

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 Effective November 1, 2020 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 Effective November 1, 2020 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 Effective November 1, 2020 Subject to subsection (m)
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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 Effective November 1, 2020 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
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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 Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 2020 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 November 1, 2020 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 Effective November 1, 2020 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 Effective November 1, 2020 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 Effective November 1, 2020 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 Effective November 1, 2020 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 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 Effective November 1, 2020 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 November 1, 2020 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

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney