

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING UPDATES TO CHAPTER 34 OF THE CITY CODE TO
IMPOSE A DROUGHT SURCHARGE TO DISTRICT SPECIAL
PROJECT WATER CUSTOMERS DURING DESIGNATION OF STAGE
IV OF THE CITY'S DROUGHT MANAGEMENT REGULATIONS, AND
CERTAIN REVISIONS TO WATER USE RESTRICTIONS IN THE
DROUGHT MANAGEMENT REGULATIONS APPLICABLE TO ALL
SAN ANTONIO WATER SYSTEM (SAWS) AND DISTRICT SPECIAL
PROJECT CUSTOMERS.**

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WHEREAS, pursuant to state law, the Edwards Aquifer Authority (EAA) is charged with conservation of ground water supply from the Edwards Aquifer and has instituted drought management regulations based on four "critical period" stages which are triggered when the water level in the Edwards Aquifer falls below certain thresholds; and

WHEREAS, when EAA critical period stages are triggered for San Antonio, permit holders, including SAWS, are required to reduce their annual allotment of ground water by 20% in Stage I, 30% in Stage II, 35% in Stage III, 40 % in Stage IV; and 44% in Stage V; and

WHEREAS, SAWS has instituted drought management regulations based on similar critical period stages which place drought restrictions on customers at every stage, including the imposition of a surcharge applicable to customers who violate Stage IV water use restrictions; and

WHEREAS, on January 12, 2012, SAWS assumed control of the former Bexar Metropolitan Water District ("BexarMet," also referred to as the District Special Project or "DSP") pursuant to a state mandate, and is in the process of integrating the DSP into SAWS; and

WHEREAS, DSP customers will continue to pay water rates set by the former BexarMet until integration with SAWS has been completed; and

WHEREAS, drought management regulations are applicable to DSP customers, however, the drought surcharge was not incorporated into the BexarMet water rate schedules, a situation which is now being addressed; and

WHEREAS, the proposed amendments to Chapter 34, Article II (Water Service and Rates) of the City Code as provided in Exhibit A would extend the Stage IV drought surcharge to DSP residential customers and any DSP customer assigned an irrigation meter at a rate of \$0.4764 per 100 gallons, based on currently approved SAWS water rates, which would be imposed in addition to all other applicable fees and rates; and

WHEREAS, other proposed revisions to the drought management regulations found at Chapter 34, Article IV (Water Conservation and Reuse) of the City Code as provide in Exhibit B will be applicable to all SAWS and DSP customers and are summarized below:

- Extend use of sprinklers by one hour in the morning and evening blocks year round during non-drought stages and during Stage I drought restrictions on designated watering days:
 - Morning – begin at 12:00 am and end at 11:00 am (instead of 10:00 am)
 - Evening – begin at 7:00 pm (instead of 8:00 pm) and end at 11:59 pm
- Certain clean-up revisions to the enforcement provisions in order to clarify the “Responsible Party” who may be held liable for a violation of water use restrictions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The amendments to Chapter 34, Article II (Water Service and Rates) of the San Antonio Municipal Code attached as Exhibit A, are hereby approved, adopted, and incorporated into this Ordinance for all purposes. The revised rates shall be applicable to DSP water customers.

SECTION 2. The City Council finds that the revised DSP rates attached in Exhibit A are in the public interest; and are fair, reasonable, and non-discriminatory.

SECTION 3. The amendments to Chapter 34, Article IV (Water Conservation and Reuse) of the San Antonio Municipal Code attached as Exhibit B, are hereby approved, adopted, and incorporated into this Ordinance for all purposes. The revised drought management regulations shall apply to water use within the city limits of San Antonio and its extraterritorial jurisdiction.

SECTION 4. Within sixty (60) days of the effective date of this Ordinance, SAWS shall notify DSP water customers by billing insert of the application of the drought surcharge. In addition, a summary of the revisions to the drought management regulations as outlined in Exhibit B shall be published in a newspaper of regular circulation within the SAWS service area within two weeks of the effective date of this Ordinance.

SECTION 5. The City Council directs the City Clerk to amend the City Code as authorized in this Ordinance by submitting the revised Chapter 34 provisions to the Municipal Code Corporation as attached in Exhibits A and B.

SECTION 6. The recitals set out above are fully incorporated into this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10th) day after passage. The amendments to Chapter 34 of the San Antonio Municipal Code, as found in Exhibits A and B shall become effective upon passage of this Ordinance.

PASSED AND APPROVED, this 29th day of May 2014.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robbie F. Greenblum, City Attorney