

ORDINANCE NO. 040300-B

AN ORDINANCE ELECTING TO HAVE THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION EXERCISE ORIGINAL JURISDICTION OVER THE UTILITY RATES, OPERATIONS, AND SERVICES OF RETAIL WATER AND SEWER UTILITIES WITHIN THE CORPORATE LIMITS OF THE CITY PURSUANT TO SECTION 13.042 OF THE TEXAS WATER CODE; NOTING A TERM OF THIS ORDINANCE; ADDRESSING RATES, OPERATIONS, AND SERVICES; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

WHEREAS, the City of Niederwald, Hays and Caldwell Counties, Texas has exclusive original jurisdiction over water and sewer utility rates, operations, and services within its corporate limits pursuant to Section 13.042(a) of the Texas Water Code;

WHEREAS, the water and sewer utilities within the corporate limits of the City have certificates of convenience and necessity that extend outside the corporate limits of the City and over which unincorporated areas the Texas Natural Resource Conservation has exclusive jurisdiction over water and sewer utility rates, operations, and services pursuant to Section 13.041 of the Texas Water Code;

WHEREAS, the Texas Natural Resource Conservation Commission will, therefore, necessarily regulate the water and sewer utility rates, operations, and services of the water and sewer utilities that provide services within the corporate limits of the City because the utilities have service areas outside of the City;

WHEREAS, the City does not want to unnecessarily duplicate the efforts of the Texas Natural Resource Conservation Commission and desires to defer to the Commission's expertise in regulating water and sewer utilities as allowed in Section 13.042(b) of the Texas Water Code;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS:

SECTION 1. ELECTION

The City of Niederwald, Texas ("the City") hereby elects to have the Texas Natural Resource Conservation Commission exercise original jurisdiction over the utility rates, operations, and services of retail water and sewer utilities within the corporate limits of the City pursuant to Section 13.042(b) of the Texas Water Code.

SECTION 2. TERM OF THIS ORDINANCE

The City hereby understands that, pursuant to Section 13.042(c) of the Texas Water Code, it may reinstate by ordinance its jurisdiction over the utility rates, operations, and services of retail water and sewer utilities within the corporate limits of the City at any time after the second anniversary of the effective date of this Ordinance, unless that anniversary occurs during the pendency of a rate proceeding before the Texas Natural Resource Conservation Commission. The City also hereby understands that if it reinstates this jurisdiction, it may not again elect to have the Texas Natural Resource Conservation Commission exercise this jurisdiction until the second anniversary of the date on which the City reinstates its jurisdiction.

SECTION 3. RATES, OPERATIONS, AND SERVICES

(a) Because the City has elected to have the Texas Natural Resource Conservation Commission have exclusive jurisdiction over the sewer utility rates, operations, and services within the corporate limits of the City under Section 13.042 of the Texas Water Code, the rates that the water and sewer utilities will charge and the rules and regulations governing the furnishing of services to inhabitants of the City will be those authorized by and on file with the Texas Natural Resource Conservation Commission or any and all other public authorities having jurisdiction in the premises during the term of this ordinance.

(b) The water and sewer utilities providing water or sewer utility service within the corporate limits of the City shall file its approved tariff with the City and shall make it available for inspection by the public and residents of the City.

SECTION 4. SEVERABILITY

If any portion of this Ordinance is held to be invalid or unenforceable for any reason, that holding shall not be construed to affect any other portion of this Ordinance, and all other portions shall remain in full force and effect.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS

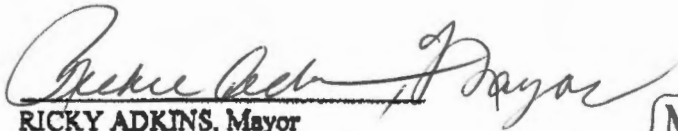
All provisions in all other ordinances in conflict with this Ordinance are repealed, which repeal shall take effect upon the effective date of this Ordinance.

SECTION 6. EFFECTIVE DATE

The effective date of this Ordinance is April 3, 2000.

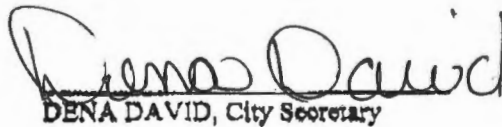
PASSED AND APPROVED this 3rd day of April, 2000.

CITY OF NIEDERWALD



RICKY ADKINS, Mayor
City of Niederwald, Texas
13851 Camino Real
Niederwald, Texas 78640

ATTEST:


DENA DAVID, City Secretary

