ORDINANCE NO. 684

"Removal of LCRA Drought Rate Fee from General Fee Ordinance"

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING APPENDIX B TO THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; REMOVING A 'LCRA FEE INCREASE ASSOCIATED WITH THE DROUGHT RATE INCREASE OF THE LOWER COLORADO RIVER AUTHORITY (LCRA) FOR THE PURCHASE OF WATER RAW WATER FOR SERVICE TO THE SURFACE WATER SYSTEM'; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Texas, passed Ord. 646 which established the General Fee Ordinance for the City on September 23, 2014; and,

WHEREAS, the City Council included in Ord. 646 a description of a 'LCRA Fee Increase for surface water system' commonly known as the 'drought rate pass-through fee' for surface water system customers, which was established to be charged at $ 0.50 per account month, for all surface water system customers; and

WHEREAS, this fee was adopted with the understanding that it would be charged temporarily, during such time as LCRA) charged the city a 'Drought Rate ' for raw water purchases; and,

WHEREAS, the City is no longer being charged a 'Drought Rate' by the LCRA for raw water purchases, and therefore the need to pass this fee on to the city surface water system utility customers no longer exists; and,

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS, THAT:

SECTION I.
FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II.
AMENDMENT

The General Fee Schedule for the City of Granite Shoals, City Code, Appendix B, Section R, Utilities Fees, Utilities Administrative Fees of the General Fee Ordinance is hereby amended to remove the fee 'LCRA Fee Increase for surface water customers' charged at a rate of $0.50 per account per month.

This ordinance hereby modifies Ordinance 646 and Ordinance No. 675 (2015 General Fee Ordinance), as codified.

SECTION III.
SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This ordinance shall take effect March 1, 2016 and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Passed and approved this 23rd day of February, 2016 .

APPROVED:

Carl Brugger

Carl Brugger, Mayor

ATTEST:

Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Elaine Simpson

Brad Young, City Attorney