

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ESTABLISHING REQUIREMENTS FOR NON-MUNICIPALITY OWNED WATER AND SEWER UTILITIES FOR THE PRE-FILING OF DATA NECESSARY FOR THE GOVERNING BODY TO MAKE A DETERMINATION OF A REASONABLE RATE BASE FROM WATER AND WASTEWATER PROVIDERS; AUTHORITY TO RETAIN CONSULTANTS TO REVIEW AND ANALYZE RATE CHANGE PROPOSALS; AUTHORITY TO SEEK REIMBURSEMENT OF SAID EXPENSES; PROVIDING FOR THE FOLLOWING; ENACTMENT; FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; RULES; STANDARDS; AND ENFORCEMENT, INCLUDING INJUNCTIVE RELIEF AND CIVIL REMEDIES AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the City of Pflugerville, Texas is a home-rule municipal corporation governed by its Home Rule Charter and Texas law;

WHEREAS, the City of Pflugerville, Texas invokes its authority pursuant to the City Charter and Texas law to exercise its jurisdiction to regulate the provision of water and sewer services and rates pursuant to the Texas Water Code and Texas Local Government Code, including but not limited to Texas Water Code § 13.083-.084 and Texas Local Government Code Chapter 51, Subchapter E & § 552.017.

WHEREAS, the City Council finds it necessary and proper for good government, to protect the health and general welfare and to maintain peace and order of the City to adopt this ordinance governing information necessary from any water or wastewater provider seeking to modify rates charged to customers within the municipal boundaries of the City; and,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1.

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly recited verbatim herein.

Section 2.

This Utility Ratemaking Information Ordinance and any and all attachments, including Attachment A – Rate Filing Package Requirements for Water Utility and Sewer Utility (as these terms are defined herein) is hereby adopted and read with all attachments as if incorporated into this Ordinance for all intents and purpose.

Section 3.

All non-municipally owned Water Utilities and/or non-municipally owned Sewer Utilities providing service to customers within the City's jurisdictional limits must present a full and complete Rate Filing Package (without omissions) that fully conforms with and complies with this Ordinance to the City and such package must be on file with the City for at least 90 days prior to any request for a rate increase may be considered complete and presented for consideration by the City Council pursuant to State law. Municipally owned Water Utilities and Sewer Utilities are exempt from this Ordinance.

Section 4.

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

Section 5.

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 6.

Upon final passage, the City Secretary is hereby directed to record and publish the attached rules, regulations and policies pursuant to the City Charter and properly codify the ordinance within the City's Code of Ordinances.

Section 7.

This Ordinance is effective upon its adoption and passage by the City Council pursuant to the City Charter.

Section 8.

It is hereby ordained that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and subject matter to be discussed

at said meeting was given as required by the Texas Open Meetings Act. Notice was also provided as required by Chapter 52 of the Texas Local government Code.

Section 9.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Passed and approved this 22nd day of January 2013.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George E. Hyde
Denton, Navarro, Rocha & Bernal, P.C.
City Attorney