

ORDINANCE NO. 2021-15

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS, AMENDING CHAPTER 38 - UTILITIES, ARTICLE II – SEWER SERVICE, SECTION 38-20 – SEWER FUND FOR THE PURPOSE OF SETTING SEWER RATE CHARGES; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, after consideration and notice in the manner prescribed by law as required by the Code of Ordinances (“Code”), City of Olmos Park, Texas (“City”); and

WHEREAS, the City contracts with the San Antonio Water System (“SAWS”) for sewer service (transportation and treatment of all sewage effluent originating within Olmos Park), the cost of which will be paid by the City; and

WHEREAS, the City has entered into an interlocal agreement with SAWS to provide sewer billing services to SAWS water customers located within the City; and

WHEREAS, the City has previously adopted Ordinance No. 2016-02 setting residential, apartment and commercial rates and adopting provisions for the increasing of said rates; and

WHEREAS, from time to time City and SAWS coordinate efforts to provide consistency in the manner in which monthly sewer charges are calculated for customers of both the City and SAWS; and

WHEREAS, the Olmos Park City Council has considered the effect of these amendments and additions and has determined them to be appropriate, required and in the public interest; and

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS:

SECTION 1. From and after the effective date, Chapter 38 - Utilities, Article II – Sewer Service, Section 38-20 – *Sewer Fund* which shall hereinafter be amended to read as follows:

Sec. 38-20. Sewer fund.

There shall be established and maintained a fund for all income and revenues derived from the operation of the sanitary sewer distribution system and money identified each year for the maintenance, operation and improvements to the distribution system and for paying sewage treatment costs; said fund shall be known as the “sewer fund.”

- (1) *Establishment and maintenance of fund.* The sum of \$25,000.00 has been transferred permanently from the general fund to the sewer fund for the purpose of establishing the sewer fund. Said fund shall be increased by income and revenue derived from the

operation of the sewer distribution system each year specifically for deposit to the sewer fund.

- (2) *Sewer system charges.* Hereafter, the city council by ordinance shall assess sanitary sewer charges necessary to meet anticipated expenditures for the sewer distribution system to all users of the sewer system in the city.
- (3) *Sewer treatment charges.* ~~Sewer treatment charges will be handled in the following manner: Each year the winter average will be computed for residential customers and each month a report of water consumption for residences using winter averaging; those not on winter average, and commercial users will be submitted to the Waste Water Division for the City of San Antonio. The City of Olmos Park will then be billed for sewer treatment cost based on current agreements between the City of San Antonio and the City of Olmos Park. SAWS will bill the City (or users directly pursuant to any existing billing service interlocal agreements between SAWS and City) for monthly sewer treatment services based on current agreements between SAWS and the City of Olmos Park.~~ The city manager for the City of Olmos Park is responsible for coordinating with the SAWS (San Antonio Water System) for winter averaging data, water consumption reports by class of customer and water consumption data for each user.
- (4) *User classification system.* A user classification system consisting of the following classes of users is hereby established for all users of the municipal wastewater facilities:
 - a. *Residential.* (meaning a Single Family Residence as defined by the City Code.) All users in this classification will be on a base charge per dwelling unit plus consumption charge based upon winter average or the default winter average fee until a winter average is established. The term "dwelling unit" means a single family residence as defined by city code of ordinances. charged a monthly sewer availability charge plus a monthly volume charge per City Ordinance No. 2016-02, or as amended and superseded. The monthly volume charge (hereinafter "sewer consumption charge") is to be based upon either the customer's winter average, interim winter average, or Default Winter Average as set out in subsection 5 below.
 - b. *Industrial, apartment and commercial users.* All users in this classification will be on a base charge per billing unit plus consumption charge per SAWS policy charged a monthly sewer availability fee plus a monthly volume charge per City Ordinance No. 2016-02, or as amended and superseded. The monthly volume charge (hereinafter "sewer consumption charge") is to be based on the customer's water consumption for the period, and no provisions included in subsection 5 below shall apply.
- (5) *Winter averaging sewer charge period.* ~~The winter averaging services charge period is that period of water and sanitary sewer service provided during three consecutive billing periods (90 days), commencing after November 15 of each year and terminating before March 15 of each year. The city shall establish monthly water consumption during three~~

~~consecutive billing periods. In order to establish a "winter average" the customer must receive sanitary sewer service at one location during the entire three consecutive billing periods.~~

(5) Methods establishing monthly charges for Residential users only:

a. Definitions:

- (i) *Winter average sewer charge period.* The period of water and sewer service during the three (3) complete consecutive billing periods commencing on or after November 15 of each year and terminating on or after the completion of three full billing cycles in March of each year. During the three (3) complete consecutive billing periods a monthly sewer service charge will be established by the City for customers based upon their average monthly water consumption during the three (3) complete consecutive billing periods. The customer must receive sewer service at one location during the entire three (3) consecutive billing periods in order to establish a "winter average."
- (ii) *Interim average sewer charge period.* The period of water and sewer service during three (3) complete monthly billing periods during which monthly sewer service charges will be established by the City for customers based upon their average monthly water consumption during that period. This interim average sewer charge period is to be used only in determining monthly sewer service charges when the customer has not yet established a winter average by the method outlined in (i) and is no longer being charged a Default Winter Average by the method outline in (v).
- (iii) *Winter average charge.* The monthly sewer service charge established by the system during the winter average sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter average sewer charge period.
- (iv) *Interim average charge.* The monthly sewer service charge established during the interim average sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter average sewer charge period and becomes the basis for subsequent monthly billings.
- (v) *Default Winter Average.* Customers who do not have a record of a winter average or an interim average will be billed a sewer consumption charge for sewer service assuming 5,985 gallons monthly sewer usage (or as that quantity is amended or superseded from time to time in City of San Antonio Code of Ordinances, Rate Schedule A, Residential Class Water and Sewer Rate Schedules, San Antonio Water System incorporated by reference herein for all purposes).

- b. Final billings. For all final billings, customers will be charged the full sewer availability fee. Residential customers will also be charged a prorated sewer consumption charge calculated by dividing the applicable sewer consumption charge by thirty (30), and multiplying by the number of days that sewer service was actually received during the final month.
- c. New residential customers who are not moving from a previous residence within the City of Olmos Park (hereinafter "Service Area"). New residential customers will be billed a sewer availability fee and a consumption charge based on the Default Winter Average for the first three (3) complete billing periods while an interim average charge based upon water consumption is established. Once the interim average charge is established, it shall be the basis for the monthly sewer consumption charge through the end of the next complete winter averaging sewer charge period. Once the winter average charge is established, the interim average charge shall no longer be the basis for the monthly sewer consumption charge.
- d. Residential customers who relocate within the Service Area. Residential customers who relocate within the Service Area will be billed at their new residence based upon the winter average charge established at their previous residence. If no winter average was established at the previous residence, the Default Winter Average will be charged until an interim winter average is established.

New customers who move into the Service Area after the first day of a billing period and more than ten (10) days before the last day of that billing period will be billed the full sewer availability fee. Additionally, residential customers will be charged a consumption charge that is determined by dividing the Default Winter Average charge by thirty (30), and multiplying by the number of days that sewer service was actually received.

- e. Initial billings for customer accounts requesting new service. New customers who move into the Service Area after the first day of a billing period and more than ten (10) days before the last day of that billing period will receive an initial bill for the full sewer availability fee. Residential customers will also be billed an initial sewer consumption charge based upon either the winter average charge, the interim average charge, or the Default Winter Average as outlined in (c) or (d) above that has been prorated by dividing the applicable sewer consumption charge by thirty (30), and multiplying by the number of days that sewer service is actually received during the first month at the new residence.

SECTION 2. AMENDMENTS. The only amendments to the Code of Ordinances are identified above as outlined by strikeouts for deletion and underlines for addition, and all other provisions of those sections and the Code of Ordinances remain unchanged.

SECTION 3. PUBLIC PURPOSE. The City Council finds that the amendments and additions to the zoning code are in the public interest and are necessary to the health and general welfare of municipal residents.

SECTION 4. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 5. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective January 1, 2022.

PASSED AND APPROVED this 17th- - day of November 2021.

By: _____
RONALD HORNBERGER
Mayor

ATTEST:

KYNDRA MUNOZ
City Secretary