

**ORDINANCE NO. 2014-2**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEACH CITY, TEXAS PROVIDING NOTICE AND OPPORUNITY FOR HEARING FOR A CHANGE IN WATER RATES BY AQUA TEXAS, INC., A TEXAS CORPORATION, INSIDE THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 9, 2013, AQUA TEXAS, INC., A TEXAS CORPORATION, (“Applicant”) filed a Water Rate/ Tariff and Application for Authority to Change Rates (“Rate Application”) within the corporate limits of Beach City, Texas (“City”) seeking increased water rates;

**WHEREAS**, the City suspended the rates sought in the Rate Application;

**WHEREAS**, on December 13, 2013, the City denied the increased rates sought in the Rate Application;

**WHEREAS**, the Applicant appealed the City’s denial of a rate increase to the Texas Commission on Environmental Quality (“TCEQ”);

**WHEREAS**, the City and the Applicant have determined that the rate increase for the water rates sought in the Rate Application should be reduced.

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

**SECTION 1.** The recitals contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as a part of this ordinance.

**SECTION 2.** (A) The City Council hereby finds that the water rates contained in the Rate Application should be lower and has negotiated a reduction of the water rates as agreed to herein.

(B) By signature below, the Applicant hereby consents to the waiver of any notice and hearing and agrees to the following water rates to be charged to its customers within the City:

Water Rates per month:

Single Family Connections:	\$3.70 per 1000 gallons of water
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(C) The rates adopted herein shall be charged beginning on the first billing cycle after September 1, 2014.

(D) The Applicant, its successors, or assigns, agrees not submit an application to change its water rates with an effective date of September 1, 2018, or earlier.

**SECTION 3.** All other rates and fees contained in the Rate Application are denied.

**SECTION 4. Severability.** It is hereby declared that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.** All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

**SECTION 6. Effective Date.** This ordinance shall take effect immediately from and after its adoption and it is accordingly so ordained.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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BILLY COMBS, Mayor

ATTEST:

\_\_\_\_\_  
EVONNE DONNELLY, City Secretary

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
DANIEL R. JACKSON, City Attorney

CONSENT AND WAIVER

AQUA TEXAS, INC., A TEXAS CORPORATION, hereby agrees to waive notice and hearing on the water rates adopted in this ordinance. AQUA TEXAS, INC., A TEXAS CORPORATION, agree to the rates, service conditions, and other provisions adopted herein.

By: \_\_\_\_\_