

ORDINANCE NO. 2020-74

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS PROVIDING FOR THE TEMPORARY REDUCTION IN SEWER SURCHARGES FOR COMMERCIAL UTILITY CUSTOMERS DURING THE COVID-19 PANDEMIC; PROVIDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

- 1.** Due to the current COVID-19 pandemic, the volume of wastewater from commercial utility customers has decreased, resulting in reduced contaminant levels not reflected in the current sewer surcharges.
- 2.** The City Council wishes to temporarily reduce the sewer surcharges for commercial utility customers to reflect the decrease in water usage and contaminant levels during the COVID-19 pandemic.
- 3.** The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Notwithstanding any sewer surcharges for commercial utility customers as approved by the City Council or as required by any ordinance, including any ordinance adopted on the date of this ordinance, sewer surcharges are hereby reduced by the percentages shown in Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION 2. The temporary reduction in sewer surcharges under Section 1 of this ordinance shall apply retroactively from March 26, 2020 and shall continue each month until: a) all COVID-19 related state and local orders limiting commercial business operations expire or are rescinded; or b) a new sampling event is conducted by the City's Water Quality Services Section to determine new sewer surcharges and such surcharges are approved by the City Council.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on September 1, 2020.

PASSED, APPROVED AND ADOPTED on second reading on September 15, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A

Water Reduction Tiers	Total Businesses	Current Fee Reduced by
30 - 49% Decrease in Water Usage	49	30%
50 - 74% Decrease in Water Usage	57	50%
75% Decrease in Water Usage	48	75%
TOTAL	154	