

AN ORDINANCE 77949

APPROVING AND ADOPTING A SCHEDULE OF RATES TO BE CHARGED FOR STORMWATER DRAINAGE, SERVICES, AND PROGRAMS; PRESCRIBING BILLING AND COLLECTION PROCEDURES; IDENTIFYING EXEMPT PROPERTIES; ESTABLISHING INITIAL RESPONSIBILITIES FOR THE STORMWATER PROGRAM; PROVIDING FOR REPAYMENT OF FUNDS ADVANCED THE STORMWATER PROGRAM BY THE WASTEWATER SYSTEM; PROVIDING A SEVERABILITY CLAUSE; STATING THAT THIS ORDINANCE WAS ADOPTED AT A PUBLIC MEETING; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, in November 1990, the United States Environmental Protection Agency (EPA), promulgated rules and regulations requiring certain cities, including San Antonio, to develop stormwater drainage or stormwater plans, services, and programs; and

WHEREAS, San Antonio has undertaken to provide such drainage or stormwater plans, services, and programs pursuant to its authority as a home rule municipality; and

WHEREAS, in October 1991, the San Antonio City Council assigned primary responsibility for development of such stormwater plans, services, and programs to the Wastewater Department; and

WHEREAS, the Wastewater Department and all related functions and activities were consolidated into the San Antonio Water System on May 19, 1992; and

WHEREAS, approximately \$5,000,000 will have been advanced from Wastewater system funds to finance stormwater plans, services, and programs through May, 1993; and

WHEREAS, the San Antonio Water System Board of Trustees ("the Board") has determined that the Wastewater system can no longer financially support the stormwater plans, services, and programs and that it is in the best interest of its customers for the costs of the stormwater plans, services, and programs to be recovered from an initial stormwater fee; and

WHEREAS, San Antonio has conducted an extensive cost of service analysis including an inventory of parcels, a determination of contributions to San Antonio's stormwater or drainage system, and a definition of plans, programs, services and facilities used in connection with providing stormwater or drainage services; and

WHEREAS, by formal request the Board has recommended to the City Council the establishment and implementation of initial stormwater rate schedules based on the cost of providing stormwater or drainage plans, services, and programs and has submitted to the City Council a full report of the basis upon which initial rate schedules are predicated; and

WHEREAS, after due consideration of the Board's request and report and after a public hearing, the City Council finds that the establishment and implementation of initial stormwater rate schedules are presently necessary in order to provide funding to meet Federal stormwater regulations and to protect the public health, safety, and welfare of the community; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. DEFINITIONS.

(a) "Benefitted Property" - real property that is a parcel of property or lot within the corporate boundaries of the City of San Antonio to which stormwater drainage plans, programs, or services are made available and which receives water, wastewater, or electric utility service from the City of San Antonio. A parcel of property is a piece of land regardless of size under one ownership, such ownership being further defined as the way in which property is legally described in duly recorded legal documents in the Official Public Records of Real Property of the County in which the parcel of property is located. A lot is a designated property shown on a recorded plat duly recorded in the Official Public Records of Real Property of the County in which the recorded plat is located.

(b) "Billing Unit" - a billing unit is benefitted property and is the smallest unit of real estate with a unique legal description according to the records of the Bexar Appraisal District.

(c) "Commercial/General Stormwater Customer" - the owner or occupant of Benefitted Property not meeting the definitions of a Residential, Multifamily, or Public Stormwater Customer as defined herein.

(d) "Multifamily Stormwater Customer" - the owner or occupant of Benefitted Property containing a multiple family dwelling unit comprised of more than two (2) family units.

(e) "Public Stormwater Customer" - the owner or occupant of Benefitted Property containing an improvement related to the provision of governmental services, public or private education, or religious activities and as so classified in records of the Bexar Appraisal District.

(f) "Residential Stormwater Customer" - the owner or occupant of Benefitted Property containing a single or multiple family dwelling unit composed of two (2) or less family units.

Public Stormwater Rate Schedule

<u>Tier</u>	<u>Billing Unit (SF)</u>	<u>Billing Unit Per Month Charge</u>
1	0-21,999	\$ 8.50
2	22,000-43,999	\$ 23.25
3	44,000-86,999	\$ 42.00
4	87,000-or more	\$ 71.00

Such rates are based on the following information: for private benefitted property, the imprint of improvements as depicted in the records of the Bexar Appraisal District; for public benefitted property, the imprint of improvements as depicted on forms supplied by a public entity to the San Antonio Water System; in the event the San Antonio Water System should request such forms from a public entity, and no forms are forthcoming, the tier four (4) charge shall be assessed.

SECTION 3. BILLING, COLLECTION, AND MANAGEMENT PROCEDURES.

(a) Initially the San Antonio Water System shall be the primary agency responsible for billing, collection, and management of other stormwater service matters relating to stormwater rates. Billing and collection procedures for stormwater rates shall be the same, insofar as practicable, as those utilized by the San Antonio Water System in billing and collecting for water and wastewater service, all as set forth in City Ordinance No. 72742, approved and adopted December 6, 1990, or such successor ordinance, or those billing and collection procedures utilized by other water purveyors with whom the San Antonio Water System contracts with to assist in billing and collecting stormwater rates, all with the exception that no advance deposit to secure payment of the customer's final bill for stormwater charges shall be collected.

(b) Billing and collection procedures shall include a process by which customers may appeal the validity of amounts billed in accordance with the written criteria established by San Antonio Water System Customer Service Policies.

SECTION 2. SCHEDULES OF RATES.

The following schedules of stormwater rates shall be effective with billings on or about June 1, 1993 and shall be applied to all billing units, except as provided by Section 4, herein below. These rates may be included on other utility bills or may appear on a separate bill including only stormwater or drainage charges. Each billing unit ("unit") shall be assessed each month or fraction thereof in accordance with the following schedule:

Residential Stormwater Rate Schedule

<u>Tier</u>	<u>Billing Unit (SF)</u>	<u>Billing Unit Per Month Charge</u>
1	0-4,999	\$ 1.50
2	5,000-or more	\$ 1.99

Multifamily Stormwater Rate Schedule

<u>Tier</u>	<u>Billing Unit (SF)</u>	<u>Billing Unit Per Month Charge</u>
1	0-21,999	\$ 3.35
2	22,000-43,999	\$ 10.49
3	44,000-131,999	\$ 31.81
4	132,000-or more	\$ 151.36

Commercial/General Stormwater Rate Schedule

<u>Tier</u>	<u>Billing Unit (SF)</u>	<u>Billing Unit Per Month Charge</u>
1	0-21,999	\$ 8.58
2	22,000-43,999	\$ 23.48
3	44,000-86,999	\$ 42.08
4	87,000-131,999	\$ 72.52
5	132,000-or more	\$ 160.23

SECTION 7. SEVERABILITY.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances is not affected.

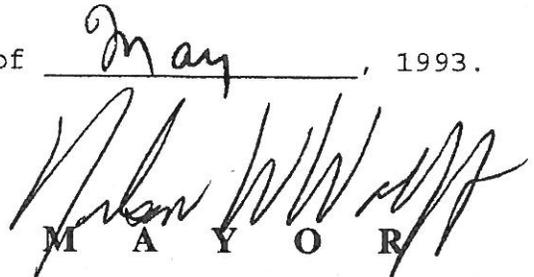
SECTION 8. PUBLIC MEETING.

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 the Texas Revised Civil Statutes Annotated Article 6252-17, as amended.

SECTION 9. EFFECTIVE DATE.

The provisions of this Ordinance shall be effective ten (10) days from its enactment as provided by the Charter of the City of San Antonio.

PASSED AND APPROVED this 13th day of May, 1993.


M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:



City Attorney

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SECTION 4. EXEMPTIONS.

The following real property, only, shall be exempt from the provisions of this Ordinance:

(a) Benefitted Property owned by the City of San Antonio and dedicated to right-of-way for public streets and/or to provide drainage service;

(b) Benefitted Property with proper construction and maintenance of a privately owned drainage or stormwater system wholly sufficient to provide all the drainage or stormwater service for that property;

(c) Benefitted Property held and maintained in its natural state on which no improvements currently exist and until such time that the property is developed and all of the public infrastructure has been accepted by the City of an Antonio for maintenance; and

(d) Benefitted Property before a structure has been built on the property or before the City of San Antonio has finally approved the use of the property in accordance with the Unified Development Code.

SECTION 5. RELATIONSHIP TO SAN ANTONIO WATER SYSTEM.

(a) Initially the responsibility for the stormwater program for purposes of compliance with the EPA's rules and regulations shall be facilitated and coordinated by the Board; however, such program shall not be deemed to be a part of the "System" as that term is defined in City Ordinance No. 75686, approved and adopted April 30, 1992. All revenues and expenses and other accounts related to the stormwater program shall be accounted for on a full cost of service basis separate and apart from all other funds for which the Board has responsibility.

(b) No later than one year prior to the expiration of the initial permit issued by the EPA, City Council shall reevaluate this Ordinance and determine whether such utility shall become a part of the "System" as that term is defined in City Ordinance No. 75686.

SECTION 6. REPAYMENT OF STORMWATER EXPENSES.

Funds advanced by the Wastewater system for stormwater or drainage plans, programs, and services in an approximate amount of \$5,000,000 to support the stormwater program shall be repaid from revenues generated by stormwater rates over a period not to exceed five years from the effective date of this Ordinance.

Once the specific amount of dollars expended by the Wastewater system for stormwater or drainage plans, programs, and services has been finally determined, such specific amount is hereby authorized to be substituted for the approximate amount of \$5,000,000 set out herein.