

(Motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_, that the following ordinance be passed.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, SETTING CERTAIN UTILITY DEPOSITS, RETURNED CHECKS, AND OTHER CHARGES REQUIRED BY CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; ADJUSTING THE AMOUNT TO BE COLLECTED TO OFFSET COSTS AND EXPENSES TO THE CITY FOR COSTS AND EXPENSES THE CITY WILL INCUR FOR MEETING GROUNDWATER REDUCTION REQUIREMENTS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT IN ADOPTING ITS GROUNDWATER REDUCTION PLAN, SO THAT THESE EXPENSES MAY BE PASSED ON TO CONSUMERS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 12, 2014, AFTER PUBLICATION.**

**WHEREAS**, Chapter 90 of the Code of Ordinances of the City of Montgomery, Texas, authorizes City Council, by ordinance, to establish monthly service rates and charges for water and sewer services inside and outside the City and to establish fees for inspections, tap fees, deposits, returned checks, and other charges related to providing utilities; and

**WHEREAS**, the Lone Star Groundwater Conservation District has established a regulatory plan to reduce groundwater production from certain aquifers located within Montgomery County, Texas by its establishment of regulatory deadlines subject to its enforcement; and

**WHEREAS**, the City is mandated to comply with the Lone Star Groundwater Conservation District's regulatory deadlines, and as a result, has, among other things, entered into a contract for groundwater reduction planning with the Montgomery County Utility District No. 3 and Montgomery County Utility District No. 4 (collectively the "MUDS") in order to comply with the requirements of the Lone Star Groundwater Conservation District; and

**WHEREAS**, the City Council believes it is in the best interest of the City and its customers that an amount equal to the monthly pumpage fees, rates, and charges, and other anticipated penalty expenses of complying with the Contract, along with the expenses associated with other ground water reduction planning, be passed through to the individual water and sewer customers inside and outside the City, on the basis of the amount of water consumed monthly by each customer, as set out in the Contract in order to recover the City's additional costs associated

with the Contract or other expenses anticipated for groundwater reduction planning; and

**WHEREAS**, the City Secretary caused to be posted a notice of public hearing; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed water and sewer rates and fee schedule, on the 12<sup>th</sup> day of August, 2014;

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

**SECTION 1. Deposits, Returned Check Charges.** The following schedule of charges required by Chapter 90 of the Code of Ordinances of the City of Montgomery is as follows:

Deposits (Section 90-61)

Residential Consumers .....	\$125.00
Commercial Consumers .....	\$250.00
Institutional Consumers .....	\$250.00
Industrial Consumers .....	\$250.00

Returned Check Charge (Section 90-12) ..... \$ 50.00

**SECTION 2. Fees for Groundwater Reduction Planning and Contract Pumpage Fees, Rates, and Charges.** In order to defray costs and expenses of groundwater reduction planning, a charge of \$1.25 per thousand gallons of water consumed, shall be charged to all water customers, both inside and outside the City. This charge may be adjusted from time to time, and is based on anticipated groundwater reduction plan pumpage fees, rates, and charges to be assessed the City pursuant to the Contract with the MUDS, or for other anticipated expenses and costs for the City’s mandated groundwater reduction planning.

**SECTION 3. Construction.** This Ordinance shall not be construed so as to conflict with any state or federal statute.

**SECTION 4. Repeal of Conflicting Ordinances.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 5. Severability Clause.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this

Ordinance are declared to be severable.

**SECTION 6. Texas Open Meetings Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 7. Effective Date.** This Ordinance shall become effective and be in full force from September 1, 2014, after publication as required by law.

**PASSED AND APPROVED on the 12<sup>th</sup> day of August, 2014.**

\_\_\_\_\_  
JOHN FOX, Mayor

**ATTEST:**

**By:** \_\_\_\_\_  
Carol Langley, City Secretary