

RESOLUTION NO. 2019-R22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, DECLARING STORMWATER DRAINAGE OF THE CITY TO BE A PUBLIC UTILITY, AUTHORIZING PUBLICATION OF PROPOSED MUNICIPAL STORMWATER DRAINAGE UTILITY SYSTEM ORDINANCE; CALLING FOR A PUBLIC HEARING TO ADOPT THE ORDINANCE, SETTING A DATE FOR THE PUBLIC HEARING, AUTHORIZING PUBLICATION OF THE PROPOSED ORDINANCE AND OF THE NOTICE OF THE PUBLIC HEARING

WHEREAS, it is necessary that the collection and direction of stormwater drainage runoff within the City protects the public health, safety, and welfare of the City's citizens including but not limited to protection against property damage; and

WHEREAS, the City Council of the City ("City Council") desires to address the various water quality and environmental issues that may burden its stormwater drainage infrastructure, and to protect against surface water overflow, standing surface water, and pollution arising from nonpoint source runoff within the City; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the citizens by adopting a stormwater drainage utility system, as authorized by Texas Local Government Code Chapter 552, Subchapter C, "Municipal Drainage Utility Systems," as amended (the "Act"), within the City's municipal boundaries; and

WHEREAS, the City Council desires to set a public hearing on the adoption of the Stormwater Drainage Utility System Ordinance and Drainage Utility System Schedule of Charges as required by the Act; and

WHEREAS, the City Council desires to publish the Stormwater Drainage Utility System Ordinance in full and the attached Exhibit "A" proposed Drainage Utility System Schedule of Charges.

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

SECTION 1. The above and foregoing recitals and premises to this resolution are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. That the City Council hereby declares the stormwater drainage of the City to be a Public Utility.

SECTION 3. That the City Council hereby authorizes the publication of the proposed Municipal Stormwater Drainage Utility System Ordinance as required by the Act.

SECTION 4. That the City Council hereby sets a public hearing on the 23rd day of April, 2019, at 6:00 pm in the City Council Chamber of the City of Boerne, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the Municipal Stormwater Drainage Utility System Ordinance and Stormwater Drainage Utility Schedule of Fees attached as Exhibit "A" hereto.

SECTION 5. The Mayor is hereby authorized and directed to cause notice of such Ordinance and such Public Hearing to be published three times in a newspaper having general circulation in the City not less than thirty days prior to the date of such public hearing, in accordance with the Act.

SECTION 6. That the City Council hereby adopts the Drainage Utility System Schedule of Charges attached as Exhibit "A" hereto. Drainage Utility System Schedule of Charges is related to the drainage and the terms of the levy and any classification of the benefitted properties in the City and are nondiscriminatory, equitable and reasonable; the schedule of charges is based on an inventory of the lots and tracts within the proposed service area which is the entire City; the schedule of charges gives consideration to the land use made of the benefitted properties, the size in area, the number of water meters, and topography of a parcel of benefitted property in assessing the drainage charges to property.

SECTION 7. That this Resolution shall take effect immediately from and after its passage, provided; however, the drainage charges established herein shall take effect on January 1, 2020.

PASSED and APPROVED on this the ____ day of March, 2019.

APPROVED:

Mayor

ATTEST:

City Secretary