

**ORDINANCE NO. 2010 – 04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, AMENDING TITLE V, CHAPTER 52 SANITARY SEWER SYSTEM, SECTION 52.60(C)(1)&(2) RATES FOR SEWER USAGE IN THE CITY OF CUERO CODE OF ORDINANCES, ADOPTING A GRADUATED RATE INCREASE THROUGH THE YEAR 2014; REPEALING ALL OR PARTS OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR COMPLIANCE WITH THE OPEN MEETING ACT AND DECLARING AN EMERGENCY FOR THE EFFECTIVE DATE.**

**WHEREAS**, sanitary sewer system is a fundamental building block for our community and is critical to a variety of industries, and as a result, the economy;

**WHEREAS**, sanitary sewer system has an inherent value that generates revenue to fund infrastructure necessary for treatment and distribution;

**WHEREAS**, this Council has carefully considered various factors in making a determination as to the sewer service rates to be charges by the City, including but not limited to revenue requirements, usage analysis, growth and billing unit determination, inflation, debt service, increased costs, and capital improvements;

**WHEREAS**, this Council, after careful deliberation regarding the need for an increase in sanitary sewer rates, approves a graduated increase in volumetric sewer usage rates to its applicable commercial and residential customers through 2014 as provided below;

**WHEREAS**, the City Council shall continually monitor this newly adopted rate structure and analyze updated information provided by City staff every 3 years;

**WHEREAS**, the applicable rates for each year will automatically go into effect on January 1 of each respective year through the year 2014, except for the year 2010, in which case the rates shall go into effect on the next billing cycle following the effective date of this ordinance.

**WHEREAS**, in the event this City Council does not adopt new rates after the year 2014, the year 2014 rates shall remain in effect for each year thereafter until changed by this City Council.

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

**SECTION ONE.** That Chapter 52, Section 52.60 (C) (1) & (2) Rates for Sewer Service Charges of Title V, Chapter 52 of the Code of Ordinances of the City of Cuero, Texas, be and the same are hereby amended to read as follows:

**§ 52.60 RATES FOR SEWER SERVICE CHARGES.**

(C) The following charges and rates for sewer service furnished by the city are hereby set at a graduated rate with the respective rates for each applicable year to automatically go into effect on January 1 of each applicable year, with the exception that for the year 2010, the applicable rates shall go into effect on the next billing cycle after the effective date of this ordinance. The rates shall be as follows:

**(1) Customers Inside City Limits:**

<b>Residential &amp; Commercial Customers</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Monthly Base Rates	\$12.25	\$12.75	\$13.00	\$3.25	\$13.50
Volumetric Rate (per 1,000 gals)	\$1.56	\$2.88	\$4.24	\$4.72	\$4.76

**(2) Customers Outside City Limits:**

<b>Residential Customers</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Monthly Base Rates	\$15.31	\$15.94	\$16.25	\$16.56	\$16.88
Volumetric Rate (per 1,000 gals)	\$1.95	\$3.60	\$5.30	\$5.90	\$5.95

<b>Commercial Customers</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Monthly Base Rates	\$19.14	\$19.92	\$20.31	\$20.70	\$21.09
Volumetric Rate (per 1,000 gals)	\$2.44	\$4.50	\$6.63	\$7.38	\$7.44

**SECTION THREE: Rates after 2014.** That in the event this City Council does not adopt a new applicable rate schedule for the years after 2014, the rates and charges as provided for in the year 2014 shall remain in effect for each year thereafter until new rates are adopted by this City Council.

**SECTION FOUR. Repeal.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION FIVE. Severability.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

**SECTION SIX. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Tx. Gov't. Code.

**SECTION SEVEN. Emergency Reading.** Such amendment is immediately necessary in order to permit the City of Cuero to operate with a balanced budget as required by law and such fact constitutes an emergency for the preservation of public business, health, and safety, thereby demanding that the rule which requires an ordinance be read at more than one meeting of the City Council be and the same is hereby suspended and this ordinance shall take effect immediately upon and after its passage.

**This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.**

**UPON MOTION OF COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER FUQUA, THAT THE ORDINANCE BE ADOPTED ON EMERGENCY READING. AYES: 7 NAYES: 0 MOTION CARRIED. PASSED AND APPROVED THIS THE 2<sup>ND</sup> DAY OF FEBRUARY 2010.**

ATTEST:

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**RANDY SAENZ**  
**MAYOR**

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**LISA MORAVITZ**  
**CITY SECRETARY**

APPROVED AS TO LEGALITY:

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**JAMES K. CRAIN III**

**CITY ATTORNEY**