

## **ORDINANCE NO. 2024-23**

### **AN ORDINANCE ESTABLISHING THE RATE CLASSIFICATIONS AND RATES TO BE CHARGED FOR WASTEWATER SERVICE PROVIDED BY THE CITY OF BOERNE UTILITIES, AND REPEALING AND REPLACING ORDINANCE NO. 2015-20 DATED AUGUST 25, 2015 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

**WHEREAS**, the City Council of the City of Boerne, Texas deems it reasonable and necessary to revise Wastewater service rates to provide adequate revenues to meet the operation and maintenance expenses, the retirement of bonded indebtedness, and other financial requirements deemed necessary by the City Council of the City of Boerne, Texas.

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

#### **SECTION 1. SERVICE RATE CLASSIFICATION**

All wastewater service provided by the City of Boerne Utilities shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated:

- (1) Residential Wastewater Service
- (2) Residential Multi-Family Wastewater Service
- (3) Small General Service/Commercial Wastewater Service
- (4) Large General Service/Commercial Wastewater Service
- (5) Special General Service/Commercial Wastewater Service
- (6) General Service without metered water consumption
- (7) Condensate wastewater Service

Each person owning, residing in, renting, leasing, operating, or otherwise using property within the wastewater service area of the City of Boerne, Texas whose drain pipes, soil pipes, or other wastewater discharge pipes connect with and discharge into the wastewater system of the City, and who receive wastewater service from and through the same shall be liable to the City for a monthly wastewater service charge specified in Section 4 through Section 9.

**RATES FOR OUT-OF-CITY WASTEWATER SERVICE** – Per Section 201.2 of the City of Boerne Utility Rules and Regulations, wastewater services are not extended outside the City of Boerne limits unless doing so is deemed beneficial to the City by the City Council. If such service is deemed beneficial and provided to the out-of-City customer, the current approved rates for wastewater will be subject to a rate modifier. The rate modifier for the out-of-City customer is 20% which includes the customer, volume charge and all other specific rate elements. This rate modifier is based on the cost of service and is due to the fact that such out-of-City customers are not subject to the ownership risk for the utility system debt that is assumed by citizens served by the City of Boerne utilities.

#### **SECTION 2. RATE SCHEDULE ADMINISTRATION & ASSIGNMENT**

Upon request for wastewater service from a prospective customer, the City Manager, or a duly authorized representative, shall assign the appropriate rate classification for wastewater 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 wastewater service requirements, then the City Manager, or a duly authorized representative shall, upon review of the information available pertaining to the revised wastewater service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive wastewater service under more than one of the City's 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 the Assistant City Manager or duly authorized representative shall assign the most appropriate rate schedule for wastewater service after consideration of the various service requirements, potential impact on the City's facilities, the potential relative costs of serving the customer, and other available pertinent information. The prospective or existing customer may appeal the determination made by the Assistant City Manager to the City Manager with thirty days written notice to same.

### **SECTION 3. EFFECTIVE DATE**

The rates and charges prescribed herein shall become effective January 1, 2025.

### **SECTION 4. RESIDENTIAL WASTEWATER SERVICE RATE SCHEDULE**

(a) **Availability:**

This schedule is available throughout the Wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) **Applicability:**

This rate is applicable for wastewater service utilized in single family and multifamily dwellings where each dwelling is individually metered for water and used for residential purposes and not involved in any nonresidential activity.

(c) **Monthly Rates:**

The monthly rate shall be the sum of the monthly customer charge plus the monthly volume charge, as shown below:

Customer charge	\$23.48 per month
Volume charge	\$5.94 per 1000 gallons of water usage as determined under Section 4(e).

(d) **Minimum Monthly Charge:**

The minimum monthly charge shall be the fixed winter average as determined under Section 4(e).

(e) **Determination of Water Usage:**

The water usage for the purpose of calculating the volume charge for each individual residential wastewater customer under Section 4(c) shall be the winter average metered water

consumption for each individual residential wastewater customer for the preceding December, January, February and March. This average consumption shall be used for billing purposes for the twelve-month period beginning with the first cycle for wastewater service billed in April.

Where no preceding winter average is available from the City's records, or where the dwelling does not receive water service from the City, the City Manager, or a duly authorized representative, shall develop an estimate of winter water usage.

This estimate shall be based upon water consumption at the same location experienced during prior years, actual water consumption at similar locations, or other methods of reasonably estimating water consumption.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager or a duly authorized representative may adjust the metered water usage for determining the volume charge.

(f) Maximum Monthly Charge:

The maximum monthly volume charge shall be a fixed winter average of 20,000 gallons.

**SECTION 5. RESIDENTIAL MULTI-FAMILY WASTEWATER SERVICE RATE SCHEDULE**

(a) Availability:

This schedule is available throughout the Wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for wastewater service to customers who provide separate, identifiable, multiple permanent residential dwelling units and common areas to its tenants which are not individually metered for water, and which do not receive service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge plus the unit charge plus the volume charge, as shown below:

Customer charge	\$23.48 per month
Unit charge	a charge per unit, per month, where units are defined and the associated charge specified in Section 5(e).
Volume charge	\$5.94 per month per 1000 gallons of water usage as determined under Section 5(f).

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge plus the unit charge.

(e) Determination of Units and Unit Charges:

When a customer, such as a multi-family residential customer, offers or provides separate and identifiable permanent residential dwelling areas, then each of these areas, plus each public bathroom, laundry area and service or repair area, shall be defined as a unit for billing purposes.

(f) Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 5(c) shall be the metered monthly consumption for the consumption month.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, may adjust the metered water usage for determining the volume charge.

(g) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge and the monthly volume charge, as shown below:

Customer charge	\$54.46 per month
Volume charge	\$ 9.17 per month per 1000 gallons of water usage as determined under Section 7(e).

(h) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

(i) Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 7(c) shall be the metered monthly consumption for the consumption month.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, can adjust the metered water usage for determining the volume charge.

**SECTION 6. SMALL GENERAL SERVICE/ COMMERCIAL WASTEWATER SERVICE RATE SCHEDULE**

(a) Availability:

This schedule is available throughout the wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to all nonresidential wastewater customers who are individually serviced by a 5/8 or 3/4 inch water meter who do not qualify to receive wastewater service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge and the monthly volume charge, as shown below:

Customer charge	\$45.48 per month
Volume charge	\$5.33 per month per 1000 gallons of water usage as determined under Section 8(e).

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

(e) Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 6(c) shall be the metered monthly consumption for the consumption month.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, can adjust the metered water usage for determining the volume charge.

**SECTION 7. LARGE GENERAL SERVICE/COMMERCIAL WASTEWATER SERVICE RATE SCHEDULE**

(a) Availability:

This schedule is available throughout the wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to all nonresidential wastewater customers who are serviced by a 1 inch or larger water meter, or service to one or more

nonresidential units by means of a 1 inch or larger water meter who do not qualify to receive wastewater service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge and the monthly volume charge, as shown below:

Customer charge	\$56.83 per month
Volume charge	\$9.57 per month per 1000 gallons of water usage as determined under Section 7€.

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

(e) Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 7(c) shall be the metered monthly consumption for the consumption month.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, can adjust the metered water usage for determining the volume charge.

**SECTION 8. SPECIAL GENERAL SERVICE/COMMERCIAL HIGHER STRENGTH**

(a) Availability:

This schedule is available throughout the wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to all nonresidential higher-strength wastewater customers including, but not limited to, Churches, Hospitals, Hotels and Motels, Nursing Homes, Schools and RV Parks who do not qualify to receive wastewater service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge and the monthly volume charge, as shown below:

Customer charge	\$95.49 per month
Volume charge	\$8.20 per month per 1000 gallons of water usage as determined under Section 8(e).

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 8(c) shall be the metered monthly consumption for the consumption month.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the metered water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, can adjust the metered water usage for determining the volume charge.

**SECTION 9. GENERAL SERVICE WITHOUT METERED WATER CONSUMPTION**

(a) Availability:

This schedule is available throughout the wastewater service territory served by the City of Boerne, subject to the rules, regulations, policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable to all nonresidential wastewater customers who are not serviced by a water meter who do not qualify to receive wastewater service under a different rate schedule.

(c) Monthly Rates:

The monthly rate shall be the sum of the monthly customer charge and the monthly volume charge, as shown below:

Customer charge	\$45.48 per month
Volume charge	\$5.33 per month per 1000 gallons of water usage as determined under Section 9(e).

(d) Minimum Monthly Charge:

The minimum monthly charge shall be the customer charge.

(e) Determination of Water Usage:

The water usage for the purpose of calculating the volume charge under Section 9(c) shall be the estimated usage if the customer does not receive water service from the City of Boerne. A monthly estimate of water usage shall be made based upon verifiable data provided by the customer or, if verifiable data is not provided by the customer, an estimate of water usage shall be prepared by

the City Manager, or a duly authorized representative. The estimate shall be based upon water consumption at the same location experienced during prior years, actual water consumption at similar locations, or other methods of reasonably estimating water consumption. At the City's discretion, any customer not receiving water service from the City may be required to install, at no cost to the City, a meter on their water service in order to determine water usage.

If a customer can provide verifiable data, acceptable to the City, that a significant portion of the water usage does not enter the City's Wastewater System, then the City Manager, or a duly authorized representative, can adjust the metered water usage for determining the volume charge.

**SECTION 10. CONDENSATE WASTEWATER SERVICE RATE**

(a) Availability:

This rate is available to all customers which desire, cause, or require the flow of condensate water from air conditioning units, chillers, or other types of cooling and refrigeration equipment into the City of Boerne's wastewater system, and which are located within the wastewater service of the City of Boerne subject to the rules, regulations policies and rates established by the City of Boerne.

(b) Applicability:

This rate is applicable for wastewater service to customers only for the flow of condensate water from air conditioning units, chillers, or other types of cooling and refrigeration equipment.

(c) Monthly Rates:

The monthly rate shall be the volume charge, as shown below:

Volume charge	\$5.96 per 1000 gallons of condensate flow as determined under Section 10(e).
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(d) Minimum Monthly Charge:

The minimum monthly charge shall be volume charge specified under Section 10(c) times the volume as determined under section 10(e).

(e) Determination of Condensate Flow:

Each customer who desires or requires condensate wastewater service shall submit to the City of Boerne a report prepared by a registered engineer which calculates the approximate condensate flows into the City's wastewater system. Upon verification and acceptance of the calculations, the City will provide condensate service.

## SECTION 11. ADJUSTMENT OF RATES

The Residential and Commercial rates charged for the second and any subsequent years from the adoption of this ordinance may be adjusted at the commencement of said years to reflect a percentage change, downward or upward, respectively, of the difference in the CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS (herein after referred to as the INDEX) as published by the U. S. Department of Labor, Bureau of Labor Statistics, the percentage adjustments for each year to be determined as follows:

- a. The difference in the INDEX for the month of June of the year immediately preceding current year and the month of June in the current year shall be computed;
- b. Such difference computed in (a) shall be divided by the INDEX for the month of June of the year immediately preceding the current year; and,
- c. Ninety-five (95%) of the amount computed in (b) shall be taken as the adjustment percentage factor to be used to increase the rate charged for gas if the INDEX has increased during June to June, or to decrease the rate charged for wastewater if the INDEX has decreased June to June.

- d. Example of computation of increase or decrease

$$\begin{aligned} & \text{June/Current year CPI} = 185.4 \\ & \text{June/Previous year CPI} = 181.0 \\ & (185.4 - 181.0) / 181.0 = .0243 \times 95\% = 2.31\% \\ & \text{increase or} \\ & \text{June/Current year CPI} = 180.0 \\ & \text{June/Previous year CPI} = 181.0 \\ & (180.0 - 181.0) / 181.0 = -.0056 \times 95\% = .54\% \text{ decrease} \end{aligned}$$

- e. The increase or decrease based on (a) (b) (c) calculations will automatically become effective annually with billing beginning on and after the first day of the billing cycle for the October 1 billing period unless otherwise directed by City Council.

**SECTION 12. SEVERABILITY**

If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

PASSED and APPROVED on first reading this the \_\_\_ day of November, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_ day of December, 2024.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney