

ORDINANCE NO. 2012- 1569

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, CONCERNING CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES" AND WHICH PROVIDES FOR ELECTRIC WATER AND WASTEWATER (SANITARY SEWER) SERVICE RATES AND CHARGES AND CONDITIONS OF SERVICES; AMENDING CHAPTER 102 TO PROVIDE FOR UPWARD ADJUSTMENTS OF ELECTRICAL, WATER AND WASTEWATER SERVICE RATES, FEES AND CHARGES; SETTING A PUBLIC HEARING THEREON FOR DECEMBER 11, 2012; AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, pursuant to Article VI, Sec. 4(b) of the City Charter, the Public Utilities Board of the City of Brownsville, Texas has reviewed its electric, water and wastewater (sanitary sewer) fees and charges and customer classifications, and recommends that retail service rates for electric, water and wastewater services be adopted to support maintenance and proposed expansions to the combined systems, and has submitted its recommendations to the City Commission; and

WHEREAS, the City Commission of the City of Brownsville hereby finds that the recommendations of the Public Utilities Board should be approved and adopted in order to provide for the continued preservation of the public health, safety and welfare of the people;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BROWNSVILLE:

Section 1. *Electric Base Rate Adjustments.* Chapter 102 of the Code of Ordinances of the City of Brownsville, Texas is hereby amended by adjusting upward electric base rates, effective on the dates indicated, as follows:

|                     |           |
|---------------------|-----------|
| (1) April 1, 2013   | 7 percent |
| (2) October 1, 2013 | 7 percent |
| (3) October 1, 2014 | 7 percent |
| (4) October 1, 2015 | 8 percent |
| (5) October 1, 2016 | 7 percent |

Prior to March 1, 2013, the Public Utilities Board of the City of Brownsville, Texas shall file a Cost of Service Study which shall allocate by customer classification the electric base rate adjustments set forth above in accordance with industry standards for reasonableness and non-discrimination, which allocations will be deemed approved and adopted herein.

Section 2. Water Base Rate Adjustments. Chapter 102 of the Code of Ordinances of the City of Brownsville, Texas is hereby amended by adjusting upward water base rates, effective on the dates indicated, as follows:

|                     |           |
|---------------------|-----------|
| (1) October 1, 2013 | 6 percent |
| (2) October 1, 2014 | 4 percent |
| (3) October 1, 2015 | 4 percent |
| (4) October 1, 2016 | 6 percent |

Prior to March 1, 2013, the Public Utilities Board of the City of Brownsville, Texas shall file a Cost of Service Study by customer classification which shall allocate by customer classification the water base rate adjustments set forth above in accordance with industry standards for reasonableness and non-discrimination, which allocations will be deemed approved and adopted herein.

Section 3. Wastewater (Sanitary Sewer) Base Rate Adjustments. Chapter 102 of the Code of Ordinances of the City of Brownsville, Texas is hereby amended by adjusting upward wastewater (sanitary sewer) base rates, effective on the dates indicated, as follows:

|                     |           |
|---------------------|-----------|
| (1) October 1, 2013 | 2 percent |
| (2) October 1, 2014 | 4 percent |

Prior to March 1, 2013, the Public Utilities Board of the City of Brownsville, Texas shall file a Cost of Service Study by customer classification which shall allocate by customer classification the wastewater base rate adjustments set forth above in accordance with industry standards for reasonableness and non-discrimination, which allocations will be deemed approved and adopted herein.

Section 4. Public Hearing. A hearing for public input as to the rate adjustments set forth in Sections 1 through 3 of this Ordinance will be held at \_\_\_\_ p.m., December 11, 2012, in City Commission Chambers at City Hall.

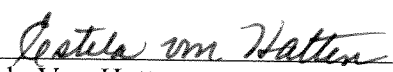
Section 5. Severability. If any section, sentence, phrase or clause of this Ordinance is declared by a Court of competent jurisdiction to be unconstitutional, invalid or unenforceable, such declaration shall not be deemed to affect the remaining sections, sentences, phrases or clauses of this Ordinance.

Section 6. Effective Dates. This Ordinance shall become effective at 12:01 a.m. on the date of final approval upon second reading, as provided by the Charter of the City of Brownsville and the laws of the State of Texas. The electric, water and wastewater service rates provided for in the Ordinance shall apply to all meter readings for the billing month immediately preceding the month in which the adjusted rates are made effective as set forth herein, so that the rates shall be reflected in the first bill received after the first day of the month the rates are effective.

PASSED and APPROVED following public hearing on FIRST READING on the 11th day of December, 2012.

PASSED and APPROVED on SECOND READING on the 17th day of December, 2012.

  
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Antonio Martinez  
Mayor

  
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Estela Von Hatten  
City Secretary

