

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES APPENDIX A FEE SCHEDULE, ARTICLE A11.000 WATER AND SEWER FEES, SECTION A11.001 GENERALLY, (a) MONTHLY WATER RATES AND CHARGES, ALL CUSTOMERS RESIDENTIAL OR NONRESIDENTIAL, (2) MONTHLY VOLUMETRIC RATE (PER THOUSAND GALLONS) TO PROVIDE RELIEF FOR WATER CUSTOMERS WHO EXPERIENCED A HIGH WATER CHARGE DUE TO A WATER LEAK PRIOR TO THE PASSAGE OF ORDINANCE 2021-50; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Leon Valley owns and operates a water utility and water customers pay water rates that support the maintenance and operations of the water utility; and

**WHEREAS**, plumbing leaks on private properties increase the amount of water traversing through the customer's water meter, with the water not being productively used, consequently increasing the fees for water service; and

**WHEREAS**, the City recognizes that unplanned plumbing repairs negatively affect a person's ability to pay a high-water bill; and

**WHEREAS**, the City seeks to assist its water customers by reducing excessive water bills caused by unplanned water leaks on private property; and

**WHEREAS**, providing incentives to repair water leaks expeditiously reduces overall water loss, which greatly assists in the City's goal of water conservation and drought management.

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

**SECTION 1.** That Article A11.000 Water and Sewer Fees, Section A11.001 Generally, (2) Monthly volumetric rate (per thousand gallons), is hereby amended to add:

(D) Methods for adjusting for commercial and residential water leaks.

1. Customers who have experience a water leak may apply for a one time per calendar year adjustment to their water bill. A second water bill adjustment may be requested during the same calendar year, but only under extraordinary circumstances as approved by the City Manager. Leon Valley Water customers may also request a water bill adjustment for a water leak that occurred at any time prior to the passage of Ordinance 2021-50, but this shall be limited to one occurrence. Customer must provide proof of repairs in the form of receipts or paid invoices from either a plumbing service provider or from the resident performing their own plumbing work.

**SECTION 2.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

**SECTION 3.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.


**SECTION 4.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 3rd day of October 2022.

**APPROVED**

  
**CHRIS RILEY**  
MAYOR

Attest :

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
City Attorney



## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Action to Consider an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to Allow a Retroactive Adjustment to a Water Bill for a Verifiable Water Leak That Occurred Prior to November 2021 (1st Read Held on 9-20-22)

**SPONSOR(S):** N/A

### **PURPOSE**

The purpose of this agenda item is to consider approval of an Ordinance amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to allow a one-time adjustment to a water bill for a verifiable water leak that occurred prior to November 2021.

In November of 2021, City Council passed Ordinance 2021-50, which allows a Leon Valley Water System customer to apply for a water bill adjustment once per year upon verification of a leak. The Ordinance doesn't allow persons that may have had a leak prior to its passage to obtain relief. This amendment would allow a one-time retroactive water bill adjustment for a leak that occurred prior to the passage of the Ordinance, upon receipt of verifiable proof of such leak.

The Ordinance amendment would read as follows in red:

Appendix A, Article 11.000 Water and Sewer Fees, Sec. A11.001 Generally, (b) Water Service

“(D) Methods for adjusting for commercial and residential water leaks.

1. Customers who have experienced a water leak may apply for a one time per calendar year adjustment to their water bill. A second water bill adjustment may be requested during the same calendar year, but only under extraordinary circumstances as approved by the City Manager.

Leon Valley Water customers may also request a water bill adjustment for a water leak that occurred at any time prior to the passage of Ordinance 2021-50, but this shall be

limited to one occurrence. Customer must provide proof of repairs in the form of receipts or paid invoices from either a plumbing service provider or from the resident performing their own plumbing work.”

### **FISCAL IMPACT**

It is unknown at this time how many customers will request a retroactive water bill adjustment.

### **SEE LEON VALLEY**

***Social Equity*** - Providing relief from high water bills adds to the general quality of life, by reducing unplanned monthly utility expenses.

***Economic Development***- Providing relief from high water bills where warranted may enhance the image of our city, which may attract residents.

***Environmental Stewardship*** - Water leaks can waste nearly 1 trillion gallons of water annually nationwide and providing incentives to repair leaks will reduce water consumption, which reduces water loss, supporting water conservation and drought management.

### **RECOMMENDATION**

At Council discretion.


APPROVED: \_\_\_\_\_ ✓ \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

### **CITY COUNCIL ACTION:**

A motion was made by Councilor Rey Orozco to approve the Consent Agenda with the amendment to be made to the minutes as discussed. The motion was seconded by Councilor Jed Hefner.

Voting Yea: Council Place 1 Martinez, Council Place 2 Stevens, Council Place 3 Hefner, Mayor Pro Tem, Council Place 4 Orozco, Council Place 5 Bradshaw

ATTEST:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

