

**ORDINANCE NO. 2217**

**AN ORDINANCE AMENDING CHAPTER 19 – WATER AND SEWERS, ARTICLE III – CONSERVATION OF GROUNDWATER TO INCLUDE STAGE INDICATORS FOR GROUNDWATER USE REDUCTION PROGRAM AND GROUNDWATER USE REDUCTION MEASURES, AND ADOPT GROUNDWATER USE SURCHARGES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alamo Heights (the “City”) is a Texas municipality that is an authorized water purveyor and provides a public potable water system to the public within its City limits; and

**WHEREAS**, the City intends to comply with State of Texas regulations to enhance the health, safety, and general welfare of its residents and the general public; and

**WHEREAS**, the protection and maintaining of the public water supply contributes to the health, safety and general welfare of its residents and the general public; and

**WHEREAS**, the City utilizes water resources overseen by the Edwards Aquifer Authority that are shared with other municipal and privately-managed water users; and

**WHEREAS**, the Edwards Aquifer Authority regulates usage and enacts restrictions when the capacity is low due to drought or usage; and

**WHEREAS**, the City intends to comply with Edwards Aquifer Authority regulations and use restrictions by adopting withdrawal reduction measures that require amendment of the Reduction Stages within Chapter 19 – Water and Sewers of the Code of Ordinances; and

**WHEREAS**, the capacity of the Edwards Aquifer has been impacted by sustained periods of drought and continued use to warrant additional groundwater use reduction measures and require amendment of the reduction measures within Chapter 19 – Water and Sewers of the Code of Ordinances; and

**WHEREAS**, Chapter 19 – Water and Sewers of the Code of Ordinances authorizes the City to enact groundwater use surcharges during any groundwater use reduction stage as an additional measures to deter water use to aid in achieving pumping reduction goals within; and

**WHEREAS**, the City may adopt groundwater use surcharge fees requiring amendment within Chapter 19 – Water and Sewers of the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:**

**SECTION 1. Findings.** The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2. Amendments.** Section 19-51 – *Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer Authority* shall hereinafter be amended at subsections 19-51(c) to add the underlined text and delete the strike through text to read as follows:

**Sec. 19-51. – Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer.**

(c) Groundwater use reduction program.

(3) Restricting the use of groundwater.

a. Groundwater use surcharges ~~may~~ shall be imposed by the city council during any groundwater use reduction stage as an additional measure to deter water use to aid in achieving pumping restriction goals. The groundwater use surcharge shall be established as follows:

<b>Monthly groundwater use surcharge fee for initial consumption threshold*</b>						
<b>Account Type</b>	<b>Consumption in Cubic Feet (cf)</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Stage 4</b>	<b>Stage 5</b>
		<b>Per 100 cf</b>	<b>Per 100 cf</b>	<b>Per 100 cf</b>	<b>Per 100 cf</b>	<b>Per 100 cf</b>
<u>Residential</u>	<u>2,500 or more</u>	<u>\$0.25</u>	<u>\$0.50</u>	<u>\$1.25</u>	<u>\$2.00</u>	<u>\$3.00</u>
<u>Commercial &amp; Multi-Family</u>	<u>3,500 or more</u>	<u>\$0.25</u>	<u>\$0.50</u>	<u>\$1.25</u>	<u>\$2.00</u>	<u>\$3.00</u>
<u>Institutional</u>	<u>10,000 or more</u>	<u>\$0.25</u>	<u>\$0.50</u>	<u>\$1.25</u>	<u>\$2.00</u>	<u>\$3.00</u>
<u>Irrigation</u>	<u>1,000 or more</u>	<u>\$0.25</u>	<u>\$0.50</u>	<u>\$1.25</u>	<u>\$2.00</u>	<u>\$3.00</u>

\* During critical drought stages, the groundwater use surcharge fees are applied to every 100 cubic feet (cf) of water consumed above the account type threshold.


**SECTION 3. Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 4. Severability.** If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 6. Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 11<sup>th</sup> DAY OF DECEMBER, 2023.**

  
BOBBY ROSENTHAL, MAYOR

ATTEST:

  
ELSA T. ROBLES, CITY SECRETARY



APPROVED AS TO FORM:

  
FRANK J. GARZA, CITY ATTORNEY