

NOTICE OF PUBLIC HEARING ON A PROPOSED RESOLUTION REVISING THE SCHEDULE OF DRAINAGE CHARGES FOR THE MUNICIPAL DRAINAGE UTILITY SYSTEM IN THE CITY OF WACO

Notice is hereby given in accordance with Section 552.045(c) of the Texas Local Government Code that a public hearing on a resolution to (a) revise the Schedule of Drainage Charges for the Municipal Drainage Utility System in the City of Waco ("Schedule of Drainage Charges") to increase the monthly fee from \$6.30 per Equivalent Residential Unit to \$6.55 per month, an increase of \$0.25 (4%); and (b) include the revised Schedule of Drainage Charges in the Fiscal Year 2024-2025 operating budget fee schedule for the drainage utility fund, is hereby set for Tuesday, August 27, 2024, at 6:00 p.m. in the Bosque Theater in the Waco Convention Center, 100 Washington Avenue, Waco, Texas. Council Members may attend remotely by videoconference in accordance with the Texas Open Meetings Act. Members of the public who wish to speak on the proposed resolution or the proposed revisions to the Schedule of Drainage Charges may register prior to the meeting date on the City Council Meeting Information Web Page, by emailing CSO@wacotx.gov or by calling 254-750-5750 for staff assistance. The public can register to speak the day of the meeting at the speaker's registration table.

The proposed resolution is shown below. Dated this 15th day of August 2024.

Michelle Hicks City Secretary
City of Waco, Texas

PROPOSED RESOLUTION

WHEREAS, on November 3, 2020, the City Council passed Ordinance No. 2020-768 which adopted Texas Local Government Code Chapter 552, Municipal Utilities, Subchapter C, Municipal Drainage Utility Systems and established a municipal drainage utility system; and

WHEREAS, Sec. 26-365(f) of the Code of Ordinances of the City of Waco provides that the City Council shall establish, by resolution, the schedule of drainage charges (fee amounts) in the City's fee schedule; and

WHEREAS, after setting a public hearing date (by Resolution No. 2020-626) and publishing the required notices, on November 3, 2020, the City Council conducted a public hearing on Resolution No. 2020-769 (which involved: (1) adopting the Schedule of Drainage Charges for the Municipal Drainage Utility System in the City of Waco, (2) providing that the effective date to begin charging the fees as October 1, 2021, and (3) providing that the Fiscal Year 2020-21 operating budget fee schedule would be amended to include said Schedule of Drainage Charges as set forth in Exhibit "A" of said resolution), and approved said resolution; and

WHEREAS, after setting a public hearing date (by Resolution No. 2021-480) and publishing the required notices, on August 31, 2021, the City Council conducted a public hearing on Resolution No. 2021-560 (which involved: (1) revising said Schedule of Drainage Charges for the Municipal Drainage Utility System to include certain fee credits and to clarify how to calculate the number of Equivalent Residential Units for non-single family residential properties to determine the monthly fee, and (2) amending the Fiscal Year 2020-2021 operating budget fee schedule for the drainage utility fund to include the revised Schedule of Drainage Charges), and approved said resolution; and

WHEREAS, after setting a public hearing date (by Resolution No. 2022-485) and publishing the required notices, on August 30, 2022, the City Council conducted a public hearing on Resolution No. 2022-583 (which involved: (1) revising said Schedule of Drainage Charges for the Municipal Drainage Utility System to clarify billing for "residential" and "non-residential" properties, and for properties with multiple customers, and (2) amending the Fiscal Year 2021-2022 operating budget fee schedule for the drainage utility fund to include the revised Schedule of Drainage Charges), and approved said resolution; and

WHEREAS, after setting a public hearing date (by Resolution No. 2023-472) and publishing the required notices, on August 29, 2023, the City Council conducted a public hearing on Resolution No. 2023-626 (which involved: (1) revising said Schedule of Drainage Charges for the Municipal Drainage Utility System to set the Fee based on the actual rate of inflation as opposed to the originally projected rate of inflation contemplated by the initial Schedule of Drainage Charges, and (2) including the revised Schedule of Drainage Charges in the Fiscal Year 2023-2024 operating budget fee schedule for the drainage utility fund), and approved said resolution; and

WHEREAS, the City desires to amend Schedule of Drainage Charges to account for inflation; and

WHEREAS, before Schedule of Drainage Charges can be revised, a public hearing must be held and notice of the hearing must be given as required by Section 552.045(d) of the Texas Local Government Code; and

WHEREAS, on July 2, 2024, per Resolution No. 2024-512, the City Council set a public hearing for August 27, 2024, at 6:00 p.m., to receive comments on a proposed resolution (which proposed to: (a) revise the Schedule of Drainage Charges for the Municipal Drainage Utility System in the City of Waco ("Schedule of Drainage Charges") to increase the monthly fee from \$6.30 per Equivalent Residential Unit to \$6.55, an increase of \$0.25; and (b) include the revised Schedule of Drainage Charges in the Fiscal Year 2024-2025 operating budget fee schedule for the drainage utility fund), and, on August 27, 2024, the City Council conducted a public hearing on said resolution; and

WHEREAS, notices of the August 27, 2024, public hearing were published in accordance with Section 552.045(d) of the Texas Local Government Code; and

WHEREAS, the City Council has determined to adopt the revised Schedule of Drainage Charges for the Municipal Drainage Utility System, as set forth in Exhibit "A"; and

WHEREAS, Sec. 26-367 of the Code of Ordinances of the City of Waco states that a drainage utility fund has been created;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

That the Schedule of Drainage Charges for the Municipal Drainage Utility System in the City of Waco is hereby revised as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

That the revised Schedule of Drainage Charges as set forth in Exhibit "A" is hereby included in the Fiscal Year 2024-2025 operating budget fee schedule for the drainage utility fund.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

EXHIBIT "A"

SCHEDULE OF DRAINAGE CHARGES FOR THE MUNICIPAL DRAINAGE UTILITY SYSTEM

This Schedule of Drainage Charges for the Municipal Drainage Utility System is adopted by the City Council. The effective date to begin charging the fees as shown in this Schedule of Drainage Charges for the Municipal Drainage Utility System and issuance of bills for said fees will be October 1, 2024.

Municipal Drainage Utility Fees

The ERU is determined to be 2,633 square feet of impervious area.

Effective October 1, ~~2023~~2024, the monthly Municipal Drainage Utility Fee shall be ~~\$6.30~~\$6.55 per ERU.

Fees for non-residential properties shall be based on the total estimated impervious area on each parcel, with building permit information, aerial photography, or actual measurement used as a means of estimating the total amount of impervious area on the property, divided by 2,633 square feet to determine the number of ERUs or billing units. The calculated number of ERUs for non-residential properties will be rounded to the nearest whole integer other than zero to determine the monthly fee.

Fee Credits

3. Properties with less than 500 square feet of impervious cover will receive a credit equal to the amount of the fee due for that property.
4. Non-residential customers may receive an annual 10% credit applied to the fee after providing one hour of volunteer service per ERU assessed on the customer's property.
 - a. The volunteer service must be through a program approved by the City of Waco Public Works Department and hours must be documented.
 - b. All volunteer service hours must be complete before the credit is applied.
 - c. The credit will expire one year from the date of the first volunteer service hour.
5. Non-residential customers may receive a credit for retaining stormwater on site.
 - a. The credit will be proportional to the percentage of stormwater runoff retained on site and eliminated from entering the municipal drainage system (the "runoff reduction") in addition to any retention required by other laws, ordinances, or regulations.
 - b. The reduction shall be achieved via construction of improvements designed and stamped by a registered engineer and approved by the Watershed Protection Division Manager prior to construction.
 - c. After construction of the improvements is completed and the improvements are accepted by the City as being constructed in accordance with the approved plans, the non-residential customer will receive a credit on the customer's monthly bill equal to the percentage of runoff reduction achieved by the improvements.
 - d. The credit will be applied as follows:
 - i. if the improvements are accepted by the City between January 1st and May 31st of a given year, the credit will be applied beginning October 1st of that year;
 - ii. if the improvements are accepted by the City between June 1st and December 31st of a given year, the credit will be applied beginning October 1st of the year following the year in which the improvements are accepted.
 - e. The improvements shall be maintained by the customer. The improvements will be inspected and initial functionality certified annually by the customer to retain the credit.