilmember Hines moved to approve Mary Ann Carter, Andres Campos-Delgado, and April Rodgers to the Building Standards Commission for terms ending October 26, 2022. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.**

- D) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street.

**Mayor Brockman read the aforementioned caption.**

**Chris Looney presented the item.**

**Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed 6-1 with Councilmember Hoyt opposing.**

- E) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E. Zink St.

**Mayor Brockman read the aforementioned caption.**

**Chris Looney presented the item.**

**Mayor Pro Tem Meadows moved to approve with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.**

- F) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

**Mayor Brockman read the aforementioned caption.**

**Chris Looney presented the item.**

**Councilmember Hurta moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.**

- G) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article IV, Section 130-167 of the Code Of Ordinances of the City of New Braunfels Relating to Water Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Water Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

**Mayor Brockman read the aforementioned caption.**

**Ian Taylor gave a presentation for Items 4G, 4H, and 4I.**

**No one spoke during the public hearing.**

**Mayor Pro Tem Meadows complimented and thanked NBU for the way they have been conducting business and operating.**

**Councilmember Bowers commented that NBU is charging the maximum amount of impact fees for new development allowed by the State.**

**Councilmember Hurta thanked NBU for the work they have done.**

**Mayor Brockman thanked NBU for educating residents and the work they have done.**

**Councilmember Hines moved to approve the item.**

**Councilmember Blakey seconded the motion which passed unanimously via roll call vote.**

- H) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels Relating to Sewer Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Sewer Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

**Mayor Brockman read the aforementioned caption.**

**No one spoke during the public hearing.**

**Mayor Pro Tem Meadows moved to approve the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.**

- I) Public Hearing and Approval of the First Reading of an Ordinance Amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, Providing for Upward Adjustment of Electric Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

**Mayor Brockman read the aforementioned caption.**

**No one spoke during the public hearing.**

**Mayor Pro Tem Meadows moved to approve the item. Councilmember**

**Bowers seconded the motion which passed unanimously via roll call vote.**

**5. EXECUTIVE SESSIONS**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
  - TMLIRP Claim No. LB123354; Crawford, C.

**Mayor Brockman read the aforementioned caption.**

**Executive Session Item B was pulled from the agenda and not discussed.**

**City Council recessed into Executive Session from 8:30 p.m. to 9:01 p.m. No action was taken.**

*NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).*

**6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**City Council reconvened into Open Session at 9:02 p.m.**

**No vote or action was taken.**

**7. ADJOURNMENT**

**The meeting adjourned at 9:02 p.m.**

Date Approved: October 26, 2020

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Rusty Brockman, Mayor

Attest:

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Andrew A. Lyons III, Assistant City Secretary



**MINUTES  
OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL  
SPECIAL MEETING OF MONDAY, OCTOBER 19, 2020**

The City Council of the City of New Braunfels, Texas, met in a Special Session on October 12, 2020 at 4:00 p.m.

**Councilmembers present 7-** Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

**The meeting was called to order by Mayor Brockman at 4:30 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.**

**1. PROCLAMATION**

A) Texas Native Plant Week

**Mayor Brockman proclaimed the week of October 18-24, 2020, as Texas Native Plant Week.**

**2. WORKSHOP**

A) Interview applicants for the New Braunfels Economic Development Corporation Board of Directors for terms ending October 9, 2022.

**Mayor Brockman read the aforementioned caption.**

**Council recessed at 4:30 p.m. and reconvened at 4:43 p.m. in the Tejas Room to interview 19 applicants for the New Braunfels Economic Development Corporation Board of Directors.  
The interviews were open to the public.**

**No action was taken.**

**Council recessed at 8:10 p.m. and reconvened at 8:12 p.m. in the Council Chambers.**

B) Discuss and consider approval of the appointment of three individuals

to the New Braunfels Economic Development Corporation Board of Directors for terms ending October 9, 2022.

**Mayor Brockman read the aforementioned caption.**

**Mayor Brockman thanked all the applicants for applying.**

**Councilmember Hines moved to approve Kristen Carden, Brian Cox, and James Poage to the New Braunfels Economic Development Corporation Board of Directors for terms ending October 9, 2022.**

**Councilmember Hurta seconded the motion which passed unanimously.**

**4. ADJOURNMENT**

**The meeting adjourned at 8:16 p.m.**

Date Approved: October 26, 2020

\_\_\_\_\_  
Rusty Brockman, Mayor

Attest:

\_\_\_\_\_  
Andrew A. Lyons III, Assistant City Secretary

## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

10/26/2020

Agenda Item No. A)

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Presenter/Contact

*Greg Malatek, Public Works Director*  
*(830) 221-4025 - GMalatek@nbtexas.org*

**SUBJECT:**

Approval of a resolution authorizing the submission of an application for funding of the development of a Drainage Area Master Plan utilizing a Texas Water Development Board, Flood Infrastructure Fund grant for Program Year 2020; and authorization for the City Manager to act on behalf of the City in all matters related to this grant, if awarded.

**BACKGROUND / RATIONALE:**

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. As such, Staff is requesting approval for the submission of a grant application on behalf of the City's Public Works department to the Texas Water Development Board, Flood Infrastructure Fund for Program Year 2020 for the development of a Drainage Area Master Plan (DAMP) for the City.

The intent of the new Drainage Area Master Plan is to support a multiphase drainage program for the city, incorporating floodplain management, flood protections and mitigation, along with stormwater and watershed management. This will include looking into drainage needs locally and regionally, building partnerships with the community and governing entities to support the plan's approach. The program will include consideration for regional flood protection, localized flooding concerns, floodplain ordinance improvements exceeding FEMA and National Flood Insurance Program (NFIP) minimum standards, aligning current regulations with new precipitation data, updating floodplain standards and floodplain mapping for the City, and improving floodplain awareness through education outreach efforts. The new DAMP will function as a framework that supports an evolving multiphase drainage program for the City which will be sustained by updating maps, maintaining work that has been completed, and developing and completing new projects. Phase 1, a preliminary portion of the program, has been completed after obtaining funds through the annual budget process; future funding to support the drainage program will be obtained via the annual City budget process, and alternate funding sources such as grant opportunities.

**PHASE 1:**

The City funded \$70,590 for Phase 1 of the program with the 2019-2020 adopted budget which developed a workplan for implementing the program, developing a GIS database for drainage, provided a prioritized list of mapped and unmapped streams and creeks within City jurisdiction, prioritizing floodplain remapping needs, and implementing code revisions and drainage regulation updates to improve floodplain regulation and further exceed NFIP minimums. This phase has been substantially completed as of October 2020, with the exception of regulation and code revision adoption which are anticipated to occur by December 2020. During this phase, the City has coordinated with all regional jurisdictions that will may be affected as the program develops including

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Comal County, Guadalupe County, City of Seguin, and the Guadalupe-Blanco River Authority (GBRA), all of which expressed support of the program plan and provided any necessary data for the development to date.

## **PHASE 2:**

With Phase 2 of the Drainage Area Master Plan, the City intends to include updates to floodplain mapping for all streams within the City limits and ETJ using ultimate development conditions and latest rainfall data available (Atlas 14). The schedule for phased floodplain mapping will be prioritized by a life/safety concern, development to be impacted along with consideration for the year current floodplain was created. The City plans to complete this task by watershed contributing to the prioritized streams with coordination of impacted jurisdictions and the Guadalupe-Blanco River Authority (GBRA). A preliminary stream analysis for all streams located within the City's ETJ was conducted to establish their status in regard to FEMA floodplain mapping. It was determined there are roughly 245 miles of FEMA delineated stream centerlines located in the cities ETJ with 125 miles being considered as unstudied streams, 45 miles mapped as Zone A floodplains and 75 miles mapped as Zone AE floodplains with published BFEs. Due to the increase in development in the City of New Braunfels ETJ and update to the statewide rainfall data, the City would prefer all streams be re-mapped to new and current data. It is anticipated that the remapping efforts will cost \$15,000 per mile for a detailed study, for a total cost of \$3.675 million to have all 245 stream miles mapped for detailed study. The City is currently proposing to include detailed studies of critical streams and enhanced (Zone A) remapping efforts at an estimated cost of \$600,600.

It is expected Phase 2 floodplain remapping will provide a more accurate representation of current flood risks. The City has experienced significant growth and development with a 56.4% growth increase based on census.org population change from 2010 to 2019. In addition to increased growth and land use changes, the state has updated statewide precipitation data with adoption of National Oceanic and Atmospheric Administration (NOAA) Atlas 14 point-precipitation frequency estimates. Phase 1 of the Drainage Area Master Plan included proposed updates to local standards to align with this information that is expected to be adopted by the City this year. Any proposed remapping with Phase 2 would incorporate this new data as well. By providing the community with more accurate and current floodplain mapping, we can provide better knowledge of flood risk to the community and our citizens. Phase 1 of the plan also included a recommendation to incorporate an education campaign, currently in development with City staff, focused on educating the general public on floodplain management, flood risk and how floodplain management helps the community. While direct cost benefits cannot be fully determined without knowledge of the anticipated floodplain area changes, these efforts will allow for increased flood risk awareness, ideally, leading to lessened life and property losses along with encouragement of flood insurance for all citizens.

## **PHASE 3:**

Phase 3 of the Drainage Area Master Plan will provide a prioritized list of planned local and regional flood control projects. The program will consider local drainage concerns, existing and potential future development, existing and future land use plans, and will prioritize the projects based on benefit cost ratios. It is possible that this project identification may extend outside of the City's jurisdictional boundaries and require coordination with other agencies; therefore project-specific MOUs will be established in accordance with the scope of work for each affected agency as needed. Current estimates have an anticipated cost of \$365,000 for this phase of the program.

The grant application is for a total amount of \$1,106,781. Phase 1 for the cost of \$70,590 has been

completed utilizing funds provided in the 2019-2020 adopted budget. For Phases 2 and 3, the granting agency will reimburse eligible costs for up to \$777,143, with a City match amount not to exceed \$259,048 that will be funded from the City's 2013 Bond Program, Proposition 2 for Drainage and Flood Control Improvements. If awarded, the execution of the grant agreements will occur in Winter 2020 to Spring 2021.

Staff is requesting City Council approval of a resolution, as required by the granting agency during the application process, that will authorize our City Manager to act as the authorized official on behalf of the City in all matters related to this grant. The designated authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|            |                             |   |
|------------|-----------------------------|---|
| <b>Yes</b> | <b>Strategic Priorities</b> | Use a variety of funding sources for operational and capital needs. |
|------------|-----------------------------|---|

**FISCAL IMPACT:**

The City has completed Phase 1 for the cost of \$70,590 utilizing has been completed and paid for utilizing funds provided in the FY 2020 adopted budget. The matching requirement for Phases 2 and 3 of the above-referenced grant application will not exceed \$259,048. If awarded, the FY 2022 Proposed Budget would need to allocate funding to support the match. A potential funding source includes available proceeds from the City's 2013 Bond Program, Proposition 2 funds for Drainage and Flood Control Improvements.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of a resolution; submission of an application for funding of the development of a Drainage Area Master Plan utilizing a Texas Water Development Board, Flood Infrastructure Fund grant for Program Year 2020; and authorization for the City Manager to act on behalf of the City in all matters related to this grant, if awarded.

## Application Filing and Authorized Representative Resolution

A RESOLUTION by the \_\_\_\_\_ of the \_\_\_\_\_ requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_:

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$\_\_\_\_\_ to provide for the costs of \_\_\_\_\_.

SECTION 2: That \_\_\_\_\_ be and is hereby designated the authorized representative of the \_\_\_\_\_ for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the \_\_\_\_\_ before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: \_\_\_\_\_  
\_\_\_\_\_

Engineer: \_\_\_\_\_  
\_\_\_\_\_

Bond Counsel: \_\_\_\_\_  
\_\_\_\_\_

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST: \_\_\_\_\_

By: \_\_\_\_\_

(Seal)

**City Council Agenda Item Report****10/26/2020**

Agenda Item No. B)

Presenter/Contact*Michael Mundell, Solid Waste Manager  
(830) 221-4040 - mmundell@nbtexas.org***SUBJECT:**

Approval of the purchase of one front load and two automated side load collection vehicles from Chastang's Bayou City Autocar, through the Buyboard contract 601-19 and declaring the replacement vehicle surplus.

**BACKGROUND / RATIONALE:**

The Solid Waste heavy equipment was added to the City's vehicle replacement program and in FY 2010 and since that time Solid Waste has made annual contributions for the replacement of garbage collection vehicles. The addition of the equipment to the program has allowed Solid Waste to improve the quality and predictability of the trash and recycling collection service.

Due to continued rapid growth in the community the purchase of two new automated side load collection vehicles has been recommended in FY 2021. The addition of these vehicles will allow the residential and recycling lines of business to better align the workload for these divisions with industry standards by adding an additional route to each. The funding for the vehicles will come from Enterprise Maintenance and Equipment Replacement Fund.

There is also one front load collection vehicle in the Commercial Collection Division scheduled for replacement in FY 2021, the funding for this vehicle will also come from the Enterprise Maintenance and Equipment Replacement Fund.

Pricing was requested through the Buyboard contract with Chastang's Bayou City Autocar and therefore meets the procurement requirements; the cost for the vehicles is \$902,472.

| Equipment Type      | Vendor                        | Cost      | Qty. | Total Cost |
|---------------------|-------------------------------|-----------|------|------------|
| Front Load          | Chastang's Bayou City Autocar | \$297,102 | 1    | \$297,102  |
| Automated Side Load | Chastang's Bayou City Autocar | \$303,685 | 2    | \$605,370  |
|                     |                               |           |      |            |
| Total               |                               |           |      | \$902,472  |

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                                |   |
|--------------------------------|---|
| City Plan/Council<br>Priority: | Strategic Priorities: 2-Continue an ongoing program of infrastructure and maintenance |
|--------------------------------|---|

**FISCAL IMPACT:**

As stated above, the FY 2021 Adopted Budget anticipated the addition of the two new automated side load vehicles and the replacement of the front load collection vehicle. Therefore, sufficient funds are available.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Approval of the purchase of one front load collection vehicle and two automated side load collection vehicles from Chastang's Bayou City Autocar through the Buyboard contract 601-19 and declaring the replacement vehicle surplus.



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. C)

Presenter/Contact

*Greg Gutierrez, Financial Analyst*  
(830) 221-4398 - ggutierrez@nbtexas.org

**SUBJECT:**

Approval of a budget amendment in the FY 2021 Golf Fund to account for the updated delivery date of the new golf cart fleet.

**BACKGROUND / RATIONALE:**

On July 27<sup>th</sup>, 2020, City Council approved an amendment to purchase the replacement golf cart fleet. Given that the carts were not able to be delivered by September 30, 2020 (last day of the fiscal year), we will now be taking ownership of the carts in FY 2021. The expenditure must be accounted for in the fiscal year the asset was received (FY 2021).

Sufficient funding is available in FY 2021 as the payment did not take place in FY 2020. The following budget amendment is included for City Council consideration.

Budget Amendment - Golf Fund**Capital Expenditures: Increase****\$385,000****ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                                     |     |  |
|-------------------------------------|-----|--|
| <input checked="" type="checkbox"/> | Yes | Maintain fiscal stability of City operations |
|-------------------------------------|-----|--|

**FISCAL IMPACT:**

The Golf Course Fund budget strategy over the past 2-3 years was predicated on setting aside enough reserves annually to fully support the replacement of all maintenance equipment as well as the golf cart fleet. Therefore, there are sufficient reserves available in the Golf Course Fund to support the \$385,000 purchase.

**COMMITTEE RECOMMENDATION:**

The Landa Park Golf Course Advisory Board unanimously voted to purchase the above listed items. This meeting was held on March 19, 2020.

**STAFF RECOMMENDATION:**

Staff recommends approval of a budget amendment in the FY 2021 Golf Fund.



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. D)

Presenter/Contact

*Mark Enders, Watershed Program Manager  
(830) 221-4639 - menders@nbtexas.org*

**SUBJECT:**

Approval of an interlocal contract with the Edwards Aquifer Authority for program funding associated with the Edwards Aquifer Habitat Conservation Plan.

**BACKGROUND / RATIONALE:**

The City is a partner on the Edwards Aquifer Habitat Conservation Plan (EAHCP) that is being implemented to provide protection to endangered species in the Comal and San Marcos River and spring systems. The EAHCP is a requirement of an Incidental Take Permit that has been issued to the participating entities by the US Fish and Wildlife. Per the EAHCP and the Funding and Management Agreement (FMA) the City is required to implement a number a various habitat restoration projects in the Comal River system. On an annual basis the City develops an EAHCP Workplan and associated Funding Application (FA) that outlines the plans and costs for implementation of the habitat restoration activities for the following year. Once approved by the EAHCP Implementing Committee and Edwards Aquifer Authority (EAA) Board funding is guaranteed to the City. As expenses for restoration activities are incurred, the City submits invoices and work documentation to the EAA for reimbursement.

The City is currently entered into an Interlocal Contract with the EAA for EAHCP program funding. The effective Interlocal Contract has been in place since 2013 and is set to expire at the end of 2020. The Interlocal Contract being presented is to set forth EAHCP program funding guidelines and funding reimbursement procedures. The new Interlocal Contract is to be effective on January 1, 2021 and remain in effect through March 31, 2028.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

**FISCAL IMPACT:**

Annual estimated EAHCP program costs are included in the City's FY 2021 budget. All expenses incurred for EAHCP activities are reimbursed on a monthly basis by the EAA.

**COMMITTEE RECOMMENDATION:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of the interlocal contract with the Edwards Aquifer Authority for program funding associated with the Edwards Aquifer Habitat Conservation Plan.



EDWARDS AQUIFER HABITAT CONSERVATION PLAN PROGRAM  
INTERLOCAL CONTRACT NO. 20-024-TES

BETWEEN THE  
EDWARDS AQUIFER AUTHORITY  
AND  
THE CITY OF NEW BRAUNFELS  
FOR EDWARDS AQUIFER HABITAT CONSERVATION PLAN PROGRAM FUNDING

**THIS INTERLOCAL CONTRACT** for program funding associated with the Edwards Aquifer Habitat Conservation Plan Program (Funding Contract) is made and entered into under the Interlocal Cooperation Act, Chapter 791, Texas Government Code, by and between the **EDWARDS AQUIFER AUTHORITY** (EAA), a conservation and reclamation district and political subdivision of the State of Texas, with its principal place of business located at 900 E. Quincy Street, San Antonio, Texas 78215, and the **CITY OF NEW BRAUNFELS**, a municipal corporation, with its principal place of business located at 550 Landa Street, New Braunfels, Texas 78130. The EAA and the City of New Braunfels are each referred to hereinafter as a “Party,” and collectively as the “Parties.”

## AGREEMENT

**NOW, THEREFORE**, for and in consideration of the mutual promises and benefits contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

### ARTICLE I DEFINITIONS

As used in this Funding Contract, the following terms shall have the following meanings:

- A. “Annual Program Budget” means the budget for Program Expenditures adopted by the Board pursuant to the process described in Sections 4.4 through 4.7 of the FMA, subject to the limitations in Section 3.2 and Subsection 5.2.1 of the FMA.
- B. “Board” means the Board of Directors of the Edwards Aquifer Authority.
- C. “Conservation Measure” means a measure identified in Chapter 5 of the Edwards Aquifer Habitat Conservation Plan (EAHCP), as such measure may be modified pursuant to adaptive management, or a new measure developed and approved through adaptive management,

to minimize or mitigate to the maximum extent practicable the impacts of the authorized taking of the Covered Species or contribute to the recovery of the Covered Species.

D. “Covered Species” means the species identified in Table 1-3 of the EAHCP, for which the EAHCP provides protection in a manner sufficient to meet all of the criteria for issuing an Incidental Take Permit (ITP).

E. “Edwards Aquifer Habitat Conservation Plan” (EAHCP or HCP) means the conservation plan prepared by the EAA and City of New Braunfels, among others, approved by the Board, required by Section 10(a)(2)(A) of the Endangered Species Act (ESA), and submitted to and approved by the Service as part of the application for an ITP and entitled *Recon Environmental Inc. et al., Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan* (Nov. 2012).

F. “Funding and Management Agreement” (FMA) means the agreement effective January 1, 2012, as may be amended, to which the EAA, the City of New Braunfels, the City of San Marcos, the City of San Antonio, acting by and through its San Antonio Water System Board of Trustees, and Texas State University are parties, which provides for the funding and management of the EAHCP.

G. “HCP Program Account” means the restricted account, composed of a reserve fund and an operations fund, created by the EAA in accordance with Section 5.4 of the FMA to accumulate and disburse Program Aquifer Management Fees consistent with the Annual Program Budget for the implementation of the EAHCP and the ITP.

H. “Implementing Agreement” means the agreement, effective January 1, 2013, entered into by the EAA, the City of New Braunfels, the City of San Marcos, the City of San Antonio acting by and through its San Antonio Water System Board of Trustees, Texas State University, Texas Parks and Wildlife Department, and the Service to implement the EAHCP.

I. “Implementing Committee” means the committee established in accordance with Section 7.7 of the FMA to supervise the implementation of the EAHCP.

J. “Incidental Take Permit” (ITP) means Permit No. TE-63663A-1 issued by the Service to the EAA and others, pursuant to Section 10(a)(1)(B) (16 U.S.C. § 1539(a)(1)(B)) of the ESA.

K. “Program Activities” means activities described in the EAHCP and ITP, other than Conservation Measures, related to the implementation of the EAHCP and ITP.

L. “Program Documents” means the ITP, the Application for the ITP, the EAHCP, the Implementing Agreement, and the FMA.

M. “Program Funding” means funds provided by the EAA from the HCP Program Account to reimburse the City of New Braunfels for the costs associated with the implementation

of the EAHCP and the ITP, consistent with the Annual Program Budget and the Program Funding Contracts provided for in Subsection 6.1.8 of the FMA.

N. “Program Funding Application” (Funding Application or Application) means the application submitted by the City of New Braunfels and approved by the EAA pursuant to Article 6 of the FMA for funding to implement the Conservation Measures and other Program Activities for which it has been designated responsibility in the EAHCP, and in effect for the calendar year for which it is submitted.

O. “Service” means the U.S. Fish and Wildlife Service of the U.S. Department of Interior.

P. “Work Plan and Cost Estimate” (Work Plan) means the work plan and cost estimate prepared by the City of New Braunfels as provided in Sections 4.4 and 4.6 of the FMA to describe the activities and schedules that are reasonable and necessary for the City of New Braunfels to perform in order to implement the Conservation Measures and other Program Activities for which the City of New Braunfels has responsibility to undertake during the term of the current, approved Funding Application.

## ARTICLE II PURPOSE

In accordance with Subsection 6.1.8 of the FMA, the purpose of this Funding Contract is to provide for the funding of the current, approved Funding Application of the City of New Braunfels that is approved by the Board, referenced and incorporated herein for all purposes, and the requirements for the reimbursement of funds from the HCP Program Account as necessary for the implementation of the Conservation Measures or other Program Activities as described in the EAHCP as being the responsibility of the City of New Braunfels and as more specifically set out in the current, approved Application.

## ARTICLE III TERM

This Funding Contract shall commence and be effective on January 1, 2021 (Effective Date), and shall remain in effect through March 31, 2028, unless terminated sooner in accordance with Article X.

## ARTICLE IV ANNUAL PROGRAM FUNDING APPLICATIONS

A. For each year during the term of this Funding Contract, in accordance with Section 6.1 of the FMA, the City of New Braunfels will prepare a Funding Application and submit it to the EAA for formal approval by the Board through a resolution and order. It is the intention of the Parties that, each year, the current, approved Application will be considered to be attached to and incorporated into this Funding Contract following formal approval of the Application by the Board.

B. The Funding Application shall be on a form prescribed by the EAA. The Application must include the information described in Subsection 6.1.1 of the FMA, including the total amount of requested Program Funding. Each Application shall also contain a line-item budgeted amount for each Task, including a separate budget for any associated Subtask.

C. Upon approval of the Funding Application as provided by Subsections 6.1.3 and 6.1.4 of the FMA, the EAA agrees to reimburse the City of New Braunfels for implementation of each Task described in a current, approved Application in an amount not to exceed the Task's individual, line-item budget. Funds may only be disbursed through the approval of individual monthly invoices in accordance with Article 6 of the FMA and this Funding Contract. Except as provided below, the EAA will not reimburse the City of New Braunfels for any costs in excess of the total amount budgeted and approved for each Task and Subtask included in a current, approved Application.

## ARTICLE V PERFORMANCE

A. The City of New Braunfels agrees to devote its diligent and professional efforts and abilities to implement each Conservation Measure, shown here, and for which Program Funding has been approved in accordance with the current, approved Funding Application.

| EAHCP Conservation Measure No. | Conservation Measure Title                                |
|--------------------------------|---|
| 5.2.1                          | Flow Split Management in the Old and New Channel          |
| 5.2.2.2/5.2.2.3                | Native Aquatic Vegetation Restoration and Maintenance     |
| 5.2.3                          | Management of Public Recreation                           |
| 5.2.4                          | Decaying Vegetation Removal (Dissolved Oxygen Management) |
| 5.2.5/5.2.9                    | Control of Harmful Non-Native Animal Species              |
| 5.2.6/6.3.6                    | Monitoring and Reduction of Gill Parasites                |
| 5.2.7                          | Prohibition of Hazardous Material Transport Routes        |
| 5.2.8                          | Native Riparian Habitat Restoration – Riffle Beetle       |
| 5.2.10                         | Litter Collection and Floating Vegetation Management      |
| 5.2.11                         | Golf Course Management                                    |
| 5.7.1                          | Native Riparian Habitat Restoration                       |
| 5.7.5                          | Management of Household Hazardous Waste                   |
| 5.7.6                          | Impervious Cover and WQ Protection (LID/BMP)              |

B. It shall be the City of New Braunfels' responsibility to ensure that each Conservation Measure is completed in accordance with the schedules, budgets, descriptions, and specifications contained in the current, approved Funding Application.

C. The City of New Braunfels will provide, solely by and through its contractors, any and all personnel necessary for the implementation of the Conservation Measures included in the current, approved Funding Application. The City of New Braunfels hereby indemnifies and holds harmless, to the fullest extent allowed by law, the EAA and its officers, directors, employees, and agents from and against any claims brought by any contractor, subcontractor or other agent of the City of New Braunfels relating in any way to the work performed under this Funding Contract.

D. When implementing the Conservation Measures included in the current, approved Funding Application, the City of New Braunfels may retain and utilize contractors or subcontractors as necessary to complete the implementation of the Conservation Measures included in the current, approved Funding Application. The EAA shall not have the right to terminate, limit, or alter, at any time, the participation of any contractor or subcontractor utilized by the City of New Braunfels. The City of New Braunfels will be responsible for its contractors or subcontractors in all respects including their compliance with applicable laws and their safety, including without limitation, all Occupational Safety and Health Administration (OSHA) standards, requirements, and regulations.

E. The City of New Braunfels warrants that it will implement the Conservation Measures described in the current, approved Funding Application in a good and workmanlike manner, strictly in accordance with the standards of the associated scopes of work and with the purpose and intent to achieve full compliance with the requirements of the current, approved Application, the EAHCP and the other Program Documents.

## ARTICLE VI INVOICING AND REIMBURSEMENTS

A. The City of New Braunfels shall submit a monthly invoice packet to the EAA as a reimbursement request. Each invoice packet shall contain, at a minimum:

(1) a progress report, attached hereto in template form as provided in Exhibit B, containing:

- a description of the work completed during the billing cycle, by each contractor or subcontractor, as appropriate, within each Conservation Measure set out in Article IV.A.;
- a monthly update regarding compliance with the work schedule as it relates to achievement of the annual goals;
- an estimate of the percent completion year-to-date of each Conservation Measure, in accordance with the associated schedule in the current, approved Funding Application; and
- a discussion of any issues or problems that may result in an adjustment of the approved Conservation Measure budget or the total amount of Program Funding requested in the current, approved Application;

(2) documentation of all costs and expenses incurred during the billing cycle, including copies of all invoices from the City of New Braunfels' contractors or subcontractors, including supporting documentation; and

(3) an invoice summary sheet, attached hereto in template form as Exhibit C, by an authorized representative (staff member) of the City of New Braunfels indicating that such invoices have been approved for payment by the City of New Braunfels.

B. The monthly invoice packet will be submitted electronically in Adobe Acrobat (pdf) format via email to the HCP Coordinator and HCP Contract Administrator. All invoice



packets from the City of New Braunfels to the EAA for the services for each previous month's activities shall be sent no later than the 30th day of each month.

C. Upon review and acceptance of the monthly invoice packet, the EAA agrees to reimburse the City of New Braunfels for all costs and expenses incurred for all work performed to implement the Conservation Measures set out in Article IV.A., as described in the proposals submitted in the current, approved Funding Application. However, in no event shall reimbursement to the City of New Braunfels exceed the amounts shown in the current, approved Application, unless amended in accordance with Article VI. The EAA will not be held accountable for any work performed or funds spent by the City of New Braunfels, which are not consistent with the current, approved Application.

D. The EAA will reimburse funds to the City of New Braunfels within 30 days of receipt and approval of a completed invoice packet.

E. The EAA will not reimburse for any expenditures of the City of New Braunfels for each previous year's activities that are not submitted to the EAA by the last business day of January of each year, except for projects that were included in the previous year's activities but for which the City of New Braunfels has not received an invoice, or retainage is being held pending completion of a project, in which case the City of New Braunfels must provide written notification to the EAA prior to the last business day of January, along with an estimate of these expenses and the anticipated date reimbursement will be requested..

## ARTICLE VII BUDGET AMENDMENTS

In the event actual expenditures for a Conservation Measure require adjustment of the approved budget amount in a current, approved Funding Application, the City of New Braunfels may request an amendment to the approved budget amount, and if necessary, the Annual Program Budget.

The Board may approve such a request if:

- (1) the requested budget variance is documented in the submittal of an amended Funding Application, as provided in Subsections 6.1.7 and 6.2.3 of the FMA; and
- (2) the amended Application is accompanied by a recommendation for approval by the Implementing Committee.

Upon receipt of a budget amendment request, EAA staff will place the item on the agenda of the next Implementing Committee. If the Implementing Committee approves the request, EAA staff will present the request for amendment to the Board, to the extent possible, within 45 days of receipt of the Implementing Committee recommendation. Such an amendment shall be approved at the sole discretion of the Board.

## ARTICLE VIII LIMITATIONS ON FUNDING

No costs or expenses of the City of New Braunfels may be reimbursed under this Funding Contract to:

- A. fund the costs of any employee of the City of New Braunfels, except as may be authorized under Section 5.6.5.2 of the FMA;
- B. fund any of the City of New Braunfels' administrative costs, including, but not limited to overhead or any form of management, administration, research, planning, engineering, or legal services performed by an employee of the City of New Braunfels; or
- C. fund the cost of measures required to be undertaken by the City of New Braunfels in order to obtain a Small Municipal Separate Storm Sewer System permit under the Texas Pollution Discharge Elimination System Program as required by the Texas Commission on Environmental Quality or the laws of the State of Texas (funds may be used for the cost of measures and activities included in such a permit to the extent that they implement Conservation Measures or other Program Activities in the current, approved Application, which exceed minimum requirements for obtaining the permit).

## ARTICLE IX NOTICES

A. All formal notices or communications which are required or permitted under this Funding Contract shall be in writing and shall be deemed properly delivered if sent by (a) U.S. Mail, return-receipt requested, (b) a nationally recognized overnight courier service, or (c) by facsimile, and if sent to the following addresses:

|                                  |   |
|----------------------------------|---|
| If to the EAA:                   | Attention: EAHCP Program Manager<br>Threatened and Endangered Species<br>Edwards Aquifer Authority<br>900 E. Quincy Street<br>San Antonio, TX 78215 |
| If to the City of New Braunfels: | Attention: Watershed Program Manager<br>City of New Braunfels<br>550 Landa Street<br>New Braunfels, TX 78130  |

If any of the contact information changes, the Party shall notify the other party in writing within 30 days of the change.

B. The Parties may designate another person or persons for informal communication, including invoicing or administrative matters. Informal contacts may be designated through each Party's representative on the Implementing Committee.

C. Notices or other communications made under this section shall be deemed to have been received on the date of delivery if delivered personally or sent via facsimile or overnight service, or three (3) days after the date such notice is delivered, properly addressed, in the U.S. Mail, if mailed.

## ARTICLE X TERMINATION

This Funding Contract may be terminated at any time by delivery of written notice of termination by either Party to the other Party. The termination of this Funding Contract shall be effective 90 days after the date of the notice of termination unless the Parties jointly agree otherwise in writing. Upon receipt or issuance of such termination notice, the City of New Braunfels shall immediately stop all work in progress. Insofar as possible, all work in progress will be brought to a logical termination point on the date notice of termination was received, or on the date the termination is effective, whichever is later. Within 120 days after the date of the notice of termination, and as long as consistent with the current, approved Funding Application, the EAA shall pay the City of New Braunfels all moneys then due and owing for the rendered work to be performed hereunder, costs and expenses reasonably incurred up to the logical termination point. Upon receipt of a termination notice, the City of New Braunfels shall, within sixty (60) days, deliver or make copies available to the EAA, of all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the City of New Braunfels in the performance of this Funding Contract, whether completed or in process.

## ARTICLE XI GENERAL

A. Entire Funding Contract; Modification. This Funding Contract and the attached exhibits constitute the entire agreement between the Parties (other than the FMA and those related documents, including the Program Documents, specifically referred to herein, including but not limited to the current, approved Funding Application) relating to the rights granted and the obligations assumed herein. There are no representations, warranties, agreements or commitments between the Parties hereto except as set forth herein. Any oral representations, modifications, or amendments concerning this Funding Contract shall be of no force or effect. No representations, modifications, or amendments to this Funding Contract shall be binding on the Parties unless in writing, properly approved, and signed by both Parties. This Funding Contract may be amended only by written agreement of all of the Parties. No change, amendment, or modification of this Funding Contract will be made or will be effective that will cause this Funding Contract to diverge from or create an inconsistency with any Program Document.

B. Counterparts. This Funding Contract may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

C. Succession and Assignment. The provisions of this Funding Contract shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns; provided, however, neither Party may assign any of its rights or delegate any of its duties hereunder without written consent from the other Party.

D. Applicable Law; Venue. This Funding Contract is deemed to have been made in and to be performable in the State of Texas, and shall be construed in accordance with and governed by the laws of the State of Texas. It is specifically agreed among the Parties that in the event that any legal proceeding is brought to enforce this Funding Contract or any provision hereof, the same will be brought in the county in which the principal administrative offices of the Defendant are located.

E. Headings. The heading and captions of the various sections of this Funding Contract are for convenience and descriptive purposes only and shall not be used to interpret or construe its provisions, nor alter or affect the terms and conditions of this Funding Contract.

F. Interpretation. This Funding Contract or any portion thereof shall not be interpreted by a court of law to the detriment of a Party based solely upon that Party's authorship of the Funding Contract or any portion thereof.

G. Legal Authority; Approval by the Parties. The Parties each affirm and certify that they have the legal authority to enter into this Funding Contract, and that their execution of this Funding Contract has been duly authorized by action of their governing bodies as required by Section 791.011(d)(1), Texas Government Code; and that each Party has taken all necessary official action to approve this Funding Contract. Each Party to this Funding Contract represents to the others that it is empowered by law to execute this Funding Contract and other agreements and documents and to give such approvals, in writing or otherwise, as are or may hereafter be required to accomplish the same.

H. Severability. The invalidity of any provision or provisions of this Funding Contract shall not affect any other provision of this Funding Contract, which shall remain in full force and effect, nor shall the invalidity of a portion of any provision of this Funding Contract affect the balance of such provision.

I. Waiver. Notwithstanding anything to the contrary contained in this Funding Contract, any right or remedy or any default under this Funding Contract, except the right of a Party to receive the payments from another Party, which will never be determined to be waived, will be deemed to be conclusively waived unless asserted by a proper proceeding at law or in equity within four (4) years after the occurrence of such default. No waiver or waivers of any breach or default (or any breaches or defaults) by any Party hereto or of the performance by any other Party of any duty or obligation hereunder will be deemed a waiver thereof in the future, nor will any such waiver or waivers be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, character or description, under any circumstances. Termination of this Funding Contract for breach shall not constitute a waiver of any rights or remedies available at law or in equity to a Party to redress such breach. All remedies, either under this Funding Contract or at law or in equity or otherwise available to a Party, are cumulative and not alternative and may be exercised or pursued separately or collectively in any order, sequence or combination. In

addition, to these provisions, applicable provisions of this Funding Contract shall survive any termination of this Funding Contract.

J. Exhibits. The Exhibits, schedules and/or other documents attached hereto or referred to herein, are incorporated herein and made a part of this Funding Contract for all purposes. As used herein, the expression “Funding Contract” means the body of this Contract and such attachments, Exhibits, schedules and/or other documents, and the expressions “herein,” “hereof,” and “hereunder” and other words of similar import refer to this Funding Contract and such attachments, exhibits, schedules and/or other documents as a whole and not to any particular part or subdivision thereof.

K. No Third-Party Beneficiary; No Partnership. This Funding Contract is not intended to confer any rights, privileges or causes of action upon any third party other than the Parties to this Funding Contract. The Parties understand and agree that this Funding Contract does not create a fiduciary relationship between them, they are separate entities, the City of New Braunfels is an independent contractor with respect to the Conservation Measures or other Program Activities to be implemented hereunder and is not subject to the direct or continuous control and supervision of the EAA. Nothing in this Funding Contract is intended or will be construed to convert either Party into a subsidiary, joint venturer, partner, employee, servant, representative, or other agent of the other Party for any purpose whatsoever. Nor will either Party have the authority to bind the other in any respect. Each Party will remain an independent contractor responsible for its own actions, except as otherwise specifically provided herein. The EAA shall have no right of direction or control of the City of New Braunfels, or its employees, agents, contractors, or subcontractors except as to the results to be obtained, and in a general right to order the implementation of the Conservation Measures or other Program Activities to start or stop as agreed to herein, to inspect the progress of the implementation of the Conservation Measures or other Program Activities to be performed, and to receive reports. The City of New Braunfels shall accommodate reasonable requests from the EAA to allow EAA employees, agents or representatives to accompany and observe the implementation of the Conservation Measures or other Program Activities as described in each current, approved Funding Application.

L. Payment from Current Revenues. Pursuant to Section 271.903(a), Texas Local Government Code, this Funding Contract is conditioned upon, and the EAA agrees to use its best efforts to obtain and appropriate funds for the payment of all obligations due under the terms of this Funding Contract. The City of New Braunfels acknowledges and agrees that all payments and other obligations due under the terms of this Funding Contract shall be deemed to be the commitment of the EAA’s current revenues only. Moreover, the City of New Braunfels acknowledges that pursuant to Section 791.011(d)(3), Texas Government Code, the EAA must make any payments under this Funding Contract only from current revenues available to the EAA. The City of New Braunfels will not have the right to demand payment by the EAA from any funds raised or to be raised by taxation (other than revenues from a regional sales tax as an alternative funding source under Subsection 6.4.1 of the FMA), and the EAA’s obligation under this Funding Contract will never be construed to be a debt of the EAA of such kind as to require it under the Constitution and laws of the State to levy and collect an ad valorem tax to discharge such obligation. Moreover, the City of New Braunfels agrees and understands that the cost of implementation of the Conservation Measures or other Program Activities by the City of New

Braunfels under this Funding Contract and the current, approved Funding Application will be paid solely from Program Aquifer Management Fees, or funding contributions from third parties, disbursed from the HCP Program Account of the EAA as provided by Sections 5.1, 5.3, 5.4 and 5.6 of the FMA, and that the EAA will not be obligated to provide funding beyond the sources and limitations identified in the current, approved Application.

M. Informal Negotiations; Mediation. In the event any controversy arising under this Funding Contract is not resolved by informal negotiations between the Parties within 30 days after any Party requests negotiations, then, upon the request of any Party, the controversy will be referred to mediation, which process will be governed by the Texas Civil Practice and Remedies Code, Chapter 154, as may be amended, or its successor statute. Failing identification of a mutually acceptable mediator, the mediation will be conducted by the University of Texas School of Law Center for Public Policy Dispute Resolution. The mediation process will continue until the controversy is resolved, the mediator makes a finding that there is no possibility of settlement through mediation, or either Party chooses not to continue further. All costs and expenses of the mediation (including the mediator's fees) will be shared equally by the Parties involved in the mediation, provided however, that costs incurred by each Party will be the costs solely of such Party.

N. Force Majeure. If by reason of Force Majeure, any Party hereto will be rendered unable wholly or in part to carry out its obligations under this Funding Contract, then if such Party gives notice and the full particulars of such Force Majeure in writing to the other Party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the Party giving such notice, so far as its performance is prevented by such Force Majeure, will be suspended during the continuance of the inability then claimed, but for no longer period, and any such Party will endeavor to remove or overcome such inability with reasonable dispatch. The term "Force Majeure" as employed herein means acts of God, strikes, lockouts or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States or the State of Texas, regulatory restrictions imposed on the EAA by the Texas Legislature, any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, tornadoes, blue northers, storms, floods, washouts, any drought defined as an Unforeseen Circumstance in Section 8.2 of the EAHCP, restraint of government and people, civil disturbances, explosions, extraordinary breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply, or on account of any other causes to the extent not reasonably within the control of the Party claiming such inability. The Parties acknowledge that nothing in this provision affects the authority of the Service to suspend or revoke the Permit, either partially or in its entirety, as to the Party experiencing the inability or as to all Parties.

O. Remedies. The Parties recognize that failure in the performance of any Party's obligations hereunder may not be measurable solely in money damages. Each Party therefore agrees in the event of any default on its part that each Party will have available to it, in addition to all other legal remedies, the equitable remedy of mandamus and/or specific performance, but not termination as long as the ITP is outstanding. It is the intent of the Parties to this Funding Contract that any default may be subject to the remedy of mandamus and/or specific performance to the extent that mandamus and/or specific performance is possible under the existing circumstances. If the EAA fails to appropriate funds necessary to discharge that Party's obligations under this Funding Contract and a court of competent jurisdiction fails to enforce that obligation, then this Funding

Contract will terminate, and the other Parties will have the right to petition the Service to terminate the ITP with regard to the EAA.

P. Default – Notice and Opportunity to Cure. If any Party fails to perform any obligation or make any payment in the required amount when due under this Funding Contract, the other Party may, without prejudice to any other right or remedy it may have under this Funding Contract, provide written notice of default to the nonperforming Party. If written notice of default is provided to a nonperforming Party, a copy of said notice will also be provided to the Implementing Committee. The nonperforming Party has 60 days from receipt of the notice within which to remedy the default.

Q. Rights Regarding Books and Records. Each Party will permit the other Party, upon reasonable notice, to examine and copy all the books and records kept by the Party regarding this Funding Contract. In addition, upon reasonable prior written notice to the other Party, any Party may conduct a complete audit of the books and records kept by the Party regarding this Funding Contract and any approved Funding Application as well as of the information and documentation used to prepare the books and records. Any such audit will be at the requesting Party's sole expense and will be prepared by a certified public accounting firm. If the audit report discloses actual errors in the books and records such that the charges assessed to the other Party are in error, then such error will be corrected for the period up to four years from the date the erroneous charge was paid and all payments reconciled over the subsequent twelve month period beginning with the audited Party's fiscal year.

R. Assumption of the Risk; Indemnification. The City of New Braunfels shall assume all risks associated with its contractors' performance of the Conservation Measures associated with the current, approved Funding Application under this Funding Contract, and shall waive any claim against the EAA for damages arising out of the performance of such Conservation Measures. Additionally, to the fullest extent allowed by law, the City of New Braunfels agrees, on behalf of itself and its successors and assigns, to defend, save and hold harmless the EAA and its officers, directors, employees, and agents from and against any and all claims, losses, expenses, costs, demands, judgments, causes of action, suits, and liability for personal injury or property damage (including but not limited to all costs of defense, such as fees and charges of attorneys, expert witnesses, and other professionals and all court or other dispute resolution costs) resulting from the negligence or other wrongful acts or omissions of the City of New Braunfels or an officer, director, employee, contractor, or subcontractor of the City of New Braunfels in the performance or implementation of the Conservation Measures associated with any approved Application associated with this Funding Contract.

S. Goods and Services. The Parties agree that the mutual commitments stated in this Funding Contract to provide operational, regulatory and implementation services in execution of the EAHCP constitute an agreement by each Party for providing goods and services to the other Party, that payments due from the EAA and the mutual provision of goods and services are amounts due and owing under this Funding Contract, and that this Funding Contract is subject to Chapter 271, Subchapter I, Texas Local Government Code.

T. Ownership and Disclosure of Materials.

(1) All information, documents, property and materials produced, created or supplied under this Funding Contract, whether by the EAA, the City of New Braunfels, their employees, agents, contractors, or subcontractors or anyone else, and whether finished or unfinished or in draft or final form, will be the property of the City of New Braunfels. Said materials shall be provided to the EAA upon request for archival purposes, for the development of the EAHCP administrative record, and to reflect the City of New Braunfels' work performed, including after expiration or termination of the Funding Contract. The EAA shall have unlimited rights to technical and other data resulting directly from the performance of the Conservation Measures associated with the any approved Funding Application and this Funding Contract. The City of New Braunfels will also cooperate fully with the EAA by sharing information and documentation in the development of the EAHCP annual report as more specifically set forth below.

(2) The information, documents, property and materials produced, created or supplied under this Funding Contract, including preliminary technical reports and studies, may be disclosed to any third party pursuant to the Texas Public Information Act, Chapter 552, Texas Government Code. The City of New Braunfels shall immediately advise the EAA of any requests for any document by a third party.

U. Additional Cooperation and Obligations. The City of New Braunfels agrees to timely prepare and submit its monitoring report under Subsection 7.5.3 of the FMA for all of its Conservation Measures and Program Activities undertaken and funded pursuant to this Funding Contract. Moreover, the City of New Braunfels agrees to fully cooperate and assist the EAA in the preparation, development, and submission to the Service of an annual report (as set forth in Section 11.1.c. of the Implementing Agreement), which includes a description of all of the Parties' HCP activities and an analysis of whether the terms of the HCP have been met in that annual reporting period. The City of New Braunfels will make available to the EAA its administrative records and such other documents and data as the EAA may request in furtherance of the preparation of such annual report.



**IN WITNESS WHEREOF**, the Parties have executed this Interlocal Cooperation Contract in duplicate counterparts, both having equal force and effect, as of the Effective Date stated in Article III.

FOR THE CITY OF NEW BRAUNFELS

By: \_\_\_\_\_  
Robert Camareno Date  
City Manager

ATTEST:

By: \_\_\_\_\_  
Drew Lyons Date  
Assistant City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Valeria Acevedo Date  
City Attorney

## FOR THE EDWARDS AQUIFER AUTHORITY

By: \_\_\_\_\_  
 Roland Ruiz Date  
 General Manager

ATTEST:

By: \_\_\_\_\_  
 Jennifer Wong-Esparza Date  
 Assistant to the Board Secretary

APPROVED AS TO FORM:

*Darcy Alan Frownfelter* 09/25/2020  
 Darcy Alan Frownfelter (Sep 25, 2020 10:56 CDT)  
 By: \_\_\_\_\_  
 Darcy Alan Frownfelter Date  
 General Counsel

EXHIBIT A  
TABLE 1 – CURRENT, APPROVED FUNDING APPLICATION

| EAHCP Mitigation No. | Description   | Final Amount Requested | Selected Contractor |
|----------------------|---|------------------------|---------------------|
| 5.2.1                | Flow Split Management                               |                        |                     |
| 5.2.10               | Litter Control/Floating Veg                         |                        |                     |
| 5.2.11               | Golf Course Management                              |                        |                     |
| 5.2.2.1/5.2.2.3      | Old Channel Restoration & Maintenance               |                        |                     |
| 5.2.2.2/5.2.2.3      | Aquatic Vegetation Restoration                      |                        |                     |
| 5.2.4                | Decaying Vegetation Removal (Dissolved Oxygen Mgmt) |                        |                     |
| 5.2.5/5.2.9          | Non-Native Animal Species Control                   |                        |                     |
| 5.2.6/6.3.6          | Monitoring and Reduction of Gill Parasites          |                        |                     |
| 5.2.7                | Prohibition - Hazardous                             |                        |                     |
| 5.2.8                | Native Riparian Habitat Restoration (Riffle Beetle) |                        |                     |
| 5.7.1                | Restoration - Riparian Zone                         |                        |                     |
| 5.7.5                | Household Hazardous Waste                           |                        |                     |
| 5.7.6                | Impervious Cover and WQ Protection                  |                        |                     |
|                      |   |                        |                     |
|                      | <b>Funding Request Total</b>                        |                        |                     |

EXHIBIT B  
PROGRESS REPORT TEMPLATE

Date:

HCP Measure(s) Addressed:

Project Name:

Invoice Number:

Invoice Period: mm/dd/yyyy to mm/dd/yyyy

1. Services Performed During the Invoice Period

Describe the activities that were performed for each Conservation Measure during the invoice period.

2. Schedule Issues

Describe the status of the project progress, identifying which activities, if any, are behind schedule.

3. Budget Issues

EXHIBIT C  
INVOICE SUMMARY SHEET TEMPLATE

Invoice Date: \_\_\_\_\_

| City of New Braunfels |              |   |                          |                 |          |            |                           |                   |                       |
|-----------------------|--------------|---|--------------------------|-----------------|----------|------------|---------------------------|-------------------|-----------------------|
| EAA PO#               | EAA Invoice# | Conservation Measure                                | HCP Measure(s) Addressed | Contractor Name | CONB PO# | Contract # | Beginning Contract Amount | Budget Adjustment | Total Contract Amount |
|                       |              | Flow Split Management                               | 5.2.1                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Litter Control/Floating Veg                         | 5.2.10                   |                 |          |            |                           |                   | 0.00                  |
|                       |              | Golf Course Management                              | 5.2.11                   |                 |          |            |                           |                   | 0.00                  |
|                       |              | Old Channel Restoration & Maintenance               | 5.2.2.1/5.2.2.3          |                 |          |            |                           |                   | 0.00                  |
|                       |              | Aquatic Vegetation Restoration                      | 5.2.2.2/5.2.2.3          |                 |          |            |                           |                   | 0.00                  |
|                       |              | Decaying Vegetation Removal (Dissolved Oxygen Mgmt) | 5.2.4                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Non-Native Animal Species Control                   | 5.2.5/5.2.9              |                 |          |            |                           |                   | 0.00                  |
|                       |              | Monitoring and Reduction of Gill Parasites          | 5.2.6/6.3.6              |                 |          |            |                           |                   | 0.00                  |
|                       |              | Prohibition - Hazardous                             | 5.2.7                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Native Riparian Habitat Restoration (Riffle Beetle) | 5.2.8                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Restoration - Riparian Zone                         | 5.7.1                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Household Hazardous Waste                           | 5.7.5                    |                 |          |            |                           |                   | 0.00                  |
|                       |              | Impervious Cover and WQ Protection (LID/BMP)        | 5.7.6                    |                 |          |            |                           |                   | 0.00                  |
| Totals:               |              |   |                          |                 |          |            |                           |                   | 0.00                  |

Affidavit:

I hereby certify and attest the above information to be true and correct to the best of my knowledge. I further certify that all work or materials covered by this Invoice for Payment has been completed or materials delivered in accordance with the Contract Documents and, that all amounts have been paid to the Contractor or Supplier and that the current payment shown herein is now due.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. E)

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Presenter/Contact

*Tony Gonzalez, Director of Information Technology*  
(830) 221-4339 - [Tgonzalez@nbtexas.org](mailto:Tgonzalez@nbtexas.org)

**SUBJECT:**

Approval of a contract modification with Spillman Technologies to add the Texas Accident Reporting Form module and Staff Productivity Module at a cost of \$47,970.

**BACKGROUND / RATIONALE:**

The City has an existing contract with Spillman Technologies for its Computer Aided Dispatch and Records Management Software system for the Police and Fire Department. Staff are requesting to add two additional modules to their CAD and RMS system.

**Texas Accident Reporting Form-** Currently TXDOT offers an online based reporting module for officers to complete a crash report. This is the only module we currently have available to use. When an officer responds to a crash in our city, he or she is required to log into the TX DOT website and start completing the crash report on their system. This system is free for our law enforcement agency. Being web based, we are often faced with a lag in customer service to citizens because often the TX DOT reporting website is down for maintenance. This creates a delay in the time an officer can complete a report and then move on to their next call or process their daily workload. This also creates a lag in customer service where a citizen can get to the TX DOT web site to download their crash report for customer service because the officer is delayed in being able to do their crash report on-line. Lastly, the system does not interface with our Spillman system, so our officers are required to complete additional work by manually inputting the crash data back into the Spillman CAD/RMS. This is laborious, time consuming and does not create an efficient process for our operations.

Last year the TX DOT web-based program was compromised, and the entire system was down. We have had to revert to 1980 style crash reporting by using paper reports and stencils to diagram crash scenes. This is outdated and inefficient.

**Staff Productivity Module-** is a module that is an overlay to the current Spillman CAD/RMS to collect data from the daily work of our sworn police staff. No additional input or workload has to be done by any staff once the software is installed, as it collects data from the already existing work that the sworn staff does daily. These reports, graphs and charts can be used to better understand manpower deployment needs, as well as staffing options based on the daily, weekly and monthly workloads. This module can be used to better improve efficiency and manpower deployment within the police department.

The total cost of the two modules is \$47,970. The cost will cover project management, installation as well as the first year of maintenance. This purchase will utilize a Houston Galveston Area

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Cooperative (H-GAC) contract with Spillman Technologies which has been vetted and therefore meets the procurement requirements.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|  |
|--|
| . Continue to ensure the protection of citizens' lives and property 11. Provide effective project management |
|--|

**FISCAL IMPACT:**

Funding for this expenditure will come from FY 20/21 Seizure funds allocated to support law enforcement equipment and technology therefore, sufficient funds are available.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of a contract modification with Spillman Technologies to add the Texas Accident Reporting Form module and Staff Productivity Module at a cost of \$47,970.



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**10/26/2020**

Agenda Item No. F)

Presenter/Contact*Stacey Dicke, Parks Director*  
(830) 221-4355 - [s@dickenbtexas.org](mailto:s@dickenbtexas.org)**SUBJECT:**

Approval of a purchase with Austin Turf and Tractor for one John Deere 2550 Triplex Greens mower for the Landa Park Golf Course through a Buy Board Contract and to declare the replaced mower as surplus.

**BACKGROUND / RATIONALE:**

The Landa Park Golf Course is in need of one triplex greens mower to replace the last Jacobson greens mower that is used daily in the operation and mowing of greens at the golf course. The Jacobson greens mower is no longer dependable due to their old age and no equipment representative or parts department within the area.

Staff recommends the John Deere 2550 Greens mower be purchased from Austin Turf and Tractor through a Buy Board contract. The Buy Board Contract has been vetted thereby satisfying the City's competitive bidding requirement for contracts that exceed \$25,000.00. The existing mower will be declared surplus.

The cost for the John Deere 2550 Greens mower is \$39,825.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|     |                              |   |
|-----|------------------------------|---|
| Yes | <b>Strategic Priorities:</b> | 8- Maintain Fiscal stability of City Operations |
|-----|------------------------------|---|

**FISCAL IMPACT:**

This expenditure was budgeted into the Golf Course fund and therefore, there are sufficient funds available.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the expenditure.



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. G)

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**Presenter/Contact**

*Garry Ford, P.E., Assistant Public Works Director/City Engineer  
(830) 221-4020 - gford@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council unanimously approved the first reading to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C on October 12, 2020.

Engineering staff received a request from the City Secretary to review multiple parking by permit areas to possibly consolidate some areas that are adjacent. Staff reviewed the request, taking into consideration the requirements in Sec. 126-354(d)(2)(a) that parking by permit areas be of contiguous commercial or residential use.

The existing Parking by Permit Area J is not contiguous and is located with a portion on S. Union Avenue, adjacent to Parking by Permit Area B, and a portion on N. Liberty Avenue, adjacent to Parking by Permit Area C.

The existing Parking by Permit Area F is immediately adjacent to and forms a contiguous area with the existing Parking by Permit Area C.

After a review of the request, staff determined that it would be appropriate and consistent with the requirements for a contiguous area specified in ordinance to:

- Combine the portion of Parking by Permit Area J on S. Union Avenue with Parking by Permit Area B and
- Combine Parking by Permit Area F and the portion of Parking by Permit Area J on N. Liberty Avenue into existing Parking by Permit Area C.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Envision New Braunfels: Action 7.58: Develop a survey/study to evaluate the signage of the city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on the recommendations from the study, begin implementation of approved changes.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends combining the portion of Parking by Permit Area J on S. Union Avenue with Parking by Permit Area B and combining Parking by Permit Area F and the portion of Parking by Permit Area J on N. Liberty Avenue into existing Parking by Permit Area C.



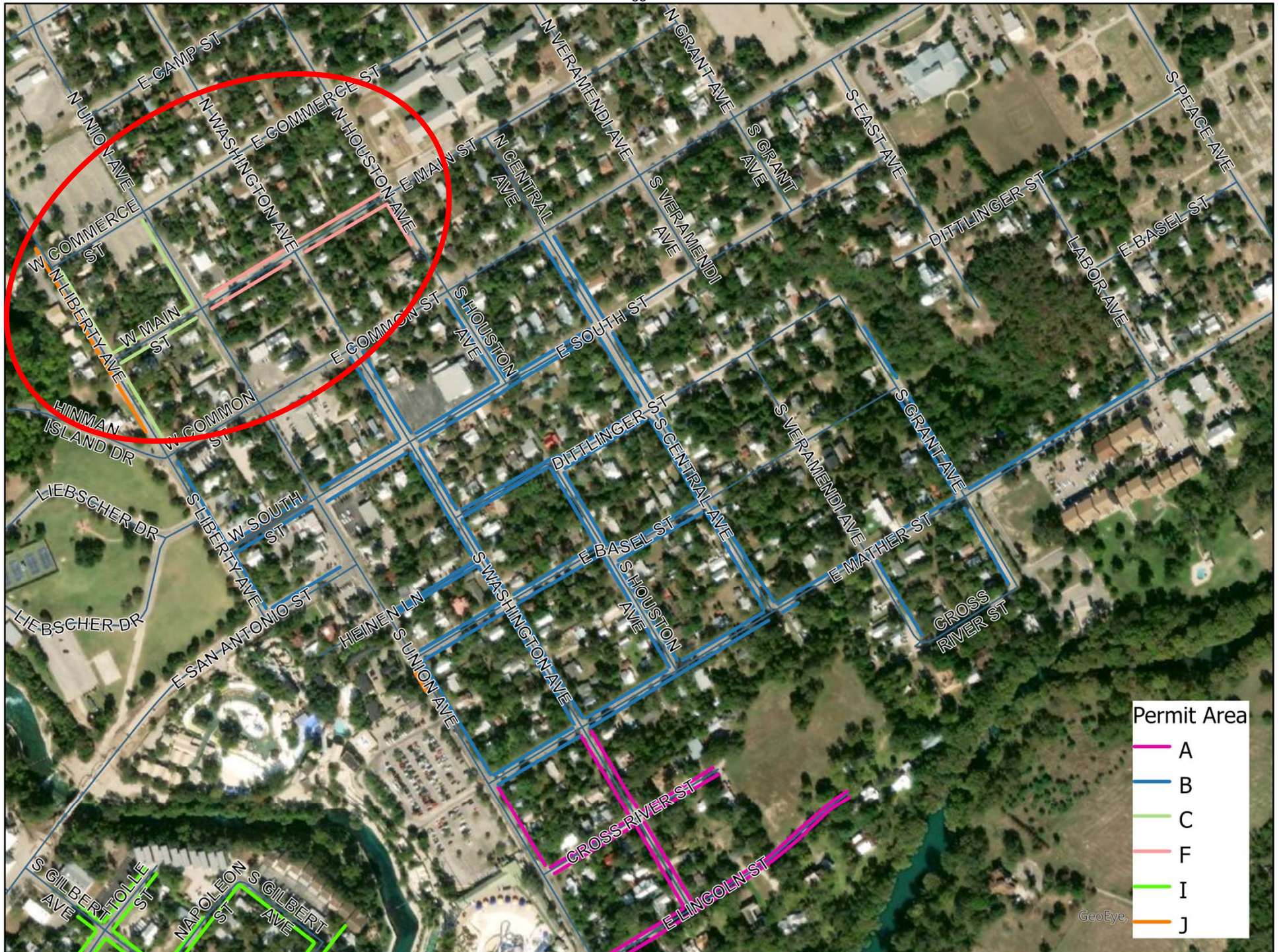


Overview Map of Affected Parking by Permit Areas



### Portion of Parking by Permit Area J to be Incorporated into Area B





Parking by Permit Areas C, F and part of Area J to be Consolidated



Sec. 126-354. - Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
  - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
  - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
  - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
  - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
  - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
  - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
  - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
  - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
  - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
  - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
  - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
  - m. On the west side of S. Grant Avenue From E. Basel Street to Cross River Street.
  - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
  - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
  - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
  - q. On the south side of Cross River Street from 490 to 590 Cross River Street (inclusive).
  - r. On the south side of E. Mather Street at 416 E. Mather Street.
  - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.
  - t. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
  - u. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.
- (3) Area C, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On east side of N. Liberty Avenue from the intersection of E. Commerce Street to W. Common Street.



- b. On both sides of W. Main Street from the intersection of N. Union Avenue to the intersection of N. Liberty Avenue.
- c. On west side of North Union Avenue from the intersection of W. Main Street to the intersection of W. Commerce Street.
- d. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.
- e. On the west side of North Houston Avenue along the property located at 292 East Main Street.
- f. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.
- g. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.
- (6) ~~Reserved Area B, between the hours of 8:00 a.m. and 6:00 p.m. from May 1st through September 30th.~~
  - ~~a. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.~~
- (7) ~~Reserved Area F, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.~~
  - ~~a. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.~~
  - ~~b. On the west side of North Houston Avenue along the property located at 292 East Main Street.~~
- (11) ~~Reserved Area J, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.~~
  - ~~a. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.~~
  - ~~b. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.~~
  - ~~c. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.~~

(Ord. No. 01-25, § II, 4-9-01; Ord. No. 2005-42, § I, 5-2-05; Ord. No. 2005-54, § I, 6-27-05; Ord. No. 2005-71, § I, 9-26-05; Ord. No. 2006-45, § I, 5-22-06; Ord. No. 2006-52, § I, 6-26-06; Ord. No. 2006-73, § I, 7-24-06; Ord. No. 2006-80, § I, 8-28-06; Ord. No. 2009-24, § I, 4-27-09; Ord. No. 2009-33, § I, 6-8-09; Ord. No. 2009-40, § I, 6-22-09; Ord. No. 2009-45, § I, 7-27-09; Ord. No. 2009-54, § I, 8-10-09; Ord. No. 2009-59, § I, 9-14-09; Ord. No. 2010-25, § I, 4-26-10; Ord. No. 2010-36, § I, 6-14-10; Ord. No. 2011-40, § I, 5-23-11; Ord. No. 2011-51, § I, 6-13-11; Ord. No. 2011-102, § I, 11-28-11; Ord. No. 2013-11, § I, 3-25-13; Ord. No. 2013-37, § I, 6-24-13; Ord. No. 2014-34, § I, 5-12-14; Ord. No. 2016-44, § I, 8-16-16; Ord. No. 2017-04, § I, 1-9-17; Ord. No. 2017-17, § I, 3-13-17; Ord. No. 2017-24, § I, 2-27-17; Ord. No. 2017-34, § I, 4-24-17; Ord. No. 2017-55, § I, 8-14-17; Ord. No. 2017-73, § 2(Att. A), 9-25-17; Ord. No. 2017-82, § I, 10-23-17; Ord. No. 2018-2, § I, 1-8-18; Ord. No. 2018-18, § I, 3-12-18; Ord. No. 2018-25, § I, 4-23-18; Ord. No. 2018-31, § I, 5-14-18; Ord. No. 2018-46, § I, 7-23-18; Ord. No. 2018-82, § I, 11-26-18; Ord. No. 2019-21, § I, 3-25-19; Ord. No. 2019-48, § I, 7-22-19; Ord. No. 2019-65, § I, 9-23-19; Ord. No. 2019-81, § I, 11-25-19; Ord. No. 2020-43, § I, 7-27-20)

**ORDINANCE NO. 2020-\_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO COMBINE A PORTION OF PARKING BY PERMIT AREA J WITH PARKING BY PERMIT AREA B AND COMBINED PARKING BY PERMIT F AND A PORTION OF PARKING BY PERMIT AREA J WITH PARKING BY PERMIT AREA C.**

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WHEREAS, the City Council has determined that Section 126-354 (c) Parking by Permit Only, Designated Permit Areas be amended in order to protect the health, safety and welfare of the citizens.

WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

**I.**

THAT Section 126-354 (c) is hereby amended to read:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
  - a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
  - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
  - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
  - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
  - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
  - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.

- g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
  - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
  - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
  - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
  - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
  - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
  - m. On the west side of S. Grant Avenue from E. Basel Street to Cross River Street.
  - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
  - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
  - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
  - q. On the south side of Cross River Street from 490 to 590 Cross River Street (inclusive).
  - r. On the south side of E. Mather Street at 416 E. Mather Street.
  - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.
  - t. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
  - u. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.
- (3) Area C, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On east side of N. Liberty Avenue from the intersection of E. Commerce Street to W. Common Street.
  - b. On both sides of W. Main Street from the intersection of N. Union Avenue to the intersection of N. Liberty Avenue.
  - c. On west side of North Union Avenue from the intersection of W. Main Street to the intersection of W. Commerce Street.
  - d. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.

- e. On the west side of North Houston Avenue along the property located at 292 East Main Street.
- f. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.
- g. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.
- (6) Reserved.
- (7) Reserved.
- (11) Reserved.

## II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

## III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

## IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*RUSTY BROCKMAN, MAYOR*

ATTEST:

\_\_\_\_\_  
*ANDREW A. LYONS III, ASSISTANT CITY SECRETARY*

APPROVED AS TO FORM:

\_\_\_\_\_  
*VALERIA M. ACEVEDO, CITY ATTORNEY*



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**10/26/2020**

Agenda Item No. H)

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**Presenter/Contact***Garry Ford, P.E., Assistant Public Works Director/City Engineer  
(830) 221-4020 - gford@nbtexas.org***SUBJECT:**

Approval of the second and final reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.

**BACKGROUND / RATIONALE:****Council District: 5**

City Council unanimously approved the first reading to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street on October 12, 2020.

As a part of the signing and striping efforts to clean up the downtown two-hour parking space and loading zones, staff noted that the existing loading zone on West San Antonio Street in front of the Brauntex Theatre is classified in ordinance as a freight loading zone. This loading zone currently serves as a passenger loading zone for patrons of the Brauntex Theatre. The proposed ordinance changes are to reclassify the loading zone as a passenger loading zone and clarify the location of the loading zone.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Envision New Braunfels: Action 7.58: Develop a survey/study to evaluate the signage of the city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on the recommendations from the study, begin implementation of approved changes.

**FISCAL IMPACT:**

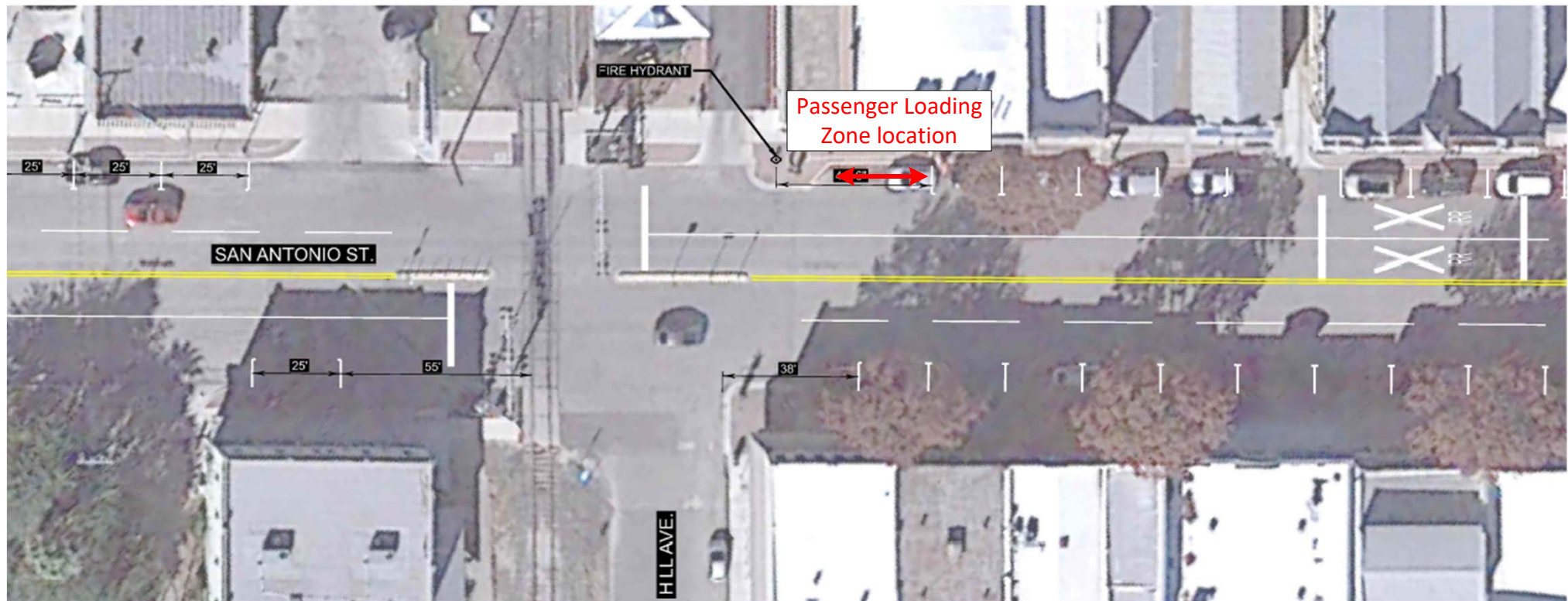
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends amending the existing freight loading zone on West San Antonio Street near the Brauntex Theatre to reclassify it as a passenger loading zone.



Revised Passenger Loading Zone Location  
West San Antonio Street



Sec. 126-367. - Passenger zones; time limit.

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.
- (b) The following locations are designated as passenger loading zones in accordance with this section:
  - (1) On the south side of West Coll Street from a point 224 feet easterly from the intersection of West Coll Street and South Guenther Avenue, easterly a distance of 119 feet.
  - (2) On the north side of West Bridge Street from the intersection of West Bridge Street and North Castell Avenue, easterly a distance of 70 feet.
  - (3) On the south side of East Commerce Street from the intersection of East Commerce Street and North Veramendi Street, westerly a distance of 320 feet.
  - (4) On the east side of South Castell Avenue from a point 50 feet northerly from the intersection of South Castell Avenue and West Coll Street, northerly a distance of 50 feet.
  - (5) On the north side of West Coll Street from a point 168 feet westerly from the intersection of West Coll Street and South Seguin Avenue, westerly a distance of 30 feet.
  - (6) On the north side of Howard Street starting from a point 288 feet from the intersection of Howard Street and Fredericksburg Road westerly a distance of 600 feet; provided however, that this restriction would be in effect from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. on each school day, during every authorized school term.
  - (7) On the north side of East San Antonio Street from a point 30 feet east of the intersection of East San Antonio Street and Main Plaza, easterly a distance of 100 feet.
  - (8) On the north side of West San Antonio Street from a point 80 feet from the nearest rail of the railroad crossing the intersection of West San Antonio Street and North Hill Avenue, easterly for a distance of 30 feet.

(Code 1961, § 23-136; Ord. No. 95-31, § I, 9-25-95; Ord. No. 96-17, § I, 3-25-96)

Sec. 126-369. - Freight zones; time limit.

- (a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
- (b) The following locations are designated as freight loading zones in accordance with this section:
  - (1) On the east side of South Guenther Avenue from the intersection of South Guenther Avenue and West San Antonio Street, southerly a distance of 120 feet.
  - (2) On the south side of West Bridge Street from the intersection of West Bridge Street and North Seguin Avenue, westerly a distance of 120 feet.
  - (3) On the north side of East Jahn Street from the intersection of East Jahn Street and South Seguin Avenue, easterly a distance of 120 feet.
  - (4) Reserved.
  - (5) ~~On the north side of West San Antonio Street from the intersection of West San Antonio Street and North Hill Avenue, easterly a distance of 60 feet. Reserved.~~

- (6) On the west side of North Seguin Avenue from the intersection of North Seguin Avenue and Main Plaza, northerly a distance of 115 feet.
- (7) On the east side of North Seguin Avenue from the intersection of North Seguin Avenue and Main Plaza, northerly a distance of 60 feet.
- (8) On the north side of North Castell Avenue from a point 30 feet north of the intersection of West San Antonio Street and North Castell Avenue, northwest for a distance of 55 feet.
- (9) On the north side of South Castell Avenue from a point 30 feet south of the intersection of West San Antonio Street and South Castell Avenue, southeast for a distance of 55 feet.
- (10) On the northwest side of W. Garden Street from a point directly across from the southwest property corner of 408 S. Seguin southerly 50 feet, such no parking zone shall be designated as a tow away zone.

(Code 1961, § 23-137; Ord. No. 2009-64, § I, 9-28-09; Ord. No. 2012-3, § I, 1-9-12)

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS 126-367 AND 126-369 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO AMEND THE LOADING ZONE ON WEST SAN ANTONIO STREET.**

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WHEREAS, the existing loading zone on West San Antonio Street is currently classified as a freight loading; and

WHEREAS, City Council has determined that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

**I.**

THAT, Section 126-367, Passenger zones; time limit, is amended to read:

- (b) The following locations are designated as passenger loading zones in accordance with this section:
  - (8) On the north side of West San Antonio Street from a point 80 feet from the nearest rail of the railroad crossing, easterly for a distance of 30 feet.

**II.**

THAT, Section 126-369, Freight zones; time limit, is amended to read:

- (b) The following locations are designated as freight loading zones in accordance with this section:
  - (5) Reserved.

**III.**

That the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**IV.**

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New

Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

**V.**

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

**VI.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
RUSTY BROCKMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ANDREW A. LYONS III, ASSISTANT CITY SECRETARY

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. A)

Presenter/Contact*Ian Taylor, NBU Chief Executive Officer  
(830) 629-8400 - itaylor@nbutexas.com***SUBJECT:**

Discuss and consider the approval of the second and final reading of an ordinance amending Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels relating to water rates and charges for Fiscal Year 2021; and providing for automatic upward adjustments of water rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

**BACKGROUND / RATIONALE:**

NBU staff is proposing water rate changes designed to fund its FY 2021 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for a water rate adjustment effective November 1, 2020. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year water infrastructure and water supply strategies are identified in NBU's Master Plan and Water Resources Plan respectively. The proposed rates will provide the revenue needed to make these investments while placing the majority of costs for water on high volume water users. The rates are also designed to achieve NBU's goal of lowering its gallons per capita per day (gpcd) usage from 168 to 120. Throughout the process of designing rates, NBU has been careful to protect those customers who only use water for domestic purposes including drinking, bathing and preparing food.

The proposed FY 2021 water rate design includes (i) a base rate increase for FY 2021 of 7.0%, (ii) an annual upward adjustment of base rates for FY 2022 and FY 2023 of 8.0%, and (iii) an increase to the water supply fee from \$0.33 per thousand gallons to \$1.05 per thousand gallons, with the exclusion of the water supply fee from the first usage block for residential customers. In addition, the proposed FY 2021 water rate design includes the implementation of a discount program for low income customers.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on November 1, 2020.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                          |     |                             |  |
|--------------------------|-----|-----------------------------|--|
| <input type="checkbox"/> | N/A | City Plan/Council Priority: |  |
|--------------------------|-----|-----------------------------|--|

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020 recommending the proposed amendments to the water rate Ordinance.

**STAFF RECOMMENDATION:**

NBU Staff recommends approval of the ordinance.

**ATTACHMENTS:**

1. Ordinance
2. Proposed Water Rate Tables
3. NBU Board Resolution - Water
4. Water and Sewer Rate Presentation



**A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE IV, SECTION 130-167 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS (I) ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2021; (II) PROVIDING FOR UPWARD ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; AND (III) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE**

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities water systems and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article IV, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article IV, Section 130-167 of the Code of Ordinances relating to water rates and charges be amended for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments and is of the opinion that the same should be approved and submitted to the City Council for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels as set forth in attached Exhibit A to (i) adjust water rates and charges beginning November 1, 2020, as specified therein and (ii) upwardly adjust water rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| <b>Effective Date</b> | <b>Rate Adjustment</b>  |
|-----------------------|---|
| August 1, 2021        | eight percent (8%)<br>upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022        | eight percent (8%)<br>upward adjustment of the rates in effect on July 31, 2022 |

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels

Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.

  
 \_\_\_\_\_  
 John A. Harrell  
 President, Board of Trustees  
 New Braunfels Utilities

ATTEST:

  
 \_\_\_\_\_  
 Ian Taylor  
 Secretary to the Board  
 New Braunfels Utilities

**Exhibit A**

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$13.70  |
| 1-inch               | 23.30  |
| 1½-inch              | 27.08  |
| 2-inch               | 33.06  |
| 3-inch               | 48.24  |
| 4-inch and greater   | 56.88  |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$1.66  |
| 7,501—15,000           | 4.18  |

|                  |      |
|------------------|------|
| 15,001—25,000    | 5.70 |
| Excess of 25,000 | 7.84 |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$1.73  |
| 7,501—15,000           | 4.50  |
| 15,001—25,000          | 6.84  |
| Excess of 25,000       | 10.20   |

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------|--|
|------------|--|

|                      |         |
|----------------------|---------|
| 5/8-inch and smaller | \$13.70 |
| 1-inch               | 17.87   |
| 1½-inch              | 20.76   |
| 2-inch               | 25.35   |
| 3-inch               | 36.98   |
| 4-inch and greater   | 43.61   |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Number of<br>Units | Gallons of<br>Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|--------------------|---------------------------|---|
| 2—4                | 0—8,000                   | \$2.32  |
|                    | 8,001—20,000              | 2.32  |
|                    | Excess of 20,000          | 2.32  |
| 5—10               | 0—20,000                  | 2.32  |
|                    | 20,001—40,000             | 2.32  |
|                    | Excess of 40,000          | 2.32  |
| 11—25              | 0—40,000                  | 2.32  |
|                    | 40,001—100,000            | 2.32  |
|                    | Excess of 100,000         | 2.32  |
| 26—50              | 0—100,000                 | 2.32  |

|        |                   |      |
|--------|-------------------|------|
|        | 100,001—200,000   | 2.32 |
|        | Excess of 200,000 | 2.32 |
| 51—75  | 0—200,000         | 2.32 |
|        | 200,001—300,000   | 2.32 |
|        | Excess of 300,000 | 2.32 |
| 76—100 | 0—300,000         | 2.32 |
|        | 300,001—400,000   | 2.32 |
|        | Excess of 400,000 | 2.32 |
| 100 +  | 0—400,000         | 2.32 |
|        | 400,001—800,000   | 2.32 |
|        | Excess of 800,000 | 2.32 |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Number of<br>Units | Gallons of<br>Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|--------------------|---------------------------|---|
| 2—4                | 0—8,000                   | \$2.68  |
|                    | 8,001—20,000              | 2.68  |
|                    | Excess of 20,000          | 2.68  |
| 5—10               | 0—20,000                  | 2.68  |
|                    | 20,001—40,000             | 2.68  |
|                    | Excess of 40,000          | 2.68  |



|        |                   |      |
|--------|-------------------|------|
| 11—25  | 0—40,000          | 2.68 |
|        | 40,001—100,000    | 2.68 |
|        | Excess of 100,000 | 2.68 |
| 26—50  | 0—100,000         | 2.68 |
|        | 100,001—200,000   | 2.68 |
|        | Excess of 200,000 | 2.68 |
| 51—75  | 0—200,000         | 2.68 |
|        | 200,001—300,000   | 2.68 |
|        | Excess of 300,000 | 2.68 |
| 76—100 | 0—300,000         | 2.68 |
|        | 300,001—400,000   | 2.68 |
|        | Excess of 400,000 | 2.68 |
| 100 +  | 0—400,000         | 2.68 |
|        | 400,001—800,000   | 2.68 |
|        | Excess of 800,000 | 2.68 |

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size          | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|---------------------|--|
| ½-inch and smaller  | \$17.19  |
| 1-inch              | 19.37  |
| 1½-inch             | 25.16  |
| 2-inch              | 31.97  |
| 3-inch              | 48.41  |
| 4-inch              | 73.61  |
| 6-8 inch            | 127.81   |
| 10 inch and greater | 132.93   |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.56  |
| 5,001—50,000           | 2.78  |
| 50,001—200,000         | 3.24  |
| Excess of 200,000      | 4.00  |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.81  |
| 5,001—50,000           | 3.20  |
| 50,001—200,000         | 4.22  |
| Excess of 200,000      | 5.60  |

*Monthly unit charge.* When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
  - The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,538.16 effective November 1, 2020, subject to subsection (m).

Monthly volume charge: \$2.06 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: \$177.73 effective November 1, 2020, subject to subsection (m).

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: \$5.89 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: \$7.49 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - b. The amount specified in any contract between the customer and NBU.

- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (h) *Landscape/irrigation service rate.*
- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
- Dedicated exclusively to such purpose, and
  - Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$10.12  |
| 1-inch               | 12.28  |
| 1½-inch              | 16.05  |
| 2-inch               | 17.12  |
| 3-inch               | 26.75  |
| 4-inch and greater   | 32.10  |

*Off peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$4.48  |

|                  |      |
|------------------|------|
| 7,501—25,000     | 5.48 |
| Excess of 25,000 | 7.55 |

*Peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$5.61  |
| 7,501—25,000           | 6.85  |
| Excess of 25,000       | 9.44  |

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

| Tanker charge | Effective<br>November 1, 2020<br>Subject to subsection (m) |
|---------------|--|
| Per month     | \$14.79  |

|  |      |
|--|------|
| Volume charge, per 1,000 gallons or any part thereof | 2.15 |
|--|------|

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
  - Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
  - Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
- Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
  - Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
- As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
  - As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (m) *Water rate escalation.* All rates and charges for water services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

|



Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size         | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|--------------------|--|
| ½-inch and smaller | \$13.70  |
| 1-inch             | 23.30  |
| 1½-inch            | 27.08  |
| 2-inch             | 33.06  |
| 3-inch             | 48.24  |
| 4-inch and greater | 56.88  |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$1.66  |
| 7,501—15,000           | 4.18  |
| 15,001—25,000          | 5.70  |
| Excess of 25,000       | 7.84  |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
|------------------------|---|

|                  |        |
|------------------|--------|
| 0—7,500          | \$1.73 |
| 7,501—15,000     | 4.50   |
| 15,001—25,000    | 6.84   |
| Excess of 25,000 | 10.20  |

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size         | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|--------------------|--|
| ½-inch and smaller | \$13.70  |
| 1-inch             | 17.87  |
| 1½-inch            | 20.76  |
| 2-inch             | 25.35  |
| 3-inch             | 36.98  |
| 4-inch and greater | 43.61  |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Number of<br>Units | Gallons of<br>Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|--------------------|---------------------------|---|
|--------------------|---------------------------|---|

|        |                   |        |
|--------|-------------------|--------|
| 2—4    | 0—8,000           | \$2.32 |
|        | 8,001—20,000      | 2.32   |
|        | Excess of 20,000  | 2.32   |
| 5—10   | 0—20,000          | 2.32   |
|        | 20,001—40,000     | 2.32   |
|        | Excess of 40,000  | 2.32   |
| 11—25  | 0—40,000          | 2.32   |
|        | 40,001—100,000    | 2.32   |
|        | Excess of 100,000 | 2.32   |
| 26—50  | 0—100,000         | 2.32   |
|        | 100,001—200,000   | 2.32   |
|        | Excess of 200,000 | 2.32   |
| 51—75  | 0—200,000         | 2.32   |
|        | 200,001—300,000   | 2.32   |
|        | Excess of 300,000 | 2.32   |
| 76—100 | 0—300,000         | 2.32   |
|        | 300,001—400,000   | 2.32   |
|        | Excess of 400,000 | 2.32   |
| 100 +  | 0—400,000         | 2.32   |
|        | 400,001—800,000   | 2.32   |
|        | Excess of 800,000 | 2.32   |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Number of Units | Gallons of Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|-----------------|------------------------|---|
| 2—4             | 0—8,000                | \$2.68  |
|                 | 8,001—20,000           | 2.68  |
|                 | Excess of 20,000       | 2.68  |
| 5—10            | 0—20,000               | 2.68  |
|                 | 20,001—40,000          | 2.68  |
|                 | Excess of 40,000       | 2.68  |
| 11—25           | 0—40,000               | 2.68  |
|                 | 40,001—100,000         | 2.68  |
|                 | Excess of 100,000      | 2.68  |

|        |                   |      |
|--------|-------------------|------|
| 26—50  | 0—100,000         | 2.68 |
|        | 100,001—200,000   | 2.68 |
|        | Excess of 200,000 | 2.68 |
| 51—75  | 0—200,000         | 2.68 |
|        | 200,001—300,000   | 2.68 |
|        | Excess of 300,000 | 2.68 |
| 76—100 | 0—300,000         | 2.68 |
|        | 300,001—400,000   | 2.68 |
|        | Excess of 400,000 | 2.68 |
| 100 +  | 0—400,000         | 2.68 |
|        | 400,001—800,000   | 2.68 |
|        | Excess of 800,000 | 2.68 |

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$17.19  |
| 1-inch               | 19.37  |
| 1½-inch              | 25.16  |
| 2-inch               | 31.97  |
| 3-inch               | 48.41  |
| 4-inch               | 73.61  |
| 6-8 inch             | 127.81   |
| 10 inch and greater  | 132.93   |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.56  |
| 5,001—50,000           | 2.78  |
| 50,001—200,000         | 3.24  |
| Excess of 200,000      | 4.00  |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.81  |
| 5,001—50,000           | 3.20  |
| 50,001—200,000         | 4.22  |
| Excess of 200,000      | 5.60  |

*Monthly unit charge.* When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,538.16 effective November 1, 2020, subject to subsection (m).

Monthly volume charge: \$2.06 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: \$177.73 effective November 1, 2020, subject to subsection (m).

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: \$5.89 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: \$7.49 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
    - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
    - b. The amount specified in any contract between the customer and NBU.
  - (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (h) *Landscape/irrigation service rate.*
- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
  - (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
    - a. Dedicated exclusively to such purpose, and
    - b. Which is in addition to one or more other water meters serving the same location.
  - (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size         | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|--------------------|--|
| ¾-inch and smaller | \$10.12  |
| 1-inch             | 12.28  |
| 1½-inch            | 16.05  |
| 2-inch             | 17.12  |
| 3-inch             | 26.75  |
| 4-inch and greater | 32.10  |

*Off peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020 |
|------------------------|--|
|------------------------|--|



|                  | Subject to subsection (m) |
|------------------|---------------------------|
| 0—7,500          | \$4.48                    |
| 7,501—25,000     | 5.48                      |
| Excess of 25,000 | 7.55                      |

*Peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$5.61  |
| 7,501—25,000           | 6.85  |
| Excess of 25,000       | 9.44  |

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

| Tanker charge  | Effective<br>November 1, 2020<br>Subject to subsection (m) |
|--|--|
| Per month  | \$14.79  |
| Volume charge, per 1,000 gallons or any part thereof | 2.15   |

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:

- a. The tanker charge plus the volume charge, plus any special charges or adjustments; or
  - b. The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
  - (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
  - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
  - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
  - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
  - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
  - (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
  - (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (m) *Water rate escalation.* All rates and charges for water services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

| Meter Size  | Residential (\$/Bill) |          | Commercial (\$/Bill) |           | Irrigation (\$/Bill) |          | Multi Family 2-25 (\$/Bill) |          | Multi Unit 26-100+ (\$/Bill) |          | Hydrants* (\$/Bill) |           |
|-------------|-----------------------|----------|----------------------|-----------|----------------------|----------|-----------------------------|----------|------------------------------|----------|---------------------|-----------|
|             | Current               | Proposed | Current              | Proposed  | Current              | Proposed | Current                     | Proposed | Current                      | Proposed | Current             | Proposed  |
| 5/8-Inch    | \$ 12.80              | \$ 13.70 | \$ 16.07             | \$ 17.19  | \$ 9.46              | \$ 10.12 | \$ 12.80                    | \$ 13.70 | \$ 12.80                     | \$ 13.70 | \$ 166.10           | \$ 177.73 |
| 1-Inch      | \$ 21.78              | \$ 23.30 | \$ 18.10             | \$ 19.37  | \$ 11.48             | \$ 12.28 | \$ 16.70                    | \$ 17.87 | \$ 16.70                     | \$ 17.87 | \$ 166.10           | \$ 177.73 |
| 1 1/2-Inch  | \$ 25.31              | \$ 27.08 | \$ 23.51             | \$ 25.16  | \$ 15.00             | \$ 16.05 | \$ 19.40                    | \$ 20.76 | \$ 19.40                     | \$ 20.76 | \$ 166.10           | \$ 177.73 |
| 2-Inch      | \$ 30.90              | \$ 33.06 | \$ 29.88             | \$ 31.97  | \$ 16.00             | \$ 17.12 | \$ 23.69                    | \$ 25.35 | \$ 23.69                     | \$ 25.35 | \$ 166.10           | \$ 177.73 |
| 3-Inch      | \$ 45.08              | \$ 48.24 | \$ 45.24             | \$ 48.41  | \$ 25.00             | \$ 26.75 | \$ 34.56                    | \$ 36.98 | \$ 34.56                     | \$ 36.98 | \$ 166.10           | \$ 177.73 |
| 4-Inch      | \$ 53.16              | \$ 56.88 | \$ 68.79             | \$ 73.61  | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| 6-Inch      | \$ 53.16              | \$ 56.88 | \$ 119.45            | \$ 127.81 | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| 8-Inch      | \$ 53.16              | \$ 56.88 | \$ 119.45            | \$ 127.81 | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| 10-Inch     | \$ 53.16              | \$ 56.88 | \$ 124.23            | \$ 132.93 | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| 12-Inch     | \$ 53.16              | \$ 56.88 | \$ 124.23            | \$ 132.93 | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| 16-Inch     | \$ 53.16              | \$ 56.88 | \$ 124.23            | \$ 132.93 | \$ 30.00             | \$ 32.10 | \$ 40.76                    | \$ 43.61 | \$ 40.76                     | \$ 43.61 | \$ 166.10           | \$ 177.73 |
| Unit Charge |                       |          | \$ 10.00             | \$ 10.70  |                      |          | \$ 10.00                    | \$ 10.70 | \$ 10.00                     | \$ 10.70 |                     |           |

\* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

|                    | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                    | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Residential</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1            | 7.5                | \$ 1.55              | \$ 0.33             | 7.5                | \$ 1.66              | \$ -                | 7.5                | \$ 1.73              |
| Block 2            | 15                 | \$ 3.91              | \$ 0.33             | 15                 | \$ 4.18              | \$ 1.05             | 15                 | \$ 4.50              |
| Block 3            | 25                 | \$ 5.33              | \$ 0.33             | 25                 | \$ 5.70              | \$ 1.05             | 25                 | \$ 6.84              |
| Block 4            | 25+                | \$ 7.33              | \$ 0.33             | 25+                | \$ 7.84              | \$ 1.05             | 25+                | \$ 10.20             |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Commercial</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 5                  | \$ 2.39              | \$ 0.33             | 5                  | \$ 2.56              | \$ 1.05             | 5                  | \$ 2.81              |
| Block 2           | 50                 | \$ 2.60              | \$ 0.33             | 50                 | \$ 2.78              | \$ 1.05             | 50                 | \$ 3.20              |
| Block 3           | 200                | \$ 3.03              | \$ 0.33             | 200                | \$ 3.24              | \$ 1.05             | 200                | \$ 4.22              |
| Block 4           | 200+               | \$ 3.74              | \$ 0.33             | 200+               | \$ 4.00              | \$ 1.05             | 200+               | \$ 5.60              |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Irrigation</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 7.5                | \$ 4.19              | \$ 0.33             | 7.5                | \$ 4.48              | \$ 1.05             | 7.5                | \$ 5.61              |
| Block 2           | 25                 | \$ 5.12              | \$ 0.33             | 25                 | \$ 5.48              | \$ 1.05             | 25                 | \$ 6.85              |
| Block 3           | 25+                | \$ 7.06              | \$ 0.33             | 25+                | \$ 7.55              | \$ 1.05             | 25+                | \$ 9.44              |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 2-4</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                 | 8                  | \$ 2.17              | \$ 0.33             | 8                  | \$ 2.32              | \$ 1.05             | 8                  | \$ 2.68              |
| Block 2                 | 20                 | \$ 2.17              | \$ 0.33             | 20                 | \$ 2.32              | \$ 1.05             | 20                 | \$ 2.68              |
| Block 3                 | 20+                | \$ 2.17              | \$ 0.33             | 20+                | \$ 2.32              | \$ 1.05             | 20+                | \$ 2.68              |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 5-10</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                  | 20                 | \$ 2.17              | \$ 0.33             | 20                 | \$ 2.32              | \$ 1.05             | 20                 | \$ 2.68              |
| Block 2                  | 40                 | \$ 2.17              | \$ 0.33             | 40                 | \$ 2.32              | \$ 1.05             | 40                 | \$ 2.68              |
| Block 3                  | 40+                | \$ 2.17              | \$ 0.33             | 40+                | \$ 2.32              | \$ 1.05             | 40+                | \$ 2.68              |

|                           | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|---------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                           | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                           | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Family 11-25</b> | 40                 | \$ 2.17              | \$ 0.33             | 40                 | \$ 2.32              | \$ 1.05             | 40                 | \$ 2.50              |
| Block 1                   |                    |                      |                     |                    |                      |                     |                    |                      |
| Block 2                   | 100                | \$ 2.17              | \$ 0.33             | 100                | \$ 2.32              | \$ 1.05             | 100                | \$ 2.50              |
| Block 3                   | 100+               | \$ 2.17              | \$ 0.33             | 100+               | \$ 2.32              | \$ 1.05             | 100+               | \$ 2.50              |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 26-50</b> | 100                | \$ 2.17              | \$ 0.33             | 100                | \$ 2.32              | \$ 1.05             | 100                | \$ 2.50              |
| Block 1                 |                    |                      |                     |                    |                      |                     |                    |                      |
| Block 2                 | 200                | \$ 2.17              | \$ 0.33             | 200                | \$ 2.32              | \$ 1.05             | 200                | \$ 2.50              |
| Block 3                 | 200+               | \$ 2.17              | \$ 0.33             | 200+               | \$ 2.32              | \$ 1.05             | 200+               | \$ 2.50              |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 51-75</b> | 200                | \$ 2.17              | \$ 0.33             | 200                | \$ 2.32              | \$ 1.05             | 200                | \$ 2.50              |
| Block 1                 |                    |                      |                     |                    |                      |                     |                    |                      |
| Block 2                 | 300                | \$ 2.17              | \$ 0.33             | 300                | \$ 2.32              | \$ 1.05             | 300                | \$ 2.50              |
| Block 3                 | 300+               | \$ 2.17              | \$ 0.33             | 300+               | \$ 2.32              | \$ 1.05             | 300+               | \$ 2.50              |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                          | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 76-100</b> | 300                | \$ 2.17              | \$ 0.33             | 300                | \$ 2.32              | \$ 1.05             | 300                | \$ 2.50              |
| Block 1                  |                    |                      |                     |                    |                      |                     |                    |                      |
| Block 2                  | 400                | \$ 2.17              | \$ 0.33             | 400                | \$ 2.32              | \$ 1.05             | 400                | \$ 2.50              |
| Block 3                  | 400+               | \$ 2.17              | \$ 0.33             | 400+               | \$ 2.32              | \$ 1.05             | 400+               | \$ 2.50              |

|                        | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                        | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                        | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 100+</b> | 400                | \$ 2.17              | \$ 0.33             | 400                | \$ 2.32              | \$ 1.05             | 400                | \$ 2.50              |
| Block 1                |                    |                      |                     |                    |                      |                     |                    |                      |
| Block 2                | 800                | \$ 2.17              | \$ 0.33             | 800                | \$ 2.32              | \$ 1.05             | 800                | \$ 2.50              |
| Block 3                | 800+               | \$ 2.17              | \$ 0.33             | 800+               | \$ 2.32              | \$ 1.05             | 800+               | \$ 2.50              |

|                 | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-----------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                 | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                 | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Hydrants</b> | All                | \$ 5.50              | \$ 0.33             | All                | \$ 5.89              | \$ 1.05             | All                | \$ 7.00              |
| Block 1         |                    |                      |                     |                    |                      |                     |                    |                      |

|                        | Current     | Proposed    |
|------------------------|-------------|-------------|
| <b>General Service</b> |             |             |
| Customer Charge        | \$ 1,437.53 | \$ 1,538.16 |
| Rate (\$/Thou. Gal.)   | \$ 1.92     | \$ 2.06     |

|                      | Current  | Proposed |
|----------------------|----------|----------|
| <b>Tanker</b>        |          |          |
| Customer Charge      | \$ 13.82 | \$ 14.79 |
| Rate (\$/Thou. Gal.) | \$ 2.01  | \$ 2.15  |

| Meter Size  | Residential (\$/Bill) |          | Commercial (\$/Bill) |           | Irrigation (\$/Bill) |          | Multi Family 2-25 (\$/Bill) |          | Multi Unit 26-100+ (\$/Bill) |          | Hydrants* (\$/Bill) |           |
|-------------|-----------------------|----------|----------------------|-----------|----------------------|----------|-----------------------------|----------|------------------------------|----------|---------------------|-----------|
|             | Current               | Proposed | Current              | Proposed  | Current              | Proposed | Current                     | Proposed | Current                      | Proposed | Current             | Proposed  |
| 5/8-Inch    | \$ 13.70              | \$ 14.80 | \$ 17.19             | \$ 18.57  | \$ 10.12             | \$ 10.93 | \$ 13.70                    | \$ 14.80 | \$ 13.70                     | \$ 14.80 | \$ 177.73           | \$ 191.95 |
| 1-Inch      | \$ 23.30              | \$ 25.16 | \$ 19.37             | \$ 20.92  | \$ 12.28             | \$ 13.26 | \$ 17.87                    | \$ 19.30 | \$ 17.87                     | \$ 19.30 | \$ 177.73           | \$ 191.95 |
| 1 1/2-Inch  | \$ 27.08              | \$ 29.25 | \$ 25.16             | \$ 27.17  | \$ 16.05             | \$ 17.33 | \$ 20.76                    | \$ 22.42 | \$ 20.76                     | \$ 22.42 | \$ 177.73           | \$ 191.95 |
| 2-Inch      | \$ 33.06              | \$ 35.70 | \$ 31.97             | \$ 34.53  | \$ 17.12             | \$ 18.49 | \$ 25.35                    | \$ 27.38 | \$ 25.35                     | \$ 27.38 | \$ 177.73           | \$ 191.95 |
| 3-Inch      | \$ 48.24              | \$ 52.10 | \$ 48.41             | \$ 52.28  | \$ 26.75             | \$ 28.89 | \$ 36.98                    | \$ 39.94 | \$ 36.98                     | \$ 39.94 | \$ 177.73           | \$ 191.95 |
| 4-Inch      | \$ 56.88              | \$ 61.43 | \$ 73.61             | \$ 79.50  | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| 6-Inch      | \$ 56.88              | \$ 61.43 | \$ 127.81            | \$ 138.03 | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| 8-Inch      | \$ 56.88              | \$ 61.43 | \$ 127.81            | \$ 138.03 | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| 10-Inch     | \$ 56.88              | \$ 61.43 | \$ 132.93            | \$ 143.56 | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| 12-Inch     | \$ 56.88              | \$ 61.43 | \$ 132.93            | \$ 143.56 | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| 16-Inch     | \$ 56.88              | \$ 61.43 | \$ 132.93            | \$ 143.56 | \$ 32.10             | \$ 34.67 | \$ 43.61                    | \$ 47.10 | \$ 43.61                     | \$ 47.10 | \$ 177.73           | \$ 191.95 |
| Unit Charge |                       |          | \$ 10.70             | \$ 11.56  |                      |          | \$ 10.70                    | \$ 11.56 | \$ 10.70                     | \$ 11.56 |                     |           |

\* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

|                    | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                    | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Residential</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1            | 7.5                | \$ 1.66              | \$ -                | 7.5                | \$ 1.79              | \$ -                | 7.5                | \$ 1.87              |
| Block 2            | 15                 | \$ 4.18              | \$ 1.05             | 15                 | \$ 4.51              | \$ 2.49             | 15                 | \$ 4.86              |
| Block 3            | 25                 | \$ 5.70              | \$ 1.05             | 25                 | \$ 6.16              | \$ 2.49             | 25                 | \$ 7.39              |
| Block 4            | 25+                | \$ 7.84              | \$ 1.05             | 25+                | \$ 8.47              | \$ 2.49             | 25+                | \$ 11.02             |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Commercial</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 5                  | \$ 2.56              | \$ 1.05             | 5                  | \$ 2.76              | \$ 2.49             | 5                  | \$ 3.03              |
| Block 2           | 50                 | \$ 2.78              | \$ 1.05             | 50                 | \$ 3.00              | \$ 2.49             | 50                 | \$ 3.46              |
| Block 3           | 200                | \$ 3.24              | \$ 1.05             | 200                | \$ 3.50              | \$ 2.49             | 200                | \$ 4.56              |
| Block 4           | 200+               | \$ 4.00              | \$ 1.05             | 200+               | \$ 4.32              | \$ 2.49             | 200+               | \$ 6.05              |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Irrigation</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 7.5                | \$ 4.48              | \$ 1.05             | 7.5                | \$ 4.84              | \$ 2.49             | 7.5                | \$ 6.06              |
| Block 2           | 25                 | \$ 5.48              | \$ 1.05             | 25                 | \$ 5.92              | \$ 2.49             | 25                 | \$ 7.40              |
| Block 3           | 25+                | \$ 7.55              | \$ 1.05             | 25+                | \$ 8.15              | \$ 2.49             | 25+                | \$ 10.20             |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 2-4</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                 | 8                  | \$ 2.32              | \$ 1.05             | 8                  | \$ 2.51              | \$ 2.49             | 8                  | \$ 2.89              |
| Block 2                 | 20                 | \$ 2.32              | \$ 1.05             | 20                 | \$ 2.51              | \$ 2.49             | 20                 | \$ 2.89              |
| Block 3                 | 20+                | \$ 2.32              | \$ 1.05             | 20+                | \$ 2.51              | \$ 2.49             | 20+                | \$ 2.89              |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 5-10</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                  | 20                 | \$ 2.32              | \$ 1.05             | 20                 | \$ 2.51              | \$ 2.49             | 20                 | \$ 2.89              |
| Block 2                  | 40                 | \$ 2.32              | \$ 1.05             | 40                 | \$ 2.51              | \$ 2.49             | 40                 | \$ 2.89              |
| Block 3                  | 40+                | \$ 2.32              | \$ 1.05             | 40+                | \$ 2.51              | \$ 2.49             | 40+                | \$ 2.89              |

|                           | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|---------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                           | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                           | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Family 11-25</b> | 40                 | \$ 2.32              | \$ 1.05             | 40                 | \$ 2.51              | \$ 2.49             | 40                 | \$ 2.68              |
| Block 1                   | 100                | \$ 2.32              | \$ 1.05             | 100                | \$ 2.51              | \$ 2.49             | 100                | \$ 2.68              |
| Block 2                   | 100+               | \$ 2.32              | \$ 1.05             | 100+               | \$ 2.51              | \$ 2.49             | 100+               | \$ 2.68              |
| Block 3                   |                    |                      |                     |                    |                      |                     |                    |                      |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 26-50</b> | 100                | \$ 2.32              | \$ 1.05             | 100                | \$ 2.51              | \$ 2.49             | 100                | \$ 2.68              |
| Block 1                 | 200                | \$ 2.32              | \$ 1.05             | 200                | \$ 2.51              | \$ 2.49             | 200                | \$ 2.68              |
| Block 2                 | 200+               | \$ 2.32              | \$ 1.05             | 200+               | \$ 2.51              | \$ 2.49             | 200+               | \$ 2.68              |
| Block 3                 |                    |                      |                     |                    |                      |                     |                    |                      |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 51-75</b> | 200                | \$ 2.32              | \$ 1.05             | 200                | \$ 2.51              | \$ 2.49             | 200                | \$ 2.68              |
| Block 1                 | 300                | \$ 2.32              | \$ 1.05             | 300                | \$ 2.51              | \$ 2.49             | 300                | \$ 2.68              |
| Block 2                 | 300+               | \$ 2.32              | \$ 1.05             | 300+               | \$ 2.51              | \$ 2.49             | 300+               | \$ 2.68              |
| Block 3                 |                    |                      |                     |                    |                      |                     |                    |                      |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                          | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 76-100</b> | 300                | \$ 2.32              | \$ 1.05             | 300                | \$ 2.51              | \$ 2.49             | 300                | \$ 2.68              |
| Block 1                  | 400                | \$ 2.32              | \$ 1.05             | 400                | \$ 2.51              | \$ 2.49             | 400                | \$ 2.68              |
| Block 2                  | 400+               | \$ 2.32              | \$ 1.05             | 400+               | \$ 2.51              | \$ 2.49             | 400+               | \$ 2.68              |
| Block 3                  |                    |                      |                     |                    |                      |                     |                    |                      |

|                        | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                        | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                        | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 100+</b> | 400                | \$ 2.32              | \$ 1.05             | 400                | \$ 2.51              | \$ 2.49             | 400                | \$ 2.68              |
| Block 1                | 800                | \$ 2.32              | \$ 1.05             | 800                | \$ 2.51              | \$ 2.49             | 800                | \$ 2.68              |
| Block 2                | 800+               | \$ 2.32              | \$ 1.05             | 800+               | \$ 2.51              | \$ 2.49             | 800+               | \$ 2.68              |
| Block 3                |                    |                      |                     |                    |                      |                     |                    |                      |

|                 | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-----------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                 | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                 | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Hydrants</b> | All                | \$ 5.89              | \$ 1.05             | All                | \$ 6.36              | \$ 2.49             | All                | \$ 7.49              |
| Block 1         |                    |                      |                     |                    |                      |                     | All                | \$ 8.09              |

|                        | Current     | Proposed    |
|------------------------|-------------|-------------|
| <b>General Service</b> |             |             |
| Customer Charge        | \$ 1,538.16 | \$ 1,661.21 |
| Rate (\$/Thou. Gal.)   | \$ 2.06     | \$ 2.22     |

|                      | Current  | Proposed |
|----------------------|----------|----------|
| <b>Tanker</b>        |          |          |
| Customer Charge      | \$ 14.79 | \$ 15.97 |
| Rate (\$/Thou. Gal.) | \$ 2.15  | \$ 2.32  |

| Meter Size  | Residential (\$/Bill) |          | Commercial (\$/Bill) |           | Irrigation (\$/Bill) |          | Multi Family 2-25 (\$/Bill) |          | Multi Unit 26-100+ (\$/Bill) |          | Hydrants* (\$/Bill) |           |
|-------------|-----------------------|----------|----------------------|-----------|----------------------|----------|-----------------------------|----------|------------------------------|----------|---------------------|-----------|
|             | Current               | Proposed | Current              | Proposed  | Current              | Proposed | Current                     | Proposed | Current                      | Proposed | Current             | Proposed  |
| 5/8-Inch    | \$ 14.80              | \$ 15.98 | \$ 18.57             | \$ 20.06  | \$ 10.93             | \$ 11.80 | \$ 14.80                    | \$ 15.98 | \$ 14.80                     | \$ 15.98 | \$ 191.95           | \$ 207.31 |
| 1-Inch      | \$ 25.16              | \$ 27.17 | \$ 20.92             | \$ 22.59  | \$ 13.26             | \$ 14.32 | \$ 19.30                    | \$ 20.84 | \$ 19.30                     | \$ 20.84 | \$ 191.95           | \$ 207.31 |
| 1 1/2-Inch  | \$ 29.25              | \$ 31.59 | \$ 27.17             | \$ 29.34  | \$ 17.33             | \$ 18.72 | \$ 22.42                    | \$ 24.21 | \$ 22.42                     | \$ 24.21 | \$ 191.95           | \$ 207.31 |
| 2-Inch      | \$ 35.70              | \$ 38.56 | \$ 34.53             | \$ 37.29  | \$ 18.49             | \$ 19.97 | \$ 27.38                    | \$ 29.57 | \$ 27.38                     | \$ 29.57 | \$ 191.95           | \$ 207.31 |
| 3-Inch      | \$ 52.10              | \$ 56.27 | \$ 52.28             | \$ 56.46  | \$ 28.89             | \$ 31.20 | \$ 39.94                    | \$ 43.14 | \$ 39.94                     | \$ 43.14 | \$ 191.95           | \$ 207.31 |
| 4-Inch      | \$ 61.43              | \$ 66.34 | \$ 79.50             | \$ 85.86  | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| 6-Inch      | \$ 61.43              | \$ 66.34 | \$ 138.03            | \$ 149.07 | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| 8-Inch      | \$ 61.43              | \$ 66.34 | \$ 138.03            | \$ 149.07 | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| 10-Inch     | \$ 61.43              | \$ 66.34 | \$ 143.56            | \$ 155.04 | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| 12-Inch     | \$ 61.43              | \$ 66.34 | \$ 143.56            | \$ 155.04 | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| 16-Inch     | \$ 61.43              | \$ 66.34 | \$ 143.56            | \$ 155.04 | \$ 34.67             | \$ 37.44 | \$ 47.10                    | \$ 50.87 | \$ 47.10                     | \$ 50.87 | \$ 191.95           | \$ 207.31 |
| Unit Charge |                       |          | \$ 11.56             | \$ 12.48  |                      |          | \$ 11.56                    | \$ 12.48 | \$ 11.56                     | \$ 12.48 |                     |           |

\* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

|                    | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                    | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Residential</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1            | 7.5                | \$ 1.79              | \$ -                | 7.5                | \$ 1.93              | \$ -                | 7.5                | \$ 2.02              |
| Block 2            | 15                 | \$ 4.51              | \$ 2.49             | 15                 | \$ 4.87              | \$ 2.79             | 15                 | \$ 5.25              |
| Block 3            | 25                 | \$ 6.16              | \$ 2.49             | 25                 | \$ 6.65              | \$ 2.79             | 25                 | \$ 7.98              |
| Block 4            | 25+                | \$ 8.47              | \$ 2.49             | 25+                | \$ 9.15              | \$ 2.79             | 25+                | \$ 11.90             |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Commercial</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 5                  | \$ 2.76              | \$ 2.49             | 5                  | \$ 2.98              | \$ 2.79             | 5                  | \$ 3.27              |
| Block 2           | 50                 | \$ 3.00              | \$ 2.49             | 50                 | \$ 3.24              | \$ 2.79             | 50                 | \$ 3.74              |
| Block 3           | 200                | \$ 3.50              | \$ 2.49             | 200                | \$ 3.78              | \$ 2.79             | 200                | \$ 4.92              |
| Block 4           | 200+               | \$ 4.32              | \$ 2.49             | 200+               | \$ 4.67              | \$ 2.79             | 200+               | \$ 6.53              |

|                   | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                   | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Irrigation</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1           | 7.5                | \$ 4.84              | \$ 2.49             | 7.5                | \$ 5.23              | \$ 2.79             | 7.5                | \$ 6.54              |
| Block 2           | 25                 | \$ 5.92              | \$ 2.49             | 25                 | \$ 6.39              | \$ 2.79             | 25                 | \$ 7.99              |
| Block 3           | 25+                | \$ 8.15              | \$ 2.49             | 25+                | \$ 8.80              | \$ 2.79             | 25+                | \$ 11.02             |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 2-4</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                 | 8                  | \$ 2.51              | \$ 2.49             | 8                  | \$ 2.71              | \$ 2.79             | 8                  | \$ 3.12              |
| Block 2                 | 20                 | \$ 2.51              | \$ 2.49             | 20                 | \$ 2.71              | \$ 2.79             | 20                 | \$ 3.12              |
| Block 3                 | 20+                | \$ 2.51              | \$ 2.49             | 20+                | \$ 2.71              | \$ 2.79             | 20+                | \$ 3.12              |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
| <b>Multi Family 5-10</b> | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| Block 1                  | 20                 | \$ 2.51              | \$ 2.49             | 20                 | \$ 2.71              | \$ 2.79             | 20                 | \$ 3.12              |
| Block 2                  | 40                 | \$ 2.51              | \$ 2.49             | 40                 | \$ 2.71              | \$ 2.79             | 40                 | \$ 3.12              |
| Block 3                  | 40+                | \$ 2.51              | \$ 2.49             | 40+                | \$ 2.71              | \$ 2.79             | 40+                | \$ 3.12              |

|                           | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|---------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                           | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                           | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Family 11-25</b> | Block 1            | 40                   | \$ 2.51             | \$ 2.49            | Block 1              | 40                  | \$ 2.89            | \$ 2.49              |
|                           | Block 2            | 100                  | \$ 2.51             | \$ 2.49            | Block 2              | 100                 | \$ 2.89            | \$ 2.49              |
|                           | Block 3            | 100+                 | \$ 2.51             | \$ 2.49            | Block 3              | 100+                | \$ 2.89            | \$ 2.49              |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 26-50</b> | Block 1            | 100                  | \$ 2.51             | \$ 2.49            | Block 1              | 100                 | \$ 2.89            | \$ 2.49              |
|                         | Block 2            | 200                  | \$ 2.51             | \$ 2.49            | Block 2              | 200                 | \$ 2.89            | \$ 2.49              |
|                         | Block 3            | 200+                 | \$ 2.51             | \$ 2.49            | Block 3              | 200+                | \$ 2.89            | \$ 2.49              |

|                         | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                         | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 51-75</b> | Block 1            | 200                  | \$ 2.51             | \$ 2.49            | Block 1              | 200                 | \$ 2.89            | \$ 2.49              |
|                         | Block 2            | 300                  | \$ 2.51             | \$ 2.49            | Block 2              | 300                 | \$ 2.89            | \$ 2.49              |
|                         | Block 3            | 300+                 | \$ 2.51             | \$ 2.49            | Block 3              | 300+                | \$ 2.89            | \$ 2.49              |

|                          | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|--------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                          | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                          | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 76-100</b> | Block 1            | 300                  | \$ 2.51             | \$ 2.49            | Block 1              | 300                 | \$ 2.89            | \$ 2.49              |
|                          | Block 2            | 400                  | \$ 2.51             | \$ 2.49            | Block 2              | 400                 | \$ 2.89            | \$ 2.49              |
|                          | Block 3            | 400+                 | \$ 2.51             | \$ 2.49            | Block 3              | 400+                | \$ 2.89            | \$ 2.49              |

|                        | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|------------------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                        | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                        | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Multi Unit 100+</b> | Block 1            | 400                  | \$ 2.51             | \$ 2.49            | Block 1              | 400                 | \$ 2.89            | \$ 2.49              |
|                        | Block 2            | 800                  | \$ 2.51             | \$ 2.49            | Block 2              | 800                 | \$ 2.89            | \$ 2.49              |
|                        | Block 3            | 800+                 | \$ 2.51             | \$ 2.49            | Block 3              | 800+                | \$ 2.89            | \$ 2.49              |

|                 | Off Peak Season    |                      |                     |                    | Peak Season          |                     |                    |                      |
|-----------------|--------------------|----------------------|---------------------|--------------------|----------------------|---------------------|--------------------|----------------------|
|                 | Current            |                      | Proposed            |                    | Current              |                     | Proposed           |                      |
|                 | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | WSF (\$/Thou. Gal.) | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) |
| <b>Hydrants</b> | Block 1            | All                  | \$ 6.36             | \$ 2.49            | Block 1              | All                 | \$ 8.09            | \$ 2.49              |

|                        | Current     | Proposed    |
|------------------------|-------------|-------------|
| <b>General Service</b> |             |             |
| Customer Charge        | \$ 1,661.21 | \$ 1,794.11 |
| Rate (\$/Thou. Gal.)   | \$ 2.22     | \$ 2.40     |

|                      | Current  | Proposed |
|----------------------|----------|----------|
| <b>Tanker</b>        |          |          |
| Customer Charge      | \$ 15.97 | \$ 17.25 |
| Rate (\$/Thou. Gal.) | \$ 2.32  | \$ 2.51  |



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTION 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2021; PROVIDING FOR UPWARD ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

**WHEREAS**, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and said ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City; and

**WHEREAS**, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

**WHEREAS**, the New Braunfels Utilities staff has recommended new water rates and charges for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

**WHEREAS**, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

**WHEREAS**, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended; and

**WHEREAS**, the City Council of the City retains the power to consider an additional adjustment of NBU's rates at any time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1.**

**THAT**, the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

## SECTION 2.

**THAT**, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended to (i) adjust water rates and charges beginning November 1, 2020, and (ii) upwardly adjust the water rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2022 |

## SECTION 3.

**THAT**, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

ARTICLE IV. - WATER SERVICE

DIVISION 3. – SERVICE REQUESTS; RATES

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$13.70  |
| 1-inch               | 23.30  |
| 1½-inch              | 27.08  |
| 2-inch               | 33.06  |
| 3-inch               | 48.24  |
| 4-inch and greater   | 56.88  |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$1.66  |
| 7,501—15,000           | 4.18  |
| 15,001—25,000          | 5.70  |
| Excess of 25,000       | 7.84  |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
|------------------------|---|

|                  |        |
|------------------|--------|
| 0—7,500          | \$1.73 |
| 7,501—15,000     | 4.50   |
| 15,001—25,000    | 6.84   |
| Excess of 25,000 | 10.20  |

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$13.70  |
| 1-inch               | 17.87  |
| 1½-inch              | 20.76  |
| 2-inch               | 25.35  |
| 3-inch               | 36.98  |

|                    |       |
|--------------------|-------|
| 4-inch and greater | 43.61 |
|--------------------|-------|

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Number of<br>Units | Gallons of<br>Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|--------------------|---------------------------|---|
| 2—4                | 0—8,000                   | \$2.32  |
|                    | 8,001—20,000              | 2.32  |
|                    | Excess of 20,000          | 2.32  |
| 5—10               | 0—20,000                  | 2.32  |
|                    | 20,001—40,000             | 2.32  |
|                    | Excess of 40,000          | 2.32  |
| 11—25              | 0—40,000                  | 2.32  |
|                    | 40,001—100,000            | 2.32  |
|                    | Excess of 100,000         | 2.32  |
| 26—50              | 0—100,000                 | 2.32  |
|                    | 100,001—200,000           | 2.32  |
|                    | Excess of 200,000         | 2.32  |
| 51—75              | 0—200,000                 | 2.32  |
|                    | 200,001—300,000           | 2.32  |
|                    | Excess of 300,000         | 2.32  |

|        |                   |      |
|--------|-------------------|------|
| 76—100 | 0—300,000         | 2.32 |
|        | 300,001—400,000   | 2.32 |
|        | Excess of 400,000 | 2.32 |
| 100 +  | 0—400,000         | 2.32 |
|        | 400,001—800,000   | 2.32 |
|        | Excess of 800,000 | 2.32 |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Number of<br>Units | Gallons of<br>Water Usage | \$ per 1,000 gallons<br>November 1, 2020<br>Subject to subsection (m) |
|--------------------|---------------------------|---|
| 2—4                | 0—8,000                   | \$2.68  |
|                    | 8,001—20,000              | 2.68  |
|                    | Excess of 20,000          | 2.68  |
| 5—10               | 0—20,000                  | 2.68  |
|                    | 20,001—40,000             | 2.68  |
|                    | Excess of 40,000          | 2.68  |
| 11—25              | 0—40,000                  | 2.68  |
|                    | 40,001—100,000            | 2.68  |
|                    | Excess of 100,000         | 2.68  |
| 26—50              | 0—100,000                 | 2.68  |
|                    | 100,001—200,000           | 2.68  |

|        |                   |      |
|--------|-------------------|------|
|        | Excess of 200,000 | 2.68 |
| 51—75  | 0—200,000         | 2.68 |
|        | 200,001—300,000   | 2.68 |
|        | Excess of 300,000 | 2.68 |
| 76—100 | 0—300,000         | 2.68 |
|        | 300,001—400,000   | 2.68 |
|        | Excess of 400,000 | 2.68 |
| 100 +  | 0—400,000         | 2.68 |
|        | 400,001—800,000   | 2.68 |
|        | Excess of 800,000 | 2.68 |

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks,



barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.

- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size          | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|---------------------|--|
| ½-inch and smaller  | \$17.19  |
| 1-inch              | 19.37  |
| 1½-inch             | 25.16  |
| 2-inch              | 31.97  |
| 3-inch              | 48.41  |
| 4-inch              | 73.61  |
| 6-8 inch            | 127.81   |
| 10 inch and greater | 132.93   |

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.56  |
| 5,001—50,000           | 2.78  |

|                   |      |
|-------------------|------|
| 50,001—200,000    | 3.24 |
| Excess of 200,000 | 4.00 |

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—5,000                | \$2.81  |
| 5,001—50,000           | 3.20  |
| 50,001—200,000         | 4.22  |
| Excess of 200,000      | 5.60  |

*Monthly unit charge.* When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
  - The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.

- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,538.16 effective November 1, 2020. subject to subsection (m).

Monthly volume charge: \$2.06 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: \$177.73 effective November 1, 2020, subject to subsection (m).

*Off peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: \$5.89 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

*Peak season monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: \$7.49 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.

(h) *Landscape/irrigation service rate.*

- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
  - Dedicated exclusively to such purpose, and

b. Which is in addition to one or more other water meters serving the same location.

- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size           | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (m) |
|----------------------|--|
| 5/8-inch and smaller | \$10.12  |
| 1-inch               | 12.28  |
| 1½-inch              | 16.05  |
| 2-inch               | 17.12  |
| 3-inch               | 26.75  |
| 4-inch and greater   | 32.10  |

*Off peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$4.48  |
| 7,501—25,000           | 5.48  |
| Excess of 25,000       | 7.55  |

*Peak monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (m) |
|------------------------|---|
| 0—7,500                | \$5.61  |
| 7,501—25,000           | 6.85  |
| Excess of 25,000       | 9.44  |

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

| Tanker charge  | Effective<br>November 1, 2020<br>Subject to subsection (m) |
|--|--|
| Per month  | \$14.79  |
| Volume charge, per 1,000 gallons or any part thereof | 2.15   |

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
  - The amount specified in any contract between the customer and NBU.

(j) *Wholesale water service.*

- (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
- (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
- (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
  - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
  - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
  - (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
  - (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (m) *Water rate escalation.* All rates and charges for water services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | eight percent (8%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

## SECTION 4.

**THAT**, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to water rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the

provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

#### **SECTION 5.**

**THAT**, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

#### **SECTION 6.**

**THAT**, this ordinance shall be effective on November 1, 2020.

**SECTION 7.**

**PASSED AND APPROVED:** First Reading this 12th day of October, 2020.

**PASSED AND APPROVED:** Second Reading this 26th day of October, 2020.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**

**ATTEST:**

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**ANDREW LYONS, Assistant City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA ACEVEDO, City Attorney**



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. B)

Presenter/Contact*Ian Taylor, NBU Chief Executive Officer  
(830) 629-8400 - itaylor@nbutexas.com***SUBJECT:**

Discuss and consider the approval of the second and final reading of an ordinance amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels relating to sewer rates and charges for Fiscal Year 2021; and providing for automatic upward adjustments of sewer rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

**BACKGROUND / RATIONALE:**

NBU staff is proposing wastewater rate changes designed to fund its FY 2021 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for a wastewater rate adjustment effective November 1, 2020. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year wastewater infrastructure strategies are identified in NBU's Master Plan. NBU had to satisfy a revenue requirement for sewer in order to build and maintain infrastructure to meet regulatory requirements. The proposed rates will provide the revenue needed to make these investments.

The proposed FY 2021 sewer rate design includes (i) a base rate increase for FY 2021 of 16.5%; and (ii) an annual upward adjustment of base rates for FY 2022 and FY 2023 of 13.0%. In addition, the proposed FY 2021 sewer rate design includes the implementation of a discount program for low income customers.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on November 1, 2020.

**PROPOSED CODE OF ORDINANCE CHANGES**

NBU staff has included in the City Council backup materials a redline version of City of New Braunfels Code of Ordinances Chapter 130-257 - Sewer Rates.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                          |     |                             |  |
|--------------------------|-----|-----------------------------|--|
| <input type="checkbox"/> | N/A | City Plan/Council Priority: |  |
|--------------------------|-----|-----------------------------|--|

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020 recommending the proposed amendments to the sewer rate Ordinance.

**STAFF RECOMMENDATION:**

NBU Staff recommends approval of the ordinance.

**ATTACHMENTS:**

1. Ordinance
2. Proposed Sewer Rate Tables
3. NBU Board Resolution - Sewer
4. Water and Sewer Rate Presentation

**A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE V, SECTION 130-257 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS (I) ADJUSTING SEWER RATES AND CHARGES FOR FISCAL YEAR 2021; (II) PROVIDING FOR UPWARD ADJUSTMENTS OF SEWER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; AND (III) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE**

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities sewer system and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article V, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article V, Section 130-257 of the Code of Ordinances relating to sewer rates and charges be amended for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments, and is of the opinion that the same should be approved and submitted to the City Council, for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels as set forth in attached Exhibit A to (i) adjust sewer rates and charges beginning November 1, 2020, as specified therein and (ii) upwardly adjust sewer rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| <b>Effective Date</b> | <b>Rate Adjustment</b>  |
|-----------------------|---|
| August 1, 2021        | thirteen percent (13%) adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022        | thirteen percent (13%) adjustment of the rates in effect on July 31, 2022 |

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.


SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

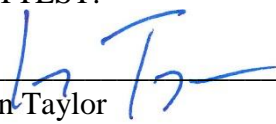
PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.




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John A. Harrell  
President, Board of Trustees  
New Braunfels Utilities

ATTEST:




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Ian Taylor  
Secretary to the Board  
New Braunfels Utilities

**Exhibit A**

Sec. 130-257. - Sewer rates.

- (a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$21.55 effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* The monthly volume charge shall be \$5.07 effective November 1, 2020, subject to subsection (i), per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

*Monthly unit charge.* The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12- month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$115.85 per month effective November 1, 2020, subject to subsection (i). A maximum charge is not applicable to any multi-unit residential service 1 customer.
- (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.

(d) *Residential service 2 rate, with water service not provided by NBU.*

- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable

permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.

- (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$61.35 effective November 1, 2020, subject to subsection (i), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly unit charge, if applicable; or
  - The amount specified in any contract between the customer and NBU.
- (e) *General service 1 rate, with water service provided by NBU.*
- (1) *Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size            | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (i) |
|-----------------------|--|
| 5/8 -inch and smaller | \$30.64  |
| 1-inch                | \$33.25  |
| 1½-inch               | \$46.37  |
| 2-inch                | \$58.98  |



|                     |          |
|---------------------|----------|
| 3-inch              | \$91.02  |
| 4-inch              | \$131.10 |
| 6-inch              | \$236.27 |
| 10 inch and greater | 407.75   |

*Monthly volume charge.* The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (i) |
|------------------------|---|
| 0—7,000                | \$6.41  |
| 7,001—25,000           | \$6.41  |
| 25,001—300,000         | \$6.41  |
| Excess of 300,000      | \$6.41  |

*Monthly unit charge.* When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
  - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
  - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.

- (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than \$28.05 per month effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be \$68.97 per month effective November 1, 2020, subject to subsection (i).

*Monthly unit charge.* When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.

- (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

Sec. 130-257. - Sewer rates.

- (a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$21.55 effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* The monthly volume charge shall be \$5.07 effective November 1, 2020, subject to subsection (i), per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

*Monthly unit charge.* The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12-month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$115.85 per month effective November 1, 2020, subject to subsection (i). A maximum charge is not applicable to any multi-unit residential service 1 customer.
- (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.

- (d) *Residential service 2 rate, with water service not provided by NBU.*

- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable

permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.

- (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$61.35 effective November 1, 2020, subject to subsection (i), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly unit charge, if applicable; or
  - The amount specified in any contract between the customer and NBU.
- (e) *General service 1 rate, with water service provided by NBU.*
- (1) *Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size            | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (i) |
|-----------------------|--|
| 5/8 -inch and smaller | \$30.64  |
| 1-inch                | \$33.25  |
| 1½-inch               | \$46.37  |
| 2-inch                | \$58.98  |

|                     |          |
|---------------------|----------|
| 3-inch              | \$91.02  |
| 4-inch              | \$131.10 |
| 6-inch              | \$236.27 |
| 10 inch and greater | 407.75   |

*Monthly volume charge.* The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (i) |
|------------------------|---|
| 0—7,000                | \$6.41  |
| 7,001—25,000           | \$6.41  |
| 25,001—300,000         | \$6.41  |
| Excess of 300,000      | \$6.41  |

*Monthly unit charge.* When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
  - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
  - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.

- (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than \$28.05 per month effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be \$68.97 per month effective November 1, 2020, subject to subsection (i).

*Monthly unit charge.* When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.



- (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

|                | Residential (\$/Bill) |           | Multi-Use 2-4 (\$/Bill) |          |
|----------------|-----------------------|-----------|-------------------------|----------|
|                | Current               | Proposed  | Current                 | Proposed |
| <b>Total</b>   |                       |           |                         |          |
| Customer Bills | \$ 18.50              | \$ 21.55  | \$ 18.50                | \$ 21.55 |
| Consumption    | \$ 4.35               | \$ 5.07   | \$ 4.35                 | \$ 5.07  |
| Sewer Only     | \$ 52.66              | \$ 61.35  |                         |          |
| Maximum Charge | \$ 99.36              | \$ 115.85 |                         |          |
| Unit Charge    |                       |           | \$ 11.00                | \$ 12.82 |

|                      | Multi-Use 5+ (\$/Bill) |           | Small General Service (\$/Bill) |           |
|----------------------|------------------------|-----------|---------------------------------|-----------|
|                      | Current                | Proposed  | Current                         | Proposed  |
| <b>Meter Size</b>    |                        |           |                                 |           |
| 5/8-Inch             | \$ 26.30               | \$ 30.64  | \$ 26.30                        | \$ 30.64  |
| 1-Inch               | \$ 28.54               | \$ 33.25  | \$ 28.54                        | \$ 33.25  |
| 1 1/2-Inch           | \$ 39.80               | \$ 46.37  | \$ 39.80                        | \$ 46.37  |
| 2-Inch               | \$ 50.63               | \$ 58.98  | \$ 50.63                        | \$ 58.98  |
| 3-Inch               | \$ 78.13               | \$ 91.02  | \$ 78.13                        | \$ 91.02  |
| 4-Inch               | \$ 112.53              | \$ 131.10 | \$ 112.53                       | \$ 131.10 |
| 6-Inch               | \$ 202.81              | \$ 236.27 | \$ 202.81                       | \$ 236.27 |
| 10-Inch +            | \$ 350.00              | \$ 407.75 | \$ 350.00                       | \$ 407.75 |
| Sewer Only           |                        |           | \$ 59.20                        | \$ 68.97  |
| Private Well Service |                        |           | \$ 24.08                        | \$ 28.05  |

|         |                    | Multi-Use 5+         |                      | Small General Service |                      |
|---------|--------------------|----------------------|----------------------|-----------------------|----------------------|
|         |                    | Current              | Proposed             | Current               | Proposed             |
| Usage   | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.)  | Rate (\$/Thou. Gal.) |
| Block 1 | 7                  | \$ 5.50              | \$ 6.41              | \$ 5.50               | \$ 6.41              |
| Block 2 | 25                 | \$ 5.50              | \$ 6.41              | \$ 5.50               | \$ 6.41              |
| Block 3 | 300                | \$ 5.50              | \$ 6.41              | \$ 5.50               | \$ 6.41              |
| Block 4 | 300+               | \$ 5.50              | \$ 6.41              | \$ 5.50               | \$ 6.41              |

|                | Residential (\$/Bill) |           | Multi-Use 2-4 (\$/Bill) |          |
|----------------|-----------------------|-----------|-------------------------|----------|
|                | Current               | Proposed  | Current                 | Proposed |
| <b>Total</b>   |                       |           |                         |          |
| Customer Bills | \$ 21.55              | \$ 24.35  | \$ 21.55                | \$ 24.35 |
| Consumption    | \$ 5.07               | \$ 5.73   | \$ 5.07                 | \$ 5.73  |
| Sewer Only     | \$ 61.35              | \$ 69.33  |                         |          |
| Maximum Charge | \$ 115.85             | \$ 130.93 |                         |          |
| Unit Charge    |                       |           | \$ 12.82                | \$ 14.49 |

|                      | Multi-Use 5+ (\$/Bill) |           | Small General Service (\$/Bill) |           |
|----------------------|------------------------|-----------|---------------------------------|-----------|
|                      | Current                | Proposed  | Current                         | Proposed  |
| <b>Meter Size</b>    |                        |           |                                 |           |
| 5/8-Inch             | \$ 30.64               | \$ 34.62  | \$ 30.64                        | \$ 34.62  |
| 1-Inch               | \$ 33.25               | \$ 37.57  | \$ 33.25                        | \$ 37.57  |
| 1 1/2-Inch           | \$ 46.37               | \$ 52.40  | \$ 46.37                        | \$ 52.40  |
| 2-Inch               | \$ 58.98               | \$ 66.65  | \$ 58.98                        | \$ 66.65  |
| 3-Inch               | \$ 91.02               | \$ 102.85 | \$ 91.02                        | \$ 102.85 |
| 4-Inch               | \$ 131.10              | \$ 148.14 | \$ 131.10                       | \$ 148.14 |
| 6-Inch               | \$ 236.27              | \$ 266.99 | \$ 236.27                       | \$ 266.99 |
| 10-Inch +            | \$ 407.75              | \$ 460.76 | \$ 407.75                       | \$ 460.76 |
| Sewer Only           |                        |           | \$ 68.97                        | \$ 77.94  |
| Private Well Service |                        |           | \$ 28.05                        | \$ 31.70  |

| Usage   |                    | Multi-Use 5+         |                      | Small General Service |                      |
|---------|--------------------|----------------------|----------------------|-----------------------|----------------------|
|         |                    | Current              | Proposed             | Current               | Proposed             |
|         | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.)  | Rate (\$/Thou. Gal.) |
| Block 1 | 7                  | \$ 6.41              | \$ 7.24              | \$ 6.41               | \$ 7.24              |
| Block 2 | 25                 | \$ 6.41              | \$ 7.24              | \$ 6.41               | \$ 7.24              |
| Block 3 | 300                | \$ 6.41              | \$ 7.24              | \$ 6.41               | \$ 7.24              |
| Block 4 | 300+               | \$ 6.41              | \$ 7.24              | \$ 6.41               | \$ 7.24              |

|                | Residential (\$/Bill) |           | Multi-Use 2-4 (\$/Bill) |          |
|----------------|-----------------------|-----------|-------------------------|----------|
|                | Current               | Proposed  | Current                 | Proposed |
| <b>Total</b>   |                       |           |                         |          |
| Customer Bills | \$ 24.35              | \$ 27.52  | \$ 24.35                | \$ 27.52 |
| Consumption    | \$ 5.73               | \$ 6.47   | \$ 5.73                 | \$ 6.47  |
| Sewer Only     | \$ 69.33              | \$ 78.34  |                         |          |
| Maximum Charge | \$ 130.93             | \$ 147.86 |                         |          |
| Unit Charge    |                       |           | \$ 14.49                | \$ 16.37 |

|                      | Multi-Use 5+ (\$/Bill) |           | Small General Service (\$/Bill) |           |
|----------------------|------------------------|-----------|---------------------------------|-----------|
|                      | Current                | Proposed  | Current                         | Proposed  |
| <b>Meter Size</b>    |                        |           |                                 |           |
| 5/8-Inch             | \$ 34.62               | \$ 39.12  | \$ 34.62                        | \$ 39.12  |
| 1-Inch               | \$ 37.57               | \$ 42.45  | \$ 37.57                        | \$ 42.45  |
| 1 1/2-Inch           | \$ 52.40               | \$ 59.21  | \$ 52.40                        | \$ 59.21  |
| 2-Inch               | \$ 66.65               | \$ 75.31  | \$ 66.65                        | \$ 75.31  |
| 3-Inch               | \$ 102.85              | \$ 116.22 | \$ 102.85                       | \$ 116.22 |
| 4-Inch               | \$ 148.14              | \$ 167.40 | \$ 148.14                       | \$ 167.40 |
| 6-Inch               | \$ 266.99              | \$ 301.70 | \$ 266.99                       | \$ 301.70 |
| 10-Inch +            | \$ 460.76              | \$ 520.66 | \$ 460.76                       | \$ 520.66 |
| Sewer Only           |                        |           | \$ 77.94                        | \$ 88.07  |
| Private Well Service |                        |           | \$ 31.70                        | \$ 35.82  |

|         |                    | Multi-Use 5+         |                      | Small General Service |                      |
|---------|--------------------|----------------------|----------------------|-----------------------|----------------------|
|         |                    | Current              | Proposed             | Current               | Proposed             |
| Usage   | Block (Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.) | Rate (\$/Thou. Gal.)  | Rate (\$/Thou. Gal.) |
| Block 1 | 7                  | \$ 7.24              | \$ 8.18              | \$ 7.24               | \$ 8.18              |
| Block 2 | 25                 | \$ 7.24              | \$ 8.18              | \$ 7.24               | \$ 8.18              |
| Block 3 | 300                | \$ 7.24              | \$ 8.18              | \$ 7.24               | \$ 8.18              |
| Block 4 | 300+               | \$ 7.24              | \$ 8.18              | \$ 7.24               | \$ 8.18              |

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE V, SECTION 130-257, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS ADJUSTING SEWER RATES AND CHARGES FOR FISCAL YEAR 2021; PROVIDING FOR UPWARD ADJUSTMENTS OF SEWER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own sewer system in accordance with the laws of the State of Texas and the charter of said City; and

**WHEREAS**, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of sewer rates and which ordinance has been codified as Chapter 130, Article V, Code of Ordinances of the City; and

**WHEREAS**, Section 130-257 of the Code of Ordinances of the City requires an update when rates are changed; and

**WHEREAS**, the New Braunfels Utilities staff has recommended new sewer rates and charges for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

**WHEREAS**, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

**WHEREAS**, in order to change the sewer rates, it is now necessary and advisable that Section 130-257, Article V, Code of Ordinances, as heretofore established by ordinance, be amended; and

**WHEREAS**, the City Council of the City retains the power to consider an additional adjustment of NBU's rates at any time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

## SECTION 1.

**THAT**, the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

## SECTION 2.

**THAT**, Section 130-257, Chapter 130, Article V, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended to (i) adjust sewer rates and charges beginning November 1, 2020, and (ii) upwardly adjust the sewer rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| Effective Date | Rate Adjustment  |
|----------------|--|
| August 1, 2021 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022 |

## SECTION 3.

**THAT**, Section 130-257, Chapter 130, Article V, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

ARTICLE V. - SEWER SERVICE

DIVISION 2. – SERVICE REQUESTS; RATES

Sec. 130-257. - Sewer rates.

(a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$21.55 effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* The monthly volume charge shall be \$5.07 effective November 1, 2020, subject to subsection (i), per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

*Monthly unit charge.* The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual

residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12- month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
    - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
    - b. The amount specified in any contract between the customer and NBU.
  - (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$115.85 per month effective November 1, 2020, subject to subsection (i). A maximum charge is not applicable to any multi-unit residential service 1 customer.
  - (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.
- (d) *Residential service 2 rate, with water service not provided by NBU.*
- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
  - (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.
  - (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.



- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

*Monthly customer charge.* The monthly customer charge shall be \$61.35 effective November 1, 2020, subject to subsection (i), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly unit charge, if applicable; or
- b. The amount specified in any contract between the customer and NBU.

- (e) *General service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

| Meter Size            | Customer Charge<br>Effective November 1, 2020<br>Subject to subsection (i) |
|-----------------------|--|
| 5/8 -inch and smaller | \$30.64  |
| 1-inch                | \$33.25  |
| 1½-inch               | \$46.37  |
| 2-inch                | \$58.98  |
| 3-inch                | \$91.02  |
| 4-inch                | \$131.10   |
| 6-inch                | \$236.27   |
| 10 inch and greater   | 407.75   |

*Monthly volume charge.* The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

| Gallons of Water Usage | \$ per 1,000 gallons<br>Effective November 1, 2020<br>Subject to subsection (i) |
|------------------------|---|
| 0—7,000                | \$6.41  |
| 7,001—25,000           | \$6.41  |
| 25,001—300,000         | \$6.41  |
| Excess of 300,000      | \$6.41  |

*Monthly unit charge.* When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
  - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
  - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.
  - (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than \$28.05 per month effective November 1, 2020, subject to subsection (i).

*Monthly volume charge.* NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be \$68.97 per month effective November 1, 2020, subject to subsection (i).

*Monthly unit charge.* When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
  - (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
  - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase as follows:

| Effective Date | Rate Adjustment |
|----------------|-----------------|
|----------------|-----------------|

|                |  |
|----------------|--|
| August 1, 2021 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022 | thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

#### **SECTION 4.**

**THAT**, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to sewer rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

#### **SECTION 5.**

**THAT**, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

#### **SECTION 6.**

**THAT**, this ordinance shall be effective on November 1, 2020.

#### **SECTION 7.**

**PASSED AND APPROVED:** First Reading this 12th day of October, 2020.

**PASSED AND APPROVED:** Second Reading this 26th day of October, 2020.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**

**ATTEST:**

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**ANDREW LYONS, Assistant City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA ACEVEDO, City Attorney**



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. C)

Presenter/Contact*Ian Taylor, NBU Chief Executive Officer  
(830) 629-8400 - itaylor@nbutexas.com***SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, providing for upward adjustment of electric rates and charges for Fiscal Year 2022 and Fiscal Year 2023.

**BACKGROUND / RATIONALE:**

NBU staff is proposing electric rate changes designed to fund its FY 2022 through FY 2023 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for an electric rate adjustment effective August 1, 2021. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year electric infrastructure strategies are identified in NBU's Master Plan. NBU had to satisfy a revenue requirement for revenue in order to build and maintain infrastructure to meet regulatory requirements. The proposed rates will provide the revenue needed to make these investments.

The proposed electric rate design includes an annual upward adjustment of distribution rates for FY 2022 and FY 2023 of 5.0% and 10.0%, respectively.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on August 1, 2021.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                          |     |                             |  |
|--------------------------|-----|-----------------------------|--|
| <input type="checkbox"/> | N/A | City Plan/Council Priority: |  |
|--------------------------|-----|-----------------------------|--|

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020, recommending the proposed amendments to the electric rate Ordinance.

**STAFF RECOMMENDATION:**

NBU Staff recommends approval of the ordinance.

**ATTACHMENTS:**

1. Ordinance
2. Proposed Electric Rate Tables
3. NBU Board Resolution - Electric
4. Electric Rate Presentation



**A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES (I) APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE III, SECTIONS 130-56 AND 130-57 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS THAT PROVIDE FOR UPWARD ADJUSTMENTS OF ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023 AND (II) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE**

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities electric systems and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article III, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article III, Sections 130-56 and 130-57 of the Code of Ordinances relating to electric rates and charges be amended for fiscal year 2022 and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments and is of the opinion that the same should be approved and submitted to the City Council for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article III, Sections 130-56 and 130-57 of the Code of Ordinances of the City of New Braunfels as set forth in the attached Exhibit A to upwardly adjust the electric rates and charges noted below in Table 1 on the dates and in the amounts indicated in Table 2 with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| <b>Table 1: Rates and Charges</b>  |                             |                                |
|------------------------------------|-----------------------------|--------------------------------|
| <b>Ordinance Section Reference</b> | <b>Customer Class</b>       | <b>Charges Affected</b>        |
| 130-56.(c)(4)a.                    | Residential                 | Customer charge, per month     |
| 130-56.(c)(4)b.                    | Residential                 | Delivery charge, per kWh       |
| 130-56.(d)(4)a.                    | Small general service (SGS) | Customer charge, per month     |
| 130-56.(d)(4)b.                    | Small general service (SGS) | Delivery charge, per kWh       |
| 130-56.(e)(4)a.                    | Large general service (LGS) | Customer charge, per month     |
| 130-56.(e)(4)b.                    | Large general service (LGS) | Delivery demand charge, per kW |
| 130-56.(f)(4)a.                    | Very large power (VLP)      | Customer charge, per month     |

|                 |                                  |  |
|-----------------|----------------------------------|--|
| 130-56.(f)(4)b. | Very large power (VLP)           | Delivery demand charge, per kW           |
| 130-56.(g)(4)c. | Transmission (TSR)               | Power supply charges                     |
| 130-56.(i)(3)a. | Lighting athletic fields (LAF)   | Customer charge                          |
| 130-56.(i)(3)b. | Lighting athletic fields (LAF)   | Delivery demand charge, per kWh          |
| 130-56.(j)(4)a. | Area lighting (AL)               | Monthly rates, per lamp per month        |
| 130-56.(k)(4)   | Second feeder service (SFS)      | Monthly rates, per contract kW per month |
| 130-56.(l)(4)a. | Net metering service             | Customer charge, per month               |
| 130-56.(l)(4)b. | Net metering service             | Delivery charge, per kWh                 |
| 130-56.(m)(2)a. | Interstate highway lighting (HL) | Customer charge, per month               |
| 130-57.(c)      | Power factor penalty             | Monthly rate, per kW                     |

**Table 2: Effective Date and Rate Adjustments**

| <b>Effective Date</b> | <b>Rate Adjustment</b>  |
|-----------------------|---|
| August 1, 2021        | five percent (5%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022        | ten percent (10%) upward adjustment of the rates in effect on July 31, 2022 |

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

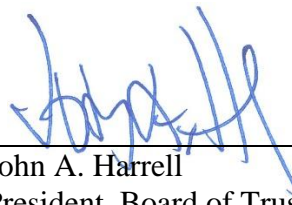
SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

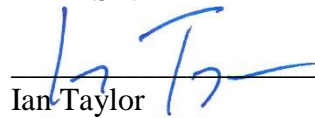
PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.



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John A. Harrell  
President, Board of Trustees  
New Braunfels Utilities

ATTEST:



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Ian Taylor  
Secretary to the Board  
New Braunfels Utilities

**Exhibit A**

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:
- (1) Residential (RE);
  - (2) Small general service (SGS);
  - (3) Large general service (LGS);
  - (4) Very large power-distribution (VLP-D);
  - (5) Transmission service rate (TSR);
  - (6) Experimental electric rate (EER);
  - (7) Lighting athletic fields (LAF);
  - (8) Area lighting rate (AL);
  - (9) Second feeder service (SFS);
  - (10) Net metering (NM); and
  - (11) Interstate highway lighting rate (HL).
- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.
- (c) Residential service rate (RE).
- (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.  
  
This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
  - (4) *Monthly rates.* Monthly residential service rates are as follows:
    - a. Customer charge, per month .....\$14.77 (subject to subsection (n))
    - b. Delivery charge, per kWh .....0.0129 (subject to subsection (n))
    - c. Cost of power charge:
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

- d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
- (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
  - (4) *Monthly rates.* Monthly rates for small general service are as follows:
    - a. Customer charge, per month .....\$20.00 (subject to subsection (n))
    - b. Delivery charge, per kWh .....0.008317 (subject to subsection (n))
    - c. Cost of power charge:
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552
    - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
  - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
- (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.
- When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
- a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,937.50
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,150.00
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,362.50
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,575.00
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,050.00
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....525.00
    - Less than 1,500 kVA and greater than 750 kVA, per month .....315.00
    - Less than 751 kVA and greater than 500 kVA, per month .....236.25
    - Less than 501 kVA and greater than 300 kVA, per month .....183.75
    - Less than 301 kVA and greater than 150 kVA, per month .....105.00
    - Less than 151 kVA, per month .....31.50
  - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge, per kW billing demand per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
- (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
  - (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:

- a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,871.88
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,097.50
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,323.13
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,548.75
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,032.50
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....516.25
    - Less than 1,500 kVA and greater than 750 kVA, per month .....309.75
    - Less than 751 kVA and greater than 500 kVA, per month .....232.31
    - Less than 501 kVA and greater than 300 kVA, per month .....180.69
    - Less than 301 kVA and greater than 150 kVA, per month .....103.25
    - Less than 151 kVA, per month .....30.98
  - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge per KW billing demand, per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
- (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically identified individual service location and which meet all of the service conditions provided in this article.
  - (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
  - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:



- a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
    - b. Local transformation, metering and miscellaneous charges.
    - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
  - (h) Experimental electric rate (EER).
    - (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
    - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
    - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
  - (i) Lighting athletic fields (LAF).
    - (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
    - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
    - (3) *Monthly rate.* Monthly athletic field rates are as follows:
      - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
- |  |            |
|--|------------|
| Greater than 12,999 kVA, per month .....                         | \$3,750.00 |
| Less than 13,000 kVA and greater than 7,999 kVA, per month ..... | 3,000.00   |
| Less than 8,000 kVA and greater than 3,999 kVA, per month .....  | 2,250.00   |
| Less than 4,000 kVA and greater than 2,999 kVA, per month .....  | 1,500.00   |
| Less than 3,000 kVA and greater than 1,999 kVA, per month .....  | 1,000.00   |
| Less than 2,000 kVA and greater than 1,499 kVA, per month .....  | 500.00     |
| Less than 1,500 kVA and greater than 750 kVA, per month .....    | 300.00     |
| Less than 751 kVA and greater than 500 kVA, per month .....      | 225.00     |
| Less than 501 kVA and greater than 300 kVA, per month .....      | 175.00     |
| Less than 301 kVA and greater than 150 kVA, per month .....      | 100.00     |
| Less than 151 kVA, per month .....                               | 30.00      |

- b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0452
    - June—September billing period, per kWh .....0.0552
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (j) Area lighting rate (AL).
  - (1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.
  - (2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
  - (4) *Monthly rates.* Monthly area lighting rates are as follows:
    - a. \$10.00 per lamp per month (subject to subsection (n)).
    - b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.
- (k) Second feeder service rate (SFS).
  - (1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
  - (2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.
  - (3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.
    - a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.
    - b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.
    - c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.
  - (4) *Monthly rates.* Capacity reservation charge, per contract kW per month .....\$3.18 (subject to subsection (n))
- (l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
  - (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.
  - (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.
  - (4) *Monthly rates.* Monthly net metering service rates are as follows:
    - a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).
    - b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:
 

Residential (RE) solar .....\$1.37

Residential (RE) wind .....0.64

Small general service (SGS) solar .....0.75

Small general service (SGS) wind .....0.35
    - c. *Cost of power charge.*

October—May billing period, per kWh. As defined in the appropriate RE or SGS rate.

June—September billing period, per kWh. As defined in the appropriate RE or SGS rate.
    - d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.
  - (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.
  - (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.
- (m) Interstate highway lighting rate (HL).
- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.
  - (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:
    - a. Customer charge, per month .....\$15.00 (subject to subsection (n))
    - b. Cost of power charge.
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

| <b>Table 1: Rates and Charges</b>  |                                  |  |
|------------------------------------|----------------------------------|--|
| <b>Ordinance Section Reference</b> | <b>Customer Class</b>            | <b>Charges Affected</b>                  |
| 130-56.(c)(4)a.                    | Residential                      | Customer charge, per month               |
| 130-56.(c)(4)b.                    | Residential                      | Delivery charge, per kWh                 |
| 130-56.(d)(4)a.                    | Small general service (SGS)      | Customer charge, per month               |
| 130-56.(d)(4)b.                    | Small general service (SGS)      | Delivery charge, per kWh                 |
| 130-56.(e)(4)a.                    | Large general service (LGS)      | Customer charge, per month               |
| 130-56.(e)(4)b.                    | Large general service (LGS)      | Delivery demand charge, per kW           |
| 130-56.(f)(4)a.                    | Very large power (VLP)           | Customer charge, per month               |
| 130-56.(f)(4)b.                    | Very large power (VLP)           | Delivery demand charge, per kW           |
| 130-56.(g)(4)c.                    | Transmission (TSR)               | Power supply charges                     |
| 130-56.(i)(3)a.                    | Lighting athletic fields (LAF)   | Customer charge                          |
| 130-56.(i)(3)b.                    | Lighting athletic fields (LAF)   | Delivery demand charge, per kWh          |
| 130-56.(j)(4)a.                    | Area lighting (AL)               | Monthly rates, per lamp per month        |
| 130-56.(k)(4)                      | Second feeder service (SFS)      | Monthly rates, per contract kW per month |
| 130-56.(l)(4)a.                    | Net metering service             | Customer charge, per month               |
| 130-56.(l)(4)b.                    | Net metering service             | Delivery charge, per kWh                 |
| 130-56.(m)(2)a.                    | Interstate highway lighting (HL) | Customer charge, per month               |
| 130-57.(c)                         | Power factor penalty             | Monthly rate, per kW                     |

| <b>Table 2: Effective Date and Rate Adjustments</b> |   |
|---|---|
| <b>Effective Date</b>                               | <b>Rate Adjustment</b>  |
| August 1, 2021                                      | five percent (5%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022                                      | ten percent (10%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-05, §§ I, II, 1-23-06; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2009-15, § 2(Exh. A), 3-23-09; Ord. No. 2014-81, § I(Exh. A), 12-8-14; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:
- (1) Residential (RE);
  - (2) Small general service (SGS);
  - (3) Large general service (LGS);
  - (4) Very large power-distribution (VLP-D);
  - (5) Transmission service rate (TSR);
  - (6) Experimental electric rate (EER);
  - (7) Lighting athletic fields (LAF);
  - (8) Area lighting rate (AL);
  - (9) Second feeder service (SFS);
  - (10) Net metering (NM); and
  - (11) Interstate highway lighting rate (HL).
- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.
- (c) Residential service rate (RE).
- (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.  
  
This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
  - (4) *Monthly rates.* Monthly residential service rates are as follows:
    - a. Customer charge, per month .....\$14.77 (subject to subsection (n))
    - b. Delivery charge, per kWh .....0.0129 (subject to subsection (n))
    - c. Cost of power charge:
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

- d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
- (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
  - (4) *Monthly rates.* Monthly rates for small general service are as follows:
    - a. Customer charge, per month .....\$20.00 (subject to subsection (n))
    - b. Delivery charge, per kWh .....0.008317 (subject to subsection (n))
    - c. Cost of power charge:
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552
    - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
  - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
- (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.
- When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
- a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,937.50
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,150.00
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,362.50
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,575.00
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,050.00
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....525.00
    - Less than 1,500 kVA and greater than 750 kVA, per month .....315.00
    - Less than 751 kVA and greater than 500 kVA, per month .....236.25
    - Less than 501 kVA and greater than 300 kVA, per month .....183.75
    - Less than 301 kVA and greater than 150 kVA, per month .....105.00
    - Less than 151 kVA, per month .....31.50
  - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge, per kW billing demand per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
- (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
  - (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:



- a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,871.88
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,097.50
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,323.13
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,548.75
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,032.50
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....516.25
    - Less than 1,500 kVA and greater than 750 kVA, per month .....309.75
    - Less than 751 kVA and greater than 500 kVA, per month .....232.31
    - Less than 501 kVA and greater than 300 kVA, per month .....180.69
    - Less than 301 kVA and greater than 150 kVA, per month .....103.25
    - Less than 151 kVA, per month .....30.98
  - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge per KW billing demand, per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
- (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically identified individual service location and which meet all of the service conditions provided in this article.
  - (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
  - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:

- a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
    - b. Local transformation, metering and miscellaneous charges.
    - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
  - (h) Experimental electric rate (EER).
    - (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
    - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
    - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
  - (i) Lighting athletic fields (LAF).
    - (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
    - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
    - (3) *Monthly rate.* Monthly athletic field rates are as follows:
      - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
- |  |            |
|--|------------|
| Greater than 12,999 kVA, per month .....                         | \$3,750.00 |
| Less than 13,000 kVA and greater than 7,999 kVA, per month ..... | 3,000.00   |
| Less than 8,000 kVA and greater than 3,999 kVA, per month .....  | 2,250.00   |
| Less than 4,000 kVA and greater than 2,999 kVA, per month .....  | 1,500.00   |
| Less than 3,000 kVA and greater than 1,999 kVA, per month .....  | 1,000.00   |
| Less than 2,000 kVA and greater than 1,499 kVA, per month .....  | 500.00     |
| Less than 1,500 kVA and greater than 750 kVA, per month .....    | 300.00     |
| Less than 751 kVA and greater than 500 kVA, per month .....      | 225.00     |
| Less than 501 kVA and greater than 300 kVA, per month .....      | 175.00     |
| Less than 301 kVA and greater than 150 kVA, per month .....      | 100.00     |
| Less than 151 kVA, per month .....                               | 30.00      |

- b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0452
    - June—September billing period, per kWh .....0.0552
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (j) Area lighting rate (AL).
  - (1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.
  - (2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
  - (4) *Monthly rates.* Monthly area lighting rates are as follows:
    - a. \$10.00 per lamp per month (subject to subsection (n)).
    - b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.
- (k) Second feeder service rate (SFS).
  - (1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
  - (2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.
  - (3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.
    - a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.
    - b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.
    - c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.
  - (4) *Monthly rates.* Capacity reservation charge, per contract kW per month .....\$3.18 (subject to subsection (n))
- (l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
  - (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.
  - (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.
  - (4) *Monthly rates.* Monthly net metering service rates are as follows:
    - a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).
    - b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:
 

Residential (RE) solar .....\$1.37

Residential (RE) wind .....0.64

Small general service (SGS) solar .....0.75

Small general service (SGS) wind .....0.35
    - c. *Cost of power charge.*

October—May billing period, per kWh. As defined in the appropriate RE or SGS rate.

June—September billing period, per kWh. As defined in the appropriate RE or SGS rate.
    - d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.
  - (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.
  - (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.
- (m) Interstate highway lighting rate (HL).
- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.
  - (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:
    - a. Customer charge, per month .....\$15.00 (subject to subsection (n))
    - b. Cost of power charge.
 

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

| <b>Table 1: Rates and Charges</b>  |                                  |  |
|------------------------------------|----------------------------------|--|
| <b>Ordinance Section Reference</b> | <b>Customer Class</b>            | <b>Charges Affected</b>                  |
| 130-56.(c)(4)a.                    | Residential                      | Customer charge, per month               |
| 130-56.(c)(4)b.                    | Residential                      | Delivery charge, per kWh                 |
| 130-56.(d)(4)a.                    | Small general service (SGS)      | Customer charge, per month               |
| 130-56.(d)(4)b.                    | Small general service (SGS)      | Delivery charge, per kWh                 |
| 130-56.(e)(4)a.                    | Large general service (LGS)      | Customer charge, per month               |
| 130-56.(e)(4)b.                    | Large general service (LGS)      | Delivery demand charge, per kW           |
| 130-56.(f)(4)a.                    | Very large power (VLP)           | Customer charge, per month               |
| 130-56.(f)(4)b.                    | Very large power (VLP)           | Delivery demand charge, per kW           |
| 130-56.(g)(4)c.                    | Transmission (TSR)               | Power supply charges                     |
| 130-56.(i)(3)a.                    | Lighting athletic fields (LAF)   | Customer charge                          |
| 130-56.(i)(3)b.                    | Lighting athletic fields (LAF)   | Delivery demand charge, per kWh          |
| 130-56.(j)(4)a.                    | Area lighting (AL)               | Monthly rates, per lamp per month        |
| 130-56.(k)(4)                      | Second feeder service (SFS)      | Monthly rates, per contract kW per month |
| 130-56.(l)(4)a.                    | Net metering service             | Customer charge, per month               |
| 130-56.(l)(4)b.                    | Net metering service             | Delivery charge, per kWh                 |
| 130-56.(m)(2)a.                    | Interstate highway lighting (HL) | Customer charge, per month               |
| 130-57.(c)                         | Power factor penalty             | Monthly rate, per kW                     |

| <b>Table 2: Effective Date and Rate Adjustments</b> |   |
|---|---|
| <b>Effective Date</b>                               | <b>Rate Adjustment</b>  |
| August 1, 2021                                      | five percent (5%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022                                      | ten percent (10%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-05, §§ I, II, 1-23-06; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2009-15, § 2(Exh. A), 3-23-09; Ord. No. 2014-81, § I(Exh. A), 12-8-14; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

| Residential (RE)*          |           |           |
|----------------------------|-----------|-----------|
|                            | Current   | Proposed  |
| Customer charge, per month | \$ 14.77  | \$ 14.77  |
| Delivery charge, per kWh   | \$ 0.0129 | \$ 0.0129 |

*\*Also applies to net metering*

| Small General Service (SGS)* |             |             |
|------------------------------|-------------|-------------|
|                              | Current     | Proposed    |
| Customer charge, per month   | \$ 20.00    | \$ 20.00    |
| Delivery charge, per kWh     | \$ 0.008317 | \$ 0.008317 |

*\*Also applies to net metering*

| Large General Service (LGS)    |                      |          |
|--------------------------------|----------------------|----------|
|                                | Current              | Proposed |
| Customer charge, per month     | Varies by meter size |          |
| Delivery demand charge, per kW | \$ 4.62              | \$ 4.62  |

| Very Large Power (VLP)         |                      |          |
|--------------------------------|----------------------|----------|
|                                | Current              | Proposed |
| Customer charge, per month     | Varies by meter size |          |
| Delivery demand charge, per kW | \$ 2.79              | \$ 2.79  |

| Second Feeder Service                      |         |          |
|--|---------|----------|
|  | Current | Proposed |
| Capacity charge, per contract kW per month | \$ 3.18 | \$ 3.18  |

| Athletic Field Lights          |                      |           |
|--------------------------------|----------------------|-----------|
|                                | Current              | Proposed  |
| Customer charge, per month     | Varies by meter size |           |
| Delivery demand charge, per kW | \$ 0.0415            | \$ 0.0415 |

| I-35 Lights                |          |          |
|----------------------------|----------|----------|
|                            | Current  | Proposed |
| Customer charge, per month | \$ 15.00 | \$ 15.00 |

| MV Lights                        |          |          |
|----------------------------------|----------|----------|
|                                  | Current  | Proposed |
| Monthly Rate, per lamp per month | \$ 10.00 | \$ 10.00 |

| Residential (RE)*          |           |           |
|----------------------------|-----------|-----------|
|                            | Current   | Proposed  |
| Customer charge, per month | \$ 14.77  | \$ 15.51  |
| Delivery charge, per kWh   | \$ 0.0129 | \$ 0.0135 |

*\*Also applies to net metering*

| Small General Service (SGS)* |             |             |
|------------------------------|-------------|-------------|
|                              | Current     | Proposed    |
| Customer charge, per month   | \$ 20.00    | \$ 21.00    |
| Delivery charge, per kWh     | \$ 0.008317 | \$ 0.008733 |

*\*Also applies to net metering*

| Large General Service (LGS)    |   |          |
|--------------------------------|---|----------|
|                                | Current   | Proposed |
| Customer charge, per month     | Increase customer charge (varies by meter size) by 5% |          |
| Delivery demand charge, per kW | \$ 4.62   | \$ 4.85  |

| Very Large Power (VLP)         |   |          |
|--------------------------------|---|----------|
|                                | Current   | Proposed |
| Customer charge, per month     | Increase customer charge (varies by meter size) by 5% |          |
| Delivery demand charge, per kW | \$ 2.79   | \$ 2.93  |

| Second Feeder Service                      |         |          |
|--|---------|----------|
|  | Current | Proposed |
| Capacity charge, per contract kW per month | \$ 3.18 | \$ 3.34  |

| Athletic Field Lights          |   |           |
|--------------------------------|---|-----------|
|                                | Current   | Proposed  |
| Customer charge, per month     | Increase customer charge (varies by meter size) by 5% |           |
| Delivery demand charge, per kW | \$ 0.0415   | \$ 0.0436 |

| I-35 Lights                |          |          |
|----------------------------|----------|----------|
|                            | Current  | Proposed |
| Customer charge, per month | \$ 15.00 | \$ 15.75 |

| MV Lights                        |          |          |
|----------------------------------|----------|----------|
|                                  | Current  | Proposed |
| Monthly Rate, per lamp per month | \$ 10.00 | \$ 10.50 |



Customer charge, per month  
Delivery charge, per kWh

| Residential (RE)* |           |
|-------------------|-----------|
| Current           | Proposed  |
| \$ 15.51          | \$ 17.06  |
| \$ 0.0135         | \$ 0.0149 |

*\*Also applies to net metering*

Customer charge, per month  
Delivery charge, per kWh

| Small General Service (SGS)* |             |
|------------------------------|-------------|
| Current                      | Proposed    |
| \$ 21.00                     | \$ 23.10    |
| \$ 0.008733                  | \$ 0.009606 |

*\*Also applies to net metering*

Customer charge, per month  
Delivery demand charge, per kW

| Large General Service (LGS)                            |          |
|--|----------|
| Current  | Proposed |
| Increase customer charge (varies by meter size) by 10% |          |
| \$ 4.85  | \$ 5.34  |

Customer charge, per month  
Delivery demand charge, per kW

| Very Large Power (VLP)                                 |          |
|--|----------|
| Current  | Proposed |
| Increase customer charge (varies by meter size) by 10% |          |
| \$ 2.93  | \$ 3.22  |

Capacity charge, per contract kW per month

| Second Feeder Service |          |
|-----------------------|----------|
| Current               | Proposed |
| \$ 3.34               | \$ 3.67  |

Customer charge, per month  
Delivery demand charge, per kW

| Athletic Field Lights                                  |           |
|--|-----------|
| Current  | Proposed  |
| Increase customer charge (varies by meter size) by 10% |           |
| \$ 0.0436  | \$ 0.0479 |

Customer charge, per month

| I-35 Lights |          |
|-------------|----------|
| Current     | Proposed |
| \$ 15.75    | \$ 17.33 |

Monthly Rate, per lamp per month

| MV Lights |          |
|-----------|----------|
| Current   | Proposed |
| \$ 10.50  | \$ 11.55 |

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE III, SECTIONS 130-56 AND 130-57, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS TO PROVIDE FOR UPWARD ADJUSTMENTS OF ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of New Braunfels, Texas (the "City"), owns and operates by and through New Braunfels Utilities its own electric system in accordance with the laws of the State of Texas and the charter of said City; and

**WHEREAS**, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of electric rates and which ordinance has been codified as Chapter 130, Article III, Code of Ordinances of the City; and

**WHEREAS**, Sections 130-56 and 130-57 of the Code of Ordinances of the City require an update when rates are changed; and

**WHEREAS**, the New Braunfels Utilities staff has recommended new electric rates and charges for fiscal year 2022 and fiscal year 2023; and

**WHEREAS**, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

**WHEREAS**, in order to change the electric rates, it is now necessary and advisable that Sections 130-56 and 130-57, Article III, Code of Ordinances, as heretofore established by ordinance, be amended; and

**WHEREAS**, the City Council of the City retains the power to consider an additional adjustment of NBU's rates at any time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

## SECTION 1.

**THAT**, the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

## SECTION 2.

**THAT**, Sections 130-56 and 130-57, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended to upwardly adjust the electric rates and charges noted below in Table 1 on the dates and in the amounts indicated in Table 2 with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

| <b>Table 1: Rates and Charges</b>  |                                  |  |
|------------------------------------|----------------------------------|--|
| <b>Ordinance Section Reference</b> | <b>Customer Class</b>            | <b>Charges Affected</b>                  |
| 130-56.(c)(4)a.                    | Residential                      | Customer charge, per month               |
| 130-56.(c)(4)b.                    | Residential                      | Delivery charge, per kWh                 |
| 130-56.(d)(4)a.                    | Small general service (SGS)      | Customer charge, per month               |
| 130-56.(d)(4)b.                    | Small general service (SGS)      | Delivery charge, per kWh                 |
| 130-56.(e)(4)a.                    | Large general service (LGS)      | Customer charge, per month               |
| 130-56.(e)(4)b.                    | Large general service (LGS)      | Delivery demand charge, per kW           |
| 130-56.(f)(4)a.                    | Very large power (VLP)           | Customer charge, per month               |
| 130-56.(f)(4)b.                    | Very large power (VLP)           | Delivery demand charge, per kW           |
| 130-56.(g)(4)c.                    | Transmission (TSR)               | Power supply charges                     |
| 130-56.(i)(3)a.                    | Lighting athletic fields (LAF)   | Customer charge                          |
| 130-56.(i)(3)b.                    | Lighting athletic fields (LAF)   | Delivery demand charge, per kWh          |
| 130-56.(j)(4)a.                    | Area lighting (AL)               | Monthly rates, per lamp per month        |
| 130-56.(k)(4)                      | Second feeder service (SFS)      | Monthly rates, per contract kW per month |
| 130-56.(l)(4)a.                    | Net metering service             | Customer charge, per month               |
| 130-56.(l)(4)b.                    | Net metering service             | Delivery charge, per kWh                 |
| 130-56.(m)(2)a.                    | Interstate highway lighting (HL) | Customer charge, per month               |
| 130-57.(c)                         | Power factor penalty             | Monthly rate, per kW                     |

| <b>Table 2: Effective Date and Rate Adjustments</b> |   |
|---|---|
| <b>Effective Date</b>                               | <b>Rate Adjustment</b>  |
| August 1, 2021                                      | five percent (5%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022                                      | ten percent (10%) upward adjustment of the rates in effect on July 31, 2022 |

### SECTION 3.

**THAT**, Sections 130-56 and 130-57, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:
  - (1) Residential (RE);
  - (2) Small general service (SGS);
  - (3) Large general service (LGS);
  - (4) Very large power-distribution (VLP-D);
  - (5) Transmission service rate (TSR);
  - (6) Experimental electric rate (EER);
  - (7) Lighting athletic fields (LAF);
  - (8) Area lighting rate (AL);
  - (9) Second feeder service (SFS);
  - (10) Net metering (NM); and
  - (11) Interstate highway lighting rate (HL).
- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.
- (c) Residential service rate (RE).
  - (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.
 

This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
  - (4) *Monthly rates.* Monthly residential service rates are as follows:

- a. Customer charge, per month .....\$14.77 (subject to subsection (n))
  - b. Delivery charge, per kWh .....0.0129 (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0452
    - June—September billing period, per kWh .....0.0552
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
  - (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
  - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
  - (4) *Monthly rates.* Monthly rates for small general service are as follows:
    - a. Customer charge, per month .....\$20.00 (subject to subsection (n))
    - b. Delivery charge, per kWh .....0.008317 (subject to subsection (n))
    - c. Cost of power charge:
      - October—May billing period, per kWh .....0.0452
      - June—September billing period, per kWh .....0.0552
    - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
  - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
  - (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month

period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.

When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
  - a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,937.50
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,150.00
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,362.50
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,575.00
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,050.00
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....525.00
    - Less than 1,500 kVA and greater than 750 kVA, per month .....315.00
    - Less than 751 kVA and greater than 500 kVA, per month .....236.25
    - Less than 501 kVA and greater than 300 kVA, per month .....183.75
    - Less than 301 kVA and greater than 150 kVA, per month .....105.00
    - Less than 151 kVA, per month .....31.50
  - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge, per kW billing demand per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
  - (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.

- (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
- (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:
- a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
    - Greater than 12,999 kVA, per month .....\$3,871.88
    - Less than 13,000 kVA and greater than 7,999 kVA, per month .....3,097.50
    - Less than 8,000 kVA and greater than 3,999 kVA, per month .....2,323.13
    - Less than 4,000 kVA and greater than 2,999 kVA, per month .....1,548.75
    - Less than 3,000 kVA and greater than 1,999 kVA, per month .....1,032.50
    - Less than 2,000 kVA and greater than 1,499 kVA, per month .....516.25
    - Less than 1,500 kVA and greater than 750 kVA, per month .....309.75
    - Less than 751 kVA and greater than 500 kVA, per month .....232.31
    - Less than 501 kVA and greater than 300 kVA, per month .....180.69
    - Less than 301 kVA and greater than 150 kVA, per month .....103.25
    - Less than 151 kVA, per month .....30.98
  - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
  - c. Cost of power charge:
    - October—May billing period, per kWh .....0.0400
    - June—September billing period, per kWh .....0.0500
    - Power supply demand charge per KW billing demand, per month .....1.15
  - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
- (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
  - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically

identified individual service location and which meet all of the service conditions provided in this article.

- (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
  - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:
    - a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
    - b. Local transformation, metering and miscellaneous charges.
    - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
- (h) Experimental electric rate (EER).
- (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
  - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) Lighting athletic fields (LAF).
- (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
  - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
  - (3) *Monthly rate.* Monthly athletic field rates are as follows:
    - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 

|  |            |
|--|------------|
| Greater than 12,999 kVA, per month .....                         | \$3,750.00 |
| Less than 13,000 kVA and greater than 7,999 kVA, per month ..... | 3,000.00   |
| Less than 8,000 kVA and greater than 3,999 kVA, per month .....  | 2,250.00   |
| Less than 4,000 kVA and greater than 2,999 kVA, per month .....  | 1,500.00   |
| Less than 3,000 kVA and greater than 1,999 kVA, per month .....  | 1,000.00   |
| Less than 2,000 kVA and greater than 1,499 kVA, per month .....  | 500.00     |
| Less than 1,500 kVA and greater than 750 kVA, per month .....    | 300.00     |
| Less than 751 kVA and greater than 500 kVA, per month .....      | 225.00     |



Less than 501 kVA and greater than 300 kVA, per month .....175.00

Less than 301 kVA and greater than 150 kVA, per month .....100.00

Less than 151 kVA, per month .....30.00

b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))

c. Cost of power charge:

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.

(j) Area lighting rate (AL).

(1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.

(2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.

(3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.

(4) *Monthly rates.* Monthly area lighting rates are as follows:

a. \$10.00 per lamp per month (subject to subsection (n)).

b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.

(k) Second feeder service rate (SFS).

(1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.

(2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.

(3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.

a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.

b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.

- c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.

- (4) *Monthly rates.* Capacity reservation charge, per contract kW per month .....\$3.18 (subject to subsection (n))

(l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
- (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.
- (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.

- (4) *Monthly rates.* Monthly net metering service rates are as follows:

- a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).
- b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:

Residential (RE) solar .....\$1.37

Residential (RE) wind .....0.64

Small general service (SGS) solar .....0.75

Small general service (SGS) wind .....0.35

- c. *Cost of power charge.*

*October—May billing period, per kWh.* As defined in the appropriate RE or SGS rate.

*June—September billing period, per kWh.* As defined in the appropriate RE or SGS rate.

- d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.

- (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.

- (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.

(m) Interstate highway lighting rate (HL).

- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.

- (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:

- a. Customer charge, per month .....\$15.00 (subject to subsection (n))

- b. Cost of power charge.

October—May billing period, per kWh .....0.0452

June—September billing period, per kWh .....0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

| <b>Table 1: Rates and Charges</b>  |                                  |  |
|------------------------------------|----------------------------------|--|
| <b>Ordinance Section Reference</b> | <b>Customer Class</b>            | <b>Charges Affected</b>                  |
| 130-56.(c)(4)a.                    | Residential                      | Customer charge, per month               |
| 130-56.(c)(4)b.                    | Residential                      | Delivery charge, per kWh                 |
| 130-56.(d)(4)a.                    | Small general service (SGS)      | Customer charge, per month               |
| 130-56.(d)(4)b.                    | Small general service (SGS)      | Delivery charge, per kWh                 |
| 130-56.(e)(4)a.                    | Large general service (LGS)      | Customer charge, per month               |
| 130-56.(e)(4)b.                    | Large general service (LGS)      | Delivery demand charge, per kW           |
| 130-56.(f)(4)a.                    | Very large power (VLP)           | Customer charge, per month               |
| 130-56.(f)(4)b.                    | Very large power (VLP)           | Delivery demand charge, per kW           |
| 130-56.(g)(4)c.                    | Transmission (TSR)               | Power supply charges                     |
| 130-56.(i)(3)a.                    | Lighting athletic fields (LAF)   | Customer charge                          |
| 130-56.(i)(3)b.                    | Lighting athletic fields (LAF)   | Delivery demand charge, per kWh          |
| 130-56.(j)(4)a.                    | Area lighting (AL)               | Monthly rates, per lamp per month        |
| 130-56.(k)(4)                      | Second feeder service (SFS)      | Monthly rates, per contract kW per month |
| 130-56.(l)(4)a.                    | Net metering service             | Customer charge, per month               |
| 130-56.(l)(4)b.                    | Net metering service             | Delivery charge, per kWh                 |
| 130-56.(m)(2)a.                    | Interstate highway lighting (HL) | Customer charge, per month               |
| 130-57.(c)                         | Power factor penalty             | Monthly rate, per kW                     |

| <b>Table 2: Effective Date and Rate Adjustments</b> |   |
|---|---|
| <b>Effective Date</b>                               | <b>Rate Adjustment</b>  |
| August 1, 2021                                      | five percent (5%) upward adjustment of the rates in effect on July 31, 2021 |
| August 1, 2022                                      | ten percent (10%) upward adjustment of the rates in effect on July 31, 2022 |

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

#### **SECTION 4.**

**THAT**, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to electric rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

#### **SECTION 5.**

**THAT**, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

#### **SECTION 6.**

**THAT**, this ordinance shall be effective on November 1, 2020.

**SECTION 7.**

**PASSED AND APPROVED:** First Reading this 12th day of October 2020.

**PASSED AND APPROVED:** Second Reading this 26th day of October 2020.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**

**ATTEST:**

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**ANDREW A. LYONS III, Assistant City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA ACEVEDO, City Attorney**



**City Council Agenda Item Report****10/26/2020**

Agenda Item No. D)

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Presenter/Contact  
*Rusty Brockman, Mayor*  
*rbrockman@nbtexas.org*

**SUBJECT:**

Discuss and consider the appointment of Mayor Rusty Brockman to the Bexar Metro 9-1-1 Network's Board of Managers.

**BACKGROUND / RATIONALE:**

Cathy Talcot has served in the continuous roll over term on Bexar Metro's 9-1-1 Board of Managers since 1997. Ms. Talcott will retire from the board at the end of the year. As the second most populous municipality in the district, the City of New Braunfels is eligible to appoint a replacement to fill her unexpired, continuous rollover term.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                          |     |                             |  |
|--------------------------|-----|-----------------------------|--|
| <input type="checkbox"/> | N/A | City Plan/Council Priority: |  |
|--------------------------|-----|-----------------------------|--|

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:****STAFF RECOMMENDATION:****ATTACHMENTS:**

1. Bexar Metro letter

192  
**BEXAR METRO**  
**9-1-1 Network**

October 15, 2020

The Honorable Rusty Brockman  
City of New Braunfels, Mayor  
550 Landa Street  
New Braunfels, Texas 78130

WITH COPY VIA EMAIL TO: [mayor@nbtexas.org](mailto:mayor@nbtexas.org)

RE: City of New Braunfels Board Appointment – Bexar Metro 9-1-1 Network Board of Managers

Dear Mayor Brockman,

Cathy Talcott has represented the City of New Braunfels on the Bexar Metro 9-1-1 Network's (Bexar Metro) Board of Managers since February 1997. Her leadership and dedication will be greatly missed when she vacates her seat at the end of this year. With her departure and pursuant to the Texas Health and Safety Code, Chapter 772, Section 772.306, the City of New Braunfels, as the second most populous municipality within the district, is eligible to appoint a replacement to fill her unexpired, continuous rollover term. Historically, the board meets twice a year, with an occasional third meeting as warranted by operational and regulatory developments.

The last board meeting for calendar year 2020 is scheduled for December 9, 2020 at 2:30 PM. In addition to an update on the buildout of our new regional Next Generation 9-1-1 network and completion of our Network Operations Center, the board will take the opportunity to honor Cathy for her 23 years of service and commitment to the citizens of Bexar, Comal, and Guadalupe Counties.

On behalf of the Bexar Metro 9-1-1 Network, respectfully request the City of New Braunfels appoint a new board representative at the earliest convenience to ensure the seat does not remain vacant for an extended period. Jimmy Hasslocher, Board Chairman, and I extend an invitation to meet with the new member shortly after their appointment to introduce ourselves, provide an overview of district operations, tour the district's facilities, and answer any questions concerning Bexar Metro, our enabling legislation, or mission in general. Hopefully, this individual is available to attend our December 9<sup>th</sup> meeting as well.

Please do not hesitate to contact me at 210-408-3911 with questions.

Respectfully,



Brett Schneider, ENP  
Executive Director

Cc: Jimmy Hasslocher, Chairman, Bexar Metro Board of Managers







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**10/26/2020**

Agenda Item No. A)

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Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.