

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

ORDINANCE

APPROVING UPDATES TO CHAPTER 34 OF THE CITY CODE TO IMPROVE WATER CONSERVATION AND DROUGHT MANAGEMENT TO INCLUDE THE ADDITION OF A NON-COMPLIANCE CHARGE, AN UPDATE TO THE EXISTING DROUGHT SURCHARGE AND OTHER MODIFICATIONS, AMENDMENTS AND CLARIFICATIONS.

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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, the San Antonio Water System (“SAWS”) operates a combined water and wastewater utility system on behalf of the City of San Antonio, which serves approximately 511,300 water and 457,600 wastewater customers in the San Antonio metropolitan area; and

WHEREAS, as a steward of a critical resource for the region, SAWS has instituted water conservation and drought management regulations based on critical period stages like the EAA; and

WHEREAS, SAWS has developed a Water Management Plan, which is periodically updated, that serves as a guide to meet the San Antonio metropolitan area’s future water needs; and

WHEREAS, the Water Management Plan depends on 10% savings during once per week watering rules in critical period stages, which was not achieved in recent years; and

WHEREAS, after extensive community outreach including a public hearing, SAWS Board of Trustees conditionally approved amendments to its Utility Service Regulations and recommended changes to Chapter 34 of the City Code of San Antonio; and

WHEREAS, the proposed amendments to Chapter 34 include, but are not limited to, the following:

- Updated the watering days and times to reflect reduced hours for operating drip irrigation systems and a shift in watering hours to reduce SAWS’ energy demand during peak windows;
- Improved SAWS’ alignment to the EAA’s drought stage three so that SAWS will automatically enter stage three when declared by the EAA;
- Clarified that SAWS personnel cannot be barred from entering gated subdivisions for

purposes of enforcing drought and conservation rules;

- Clarified that turfgrass must have four inches of soil beneath it *after* sod is installed to overcome confusion about the impact of soil compression due to sod on the four-inch requirement, and updated turfgrass soil support requirements to ensure that some soil organic matter exists within the four-inches of soil to help ensure conditions that plants can grow successfully;
- Added a Non-Compliance rate structure to be used as a fee-on-the bill for those documented as violating the conservation and drought rules;
- Updated the existing Drought Surcharge rate structure to: (a) remove references to an old SAWS rate structure, (b) develop a surcharge for stage three drought conditions, and (c) update relevant use thresholds;
- Consolidated enforcement provisions to one section;
- Simplified the procedural language and clarified SAWS conservation's ability to exercise reasonable flexibility in issuing variances;
- Other less substantive clarifications throughout such as correcting spelling, using terms consistently, and replacing outdated terminology and turns of phrase (throughout); and

WHEREAS, in the exercise of its governmental regulatory authority, the City Council has determined that approval of the recommended changes to Chapter 34 of the City Code are reasonable and necessary to promote greater water conservation and drought management for the benefit of the San Antonio metropolitan area; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 34 of the City Code of San Antonio, Texas (City Code), and prior City Council Ordinances regarding same, are hereby amended to be consistent with this Ordinance and its attachments including, but not limited to, the rate and fee schedules attached hereto and which are incorporated herein. Chapter 34 of the City Code is hereby amended, as set forth in Exhibit A which is attached hereto and incorporated herein for all purposes, by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance. All other provisions of Chapter 34 of the City Code shall remain unchanged and in full force and effect, unless expressly amended by this Ordinance.

SECTION 2. The Residential Surcharges as set forth in the Non-Compliance Charge Schedule, attached as Exhibit B and incorporated into this Ordinance for all purposes, are hereby approved and authorized. The City Council finds rates attached in Exhibit B are in the public interest; and are fair, reasonable, and non-discriminatory.

SECTION 3. The Residential Surcharges and the Irrigation Surcharges as set forth in the Drought Surcharge Schedule, attached as Exhibit C and incorporated into this Ordinance for all purposes, are hereby approved and authorized. The City Council finds rates attached in Exhibit C are in the public interest; and are fair, reasonable, and non-discriminatory.

SECTION 4. The amendments to Chapter 34 of San Antonio City Code, as found in Exhibit A, and the surcharges, as found in Exhibit B and Exhibit C, shall become effective _____, 2024.

SECTION 5. Within sixty (60) days of the effective date of this Ordinance, SAWS shall notify all water customers by billing insert of the adoption of the non-compliance surcharge and the implementation of the drought surcharge. In addition, a summary of the revisions to the drought management regulations 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 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to the existing Code.

SECTION 7. The recitals set out above and all exhibits attached hereto are fully incorporated into this Ordinance.

SECTION 8. If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid, or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

SECTION 9. Funds received for this ordinance for shifting fines will be deposited in Fund 11001000, Internal Order 203000000026 and General Ledger 4602100.

SECTION 10. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 11. 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.

PASSED AND APPROVED this 20th of June, 2024.

M A Y O R

SZ
06/20/24
Item No. __

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney