

ORDINANCE NO. 2009-00018

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY AMENDING SECTIONS 28-52 AND 28-53 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK BY REVISING WATER RATES AS CONTAINED THEREIN; ESTABLISHING AN AFFORDABILITY PROGRAM FOR CERTAIN RESIDENTIAL CUSTOMERS; PROVIDING A SAVING CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock deems it to be in the best interest of the citizens of the City of Lubbock to adjust water rates to reflect the cost of service; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1: THAT Section 28-52 of the Code of Ordinances, City of Lubbock, Texas is hereby amended to read as follows:

Section 28-52. Water Base Charge.

The City, through the City Manager, shall charge and collect from every customer and every customer shall pay a monthly base charge for water which shall be billed to all customers based upon the water meter size as follows:

<u>Meter Size</u>	<u>Water Base Charge</u>
Three-quarter inch (3/4") meter	\$18.00
One inch (1") meter	\$30.05
One and a half inch (1.5") meter	\$59.91
Two inch (2") meter	\$96.30
Three inch (3") meter	\$191.97
Four inch (4") meter	\$299.91
Six inch (6") meter	\$599.65
Eight inch (8") meter	\$959.47
Ten inch (10") meter	\$1,379.38

SECTION 2: THAT a new Section 28-52.1 be created to read as follows:

Section 28-52.1. Affordability reduction in meter charges for residential customers.

(a) The City Manager shall formulate and implement an Affordability Program whereby certain residential customers who meet the income requirements of the Program, and whose annual adjusted gross household income does not exceed \$22,000.00, may be eligible to receive assistance from the City of Lubbock in the form of a reduction in the monthly water meter charge otherwise applicable.

(b) To apply for a reduction under the Affordability Program, a person must make written application with the City of Lubbock in prescribed form, and with complete and accurate documentation.

(c) In no case shall an applicant's discount under the Affordability Program exceed an amount equal to a thirty percent (30%) reduction in the applicable base monthly fee for water service provided by a three-quarter inch (3/4") meter.

(d) Aggregate annual discount amounts for all eligible applicants shall be less than one percent (1%) of the budgeted water fund revenue adopted by ordinance for current fiscal year, and all costs associated with the Affordability Program shall be borne by the City of Lubbock's General Fund as provided herein.

(e) Each meter subject to the water base charge imposed by ordinance shall be eligible for one (1) discount only under the Affordability Program, and no discount shall be applied to charges in connection with residential meters larger than one inch (1") in size.

(f) The City Manager shall determine and formulate all policies, discount qualifications, and procedures necessary to implement the Affordability Program established hereby, and a forty-five (45) day enrollment period for the Affordability Program shall begin no later than May 1, 2009.

(g) Customer eligibility for the Affordability Program shall be determined based upon the following criteria, in addition to income guidelines:

At least one permanent resident of the applicant's residence must be:

(i) sixty-five (65) years of age or older; or

(ii) mentally or physically disabled according to state or federal rule or law; or

(iii) the primary caretaker of at least one (1) dependent child under the age of 18 years.

(h) The City of Lubbock's water department shall report the total discounted amounts under the Affordability Program to the City Manager and the City Council on a monthly basis, and the General Fund shall promptly reimburse the Water Fund in an amount equal to the amounts discounted under the Affordability Program.

(i) The Affordability Program established hereby shall expire one (1) year from the last day of the enrollment period (May 1, 2010).

SECTION 3: THAT Section 28-53 of the Code of Ordinances, City of Lubbock, Texas, is hereby amended to read as follows:

Section 28-53. Water Volume Rate Generally

(a) In addition to the base charge, the City, through the City Manager, shall determine the amount of water used by each customer through monthly meter readings and shall charge to and collect from every customer and every customer shall pay for water furnished by the City to the customer. The water furnished by the City shall be measured on a per one thousand (1,000) gallons basis and billed as follows:

Block 1 - \$2.67 per 1,000 gallons

Block 2 - \$4.29 per 1,000 gallons

Block 3 - \$5.93 per 1,000 gallons

1) Single Family Residential – The Block 1 volume is the amount of water used up to 100% of the Average Winter Consumption (AWC) of

each respective customer's premises, the AWC being the average volume of water used as measured by the non-irrigation meter readings for the months of September, October, November, December, January and February, and updated in March of each respective year; the Block 2 volume is the amount of water used in addition to the Block 1 volume up to an additional 40,000 gallons; and the Block 3 volume is the volume of water used in excess of the Block 1 and Block 2 volumes. For new customers that do not have an AWC calculated for their service, an AWC of seven thousand (7,000) gallons shall be used for Block 1 volume purposes.

- 2) Single Family Residential Irrigation – Does not include a Block 1 volume; the Block 2 volume of water is from 1,000 gallons used up to 40,000 gallons; and the Block 3 volume is the amount of water used in excess of the Block 2 volume.
- 3) Multi-Family Residential, Commercial and Public – The Block 1 volume is the amount of water used up to 100% of the Average Winter Consumption (AWC) of each multi-family residential, commercial and public premises, respectively, the AWC being the average volume of water used as measured by the non-irrigation meter readings for the months of September, October, November, December, January and February, and updated in March of each respective year; the Block 2 volume is the amount of water used in addition to the Block 1 volume up to an additional 50% of the AWC (total of Block 1 and Block 2 is equal to 150% of the AWC); and the Block 3 volume is the amount of water used in excess of the Block 1 and Block 2 volumes.
- 4) Non-Residential Irrigation – Does not include a Block 1 volume; the Block 2 volume of water shall be the average monthly use by all non-residential irrigation users by meter size for non-residential irrigation services. The Block 3 volume is the volume of water used in excess of Block 2 volume.
- 5) Schools – All water used will be charged at a Block 1 rate.
- 6) Wholesale - The following Water Volume Rate shall be applicable for those federal, state or local governments, governmental agencies or governmental subdivisions that are authorized to purchase water by City ordinance and enter into contracts with the City of Lubbock for wholesale purchases. The Block 1 volume is the amount of water used up to 100% of the Average Winter Consumption ("AWC") of the wholesale customer, the AWC being the average volume of water used as measured by the meter reading for the months of September, October, November, December, January and February, and updated in March of each respective year; the Block 2 volume is the volume of water used in excess of the Block 1 volume up to an additional 200% of the AWC (total of Block 1 and Block 2 is equal to 300% of the AWC); and the Block 3 volume is the amount of water used in excess

of the Block 1 and Block 2 volumes. For wholesale customers that do not have an AWC calculated for their service, the AWC shall be established by contract based upon the average volume of water authorized in the contract for delivery in the months of September, October, November, December, January and February. Thereafter, an AWC shall be calculated based upon the volume of water actually used as provided for in this section. Solely for the purposes of wholesale customers, the Water Volume Rate shall be 1.3 times the Water Volume Rate for all other customers as set forth above, as applicable to each Block; said Water Volume Rate being:

Block 1 - \$3.15 per 1,000 gallons

Block 2 - \$4.56 per 1,000 gallons

Block 3 - \$6.32 per 1,000 gallons

Nothing contained herein, absent agreement otherwise by the wholesale customer, shall affect existing valid and subsisting wholesale contracts by and between the City of Lubbock and wholesale customers. Any renewal or extension of such contract, other than renewals and extensions that may be exercised unilaterally by the wholesale customer, shall provide for the rates prescribed in this ordinance.

The rates prescribed herein for wholesale customers reflect the increased cost of service by the City of Lubbock for such customers, including without limitation, costs related to water distribution infrastructure and remote metering and service issues, stand-by water demands, and the impact of advancing the timing of water supply projects to meet additional water supply demands for wholesale customers.

SECTION 4: THAT the Water Base Charge and Water Volume Rate as set forth in this Ordinance, except as otherwise provided herein, shall be effective for all billings for such services dated on or after April 1, 2009, and the effective date for this Ordinance shall be April 1, 2009. The Water Base Charge and Water Volume Rate currently in effect shall remain in effect until the effective date of the Water Base Charge and Water Volume Rate, as set forth herein.

SECTION 5: THAT the City Council finds and declares that sufficient written notice of the date, hour, place and subject of this meeting of the Council was posted at a designated place convenient to the public at the City Hall for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents of posting hereof

SECTION 6: THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7: THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

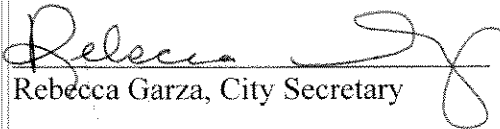
Passed by the City Council on first reading this 26th day of February, 2009.

Passed by the City Council on second reading this 9th day of March, 2009.



TOM MARTIN, MAYOR

ATTEST:




Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Thomas Adams, Deputy City Manager



Andy Burcham, Chief Financial Officer

APPROVED AS TO FORM:



Mitchell Satterwhite, Assistant City Attorney