

ORDINANCE NO. 21-M-10

AN ORDINANCE BY THE CITY OF SCHERTZ AUTHORIZING THE CITY TO TEMPORARILY ADJUST ITS RATES AND CHARGES SO THAT THE CITY MAY BILL THE LOWER OF JANUARY 2021 OR FEBRUARY 2021 FOR WATER CONSUMPTION TO CUSTOMERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City declared an emergency beginning February 13, 2021 through February 20, 2021 due to the winter storm that affected the State of Texas; and

WHEREAS, in order to protect their homes and businesses, the City encouraged citizens to use the drip method to prevent pipes from freezing and bursting; and

WHEREAS, the City's sewer treatment provider Cibolo Creek Municipal Authority and the water provider Schertz Seguin Local Government Corporation, have both agreed to charge the City for the lower usage between January 2021 and February 2021 resulting in savings to the City; and

WHEREAS, other utilities in the area are also charging their customers the lower usage between January 2021 and February 2021; and

WHEREAS, Staff proposes passing on those savings to the utility customers by billing them the lower of January 2021 or February 2021 consumption; and,

WHEREAS, to do so necessitates a temporary adjustment of established rates and charges adopted by the City; and,

WHEREAS, it is hereby found that billing utility customers the lower of January 2021 or February 2021 consumption serves a public purpose, and any private benefit is merely incidental to the greater public purpose served; and,

WHEREAS, it is hereby found that the timing of the disaster and the subsequent billing cycle constitute a sufficient basis to invoke the emergency single reading provisions of Section 4.09(e) of the City Charter.

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

Section 1. The City Council of the City of Schertz authorizes staff to adjust the utility bills to charge customers the lower of January 2021 or February 2021 consumption to be implemented on bills received by customers in March 2021.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading, and this Ordinance shall be effective upon the date hereof and any publication required by law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT THIS ORDINANCE WAS PASSED and APPROVED on first and final reading this the 8th day of March 2021.

APPROVED:

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary