

Motion was made by Dave McCorquodale, seconded by John Champagne, and passed by a 4 to 0 vote that the following Ordinance by passed:

**ORDINANCE NO. 2017-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ORDINANCE NO. 2016-18, DATED SEPTEMBER 13, 2016, BY ESTABLISHING AND ADOPTING NEW MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE 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

**WHEREAS**, the City Council for the City of Montgomery finds that, to protect the health, safety, and general welfare of the citizens of Montgomery, Texas, and to satisfy the requirement of State and Federal regulatory agencies, the monthly rates and other charges for said water and sewer services should be increased; and

**WHEREAS**, having previously considered a water and sewer rate study and model prepared by the City Engineer, and receiving advice and input from the City Engineer and City Staff, the City Council has determined appropriate rates and fee schedules for certain utility services based on historical data and other factors related to the costs of providing such services; and

**WHEREAS**, the City Council believes it is appropriate to amend the existing Ordinance No. 2016-18, passed on September 13, 2016, at Sections 1 and 3 of said Ordinance, while concurrently creating this new Ordinance providing for new residential and commercial water and sewer rates and other charges as set out in Appendixes "A" and "B" attached hereto; and

**WHEREAS**, the City Secretary caused to be posted a notice of public hearing on the proposed amended water and sewer service rates; 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 amended water and sewer rates on the 14th day of November 2017;

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

**SECTION 1. Findings of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Montgomery and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. Amendments to City Ordinance No. 2016-18.** City Ordinance No. 2016-18 is hereby amended at Section 1, related to Water Service monthly rates, and at Section 3, related to Sewer Service monthly rates, to read as follows:

**SECTION 1. MONTHLY RATES FOR WATER SERVICE INSIDE AND OUTSIDE CITY.**

*Monthly rates for water service inside and outside the city are found in the attached APPENDIX "A" and are hereby adopted.*

**SECTION 3. MONTHLY RATES FOR SEWER SERVICE INSIDE AND OUTSIDE CITY.**

*Monthly rates for sewer service inside and outside the city are found in the attached APPENDIX "B" and are hereby adopted.*

**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, subsection, sentence, 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 to be unconstitutional, void, or 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 the 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 after publication as required by law.

PASSED AND APPROVED this 14<sup>th</sup> day of November 2017.

*Kirk Jones*

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Kirk Jones, Mayor

ATTEST:

*Susan Hensley*  
\_\_\_\_\_  
Susan Hensley, City Secretary



APPROVED AS TO FORM:

*Larry L. Foerster*  
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Larry L. Foerster, City Attorney

# APPENDIX "A"

## Monthly Utility Rates for the City of Montgomery for Oct 2017 (Yr 2)

<b>Water Rates - 100</b>	<b>Amount</b>	<b>Amount</b>
<b>Residential Consumers</b>	<b>Inside</b>	<b>Outside</b>
	<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used	Up to First 2K-\$16.00	Up to First 2K-\$20.00
Next 2,000 gallons (3 - 4)	Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)	Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)	Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)	Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>	<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used	Up to First 2K-\$19.50	Up to First 2K-\$25.50
Next 2,000 gallons (3 - 4)	Next 2K-\$2.75	Next 2K-\$3.50
Next 2,000 gallons (5 - 6)	Next 2K-\$3.25	Next 2K-\$4.00
Next 2,000 gallons (7 - 8)	Next 2K-\$3.75	Next 2K-\$4.50
Next 2,000 gallons (9 - 10)	Next 2K-\$4.25	Next 2K-\$5.00
Next 5,000 gallons (11 - 15)	Next 5K-\$4.75	Next 5K-\$5.50
Next 5,000 gallons (16 - 20)	Next 5K-\$5.25	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$5.75	Over 20K-\$6.25
<b>Institutional Consumers (Schools)</b>	<i>Code 140</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$396	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.35	
<b>Multi-Family Consumers</b>	<i>Code 102</i>	
For the first 30,000 gallons of water used	Up to First 30K-\$500	
For water used in excess of 30,000 gallons, the rate per thousand gallons used	Over 30K-\$5.50	

# APPENDIX "A"

## Monthly Utility Rates for the City of Montgomery for Oct 2017

Water Rates (continued)	Amount
<b><i>Irrigation Consumers (meter less than 1 inch in size)</i></b>	
<i>Inside</i>	
<i>Code 105</i>	
For the first 2,000 gallons of water used	Up to First 2K-\$12.00
Next 2,000 gallons (3 - 4)	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.00
<b><i>Irrigation Consumers (meter 1 inch or larger in size)</i></b>	
<i>Code 106</i>	
For the first 2,000 gallons of water used	Up to First 2K-\$25.00
Next 2,000 gallons (3 - 4)	Next 2K-\$3.00
Next 2,000 gallons (5 - 6)	Next 2K-\$3.50
Next 2,000 gallons (7 - 8)	Next 2K-\$4.00
Next 2,000 gallons (9 - 10)	Next 2K-\$4.50
Next 5,000 gallons (11 - 15)	Next 5K-\$5.00
Next 5,000 gallons (16 - 20)	Next 5K-\$5.50
For water used in excess of 20,000 gallons, the rate per thousand gallons used	Over 20K-\$6.25
<b><i>Industrial Consumers</i></b>	
Rates for this Class will be handled on a case by case basis	

# APPENDIX "B"

## Monthly Utility Rates for the City of Montgomery for Oct 2017 (Yr 2)

<b>Sewer Rates - 200</b>		<b>Amount</b>	<b>Amount</b>
<b>Residential Consumers</b>		<b>Inside</b>	<b>Outside</b>
		<i>Code 100</i>	<i>Code 110</i>
For the first 2,000 gallons of water used		Up to First 2K-\$12.50	Up to First 2K-\$16.00
Next 2,000 gallons (3 - 4)		Next 2K-\$2.25	Next 2K-\$2.50
Next 2,000 gallons (5 - 6)		Next 2K-\$2.75	Next 2K-\$3.00
Next 2,000 gallons (7 - 8)		Next 2K-\$3.25	Next 2K-\$3.50
Next 2,000 gallons (9 - 10)		Next 2K-\$3.75	Next 2K-\$4.00
Next 5,000 gallons (11 - 15)		Next 5K-\$4.25	Next 5K-\$4.50
Next 5,000 gallons (16 - 20)		Next 5K-\$4.75	Next 5K-\$5.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$5.50	Over 20K-\$5.75
<b>Commercial Consumers</b>		<i>Code 120</i>	<i>Code 130</i>
For the first 2,000 gallons of water used		Up to First 2K-\$22.50	Up to First 2K-\$26.00
Next 2,000 gallons (3 - 4)		Next 2K-\$4.50	Next 2K-\$4.75
Next 2,000 gallons (5 - 6)		Next 2K-\$4.75	Next 2K-\$5.00
Next 2,000 gallons (7 - 8)		Next 2K-\$5.00	Next 2K-\$5.25
Next 2,000 gallons (9 - 10)		Next 2K-\$5.25	Next 2K-\$5.50
Next 5,000 gallons (11 - 15)		Next 5K-\$5.50	Next 5K-\$5.75
Next 5,000 gallons (16 - 20)		Next 5K-\$5.75	Next 5K-\$6.00
For water used in excess of 20,000 gallons, the rate per thousand gallons used		Over 20K-\$9.35	Over 20K-\$9.50
<b>Institutional Consumers (Schools)</b>		<i>Code 140</i>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.35	
<b>Multi-Family Consumers</b>		<i>Code 102</i>	
A fixed rate fee of		Flat rate - \$300	
All usage rate fee at the per thousand		All usage times - \$9.50	
<b>Industrial Consumers</b>			
Rates for this Class will be handled on a case by case basis			