

**TOWN OF TROPHY CLUB, TEXAS  
ORDINANCE NO. 2022-30**

**AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING SUBSECTION (D) MONTHLY RESIDENTIAL AND COMMERCIAL FEES, OF SECTION A1.014, WATER AND WASTEWATER FEES FOR PUBLIC IMPROVEMENT DISTRICT NO. 1, OF ARTICLE A1.000, GENERAL PROVISIONS, OF APPENDIX A, FEE SCHEDULE, OF THE TOWN OF TROPHY CLUB CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING FOR SAVINGS AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, fees imposed by the Town are adopted via Ordinance and are codified in Appendix A of the Code of Ordinances of the Town; and

**WHEREAS**, Appendix A, Article A1.000, Section A1.014 of the Town of Trophy Club Code of Ordinances contains fees for public works for the Trophy Club Public Improvement District No. 1 (hereinafter "PIO"), including fees for meters utilized within the PIO; and

**WHEREAS**, the Town of Trophy Club (the "Town") is the owner and/or operator of a water and sewer system designed to serve present and future inhabitants of the Trophy Club Public Improvement District No. 1 (the "Town System"); and

**WHEREAS**, under the Amended and Restated Contract for Wholesale Water Supply and Wastewater Treatment Services and Water and Wastewater Operational Services between the Town and Trophy Club Municipal Utility District No. 1 dated July 25, 2017 (the "Contract"), the Trophy Club Municipal Utility District No. 1 (the "MUD") has agreed to provide the Town with wholesale water and wastewater services and with operations services related to the Town System within the boundaries of the PIO Property, as that term is defined in the Contract; and

**WHEREAS**, Section 7.1(a) of the Contract requires that the MUD shall provide to Town any amended or revised MUD Rate Order adopted by MUD and Town shall adopt a Town Rate Order identical to the amended or revised MUD Rate Order. The Town shall adopt a Town Rate Order identical to the amended or revised MUD Rate Order provided that the Town has received receipt of the amended or revised MUD Rate Order at least 96 hours before a regularly scheduled Council meeting. In the event that the Town receives receipt of the amended or revised MUD Rate Order with less than 96 hours before a regularly scheduled Council meeting then the Town shall adopt a Town Rate

Order identical to the amended or revised MUD Rate Order at the second regularly scheduled Council meeting after receiving receipt of the amended or revised MUD Rate Order; and

**WHEREAS**, Sections 3.9 and 4.10 of the Contract require the Town to adopt retail water and wastewater service rules, regulations and policies at least as stringent as the provisions of amended or revised MUD service rules, regulations or policies (the "MUD Service Rules and Policies") within sixty (60) days of Town's receipt of the amended or revised MUD Service Rules and Policies; and

**WHEREAS**, the Town received a revised MUD Rate Order, with revised MUD Service Rules and Policies, on September 21, 2022 with an effective date of October 1, 2022;and

**WHEREAS**, the Town Council hereby finds that amending Subsection (d) of Section A1.014, Water and Wastewater Fees for PID No. 1, of Article A1.000, General Provisions, of Appendix A, Fee Schedule, of the Town of Trophy Club Code of Ordinances, as further specified herein, meets its contractual obligations pursuant to the Contract and serves the best interests of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:**

**SECTION 1.  
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.  
AMENDMENTS**

**2.01** Subsection (d) of Section A1.014, Water and Wastewater Fees for PID No. 1, of Article A1.000, General Provisions, of Appendix A, Fee Schedule, of the Town of Trophy Club Code of Ordinances are hereby amended as follows and all other subsections not expressly mentioned hereafter shall remain the same:

**"APPENDIX A FEE SCHEDULE**

**ARTICLE A1.000 GENERAL PROVISIONS**

**DESCRIPTION**

The changes in the proposed Rate Order are shown below.

**Section 1.09 Water Meter Fees.** Fees charged are the actual cost of water meters.

METER SIZE	WATER METER FEE	UPDATED METER FEE
5/8"	\$318	No Change
1"	\$381	No Change
1-1/2"	\$780	No Change

**Section 2.01 Water Service Rates.**

**Base Rates:**

METER SIZE	MONTHLY BASE RATE	
	Current	Effective Oct. 1
5/8" & 3/4"	\$18.54	<b>\$20.26</b>
1"	\$34.84	<b>\$38.08</b>
1.5"	\$61.79	<b>\$67.54</b>
2"	\$98.87	<b>\$108.06</b>
3"	\$187.37	<b>\$204.80</b>
4"	\$308.95	<b>\$337.68</b>
6"	\$617.91	<b>\$675.38</b>

**Volumetric Rates:**

Gallons Used			Rate per 1000 gallons	
			Current	Oct.1
0	to	6,000	\$4.09	<b>\$4.60</b>
6,001	to	17,000	\$4.76	<b>\$5.35</b>
17,001	to	25,000	\$5.51	<b>\$6.19</b>
25,001	to	50,000	\$6.40	<b>\$7.19</b>
50,001+			\$7.44	<b>\$8.36</b>

Meter fees for meter sizes less than or greater than 1" shall be based upon the fee charged by the Trophy Club Municipal Utility District No. 1 ("MUD1") in accordance with its duly adopted rate order.

**SECTION 3.  
SAVINGS AND REPEALER**

That this Ordinance shall be cumulative of all other Ordinances of the Town affecting fees and shall not repeal any of the provisions of such Ordinances except in those instances where provisions of those Ordinances are in direct conflict with the provisions of this Ordinance; whether such Ordinances are codified or uncoded, and all other provisions of the Ordinances of the Town of Trophy Club, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to

the effective date of this Ordinance has been initiated or has arisen under or pursuant to such repealed Ordinance(s) shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall be deemed to remain and continue in full force and effect.

#### **SECTION 4. SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

#### **SECTION 5. ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in accordance with the Town Charter.

#### **SECTION 6. PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

#### **SECTION 7. PUBLICATION**

The Town Secretary of the Town of Trophy Club is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 8.  
EFFECTIVE DATE**

This Ordinance shall take effect on September 27, 2022 in accordance with law, and it is so ordained.

**PASSED AND APPROVED** by the Town Council of the Town of Trophy Club, Texas, this 27<sup>th</sup> day of September 2022.

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Alicia L. Fleury, Mayor  
Town of Trophy Club, Texas

[SEAL]

ATTEST:

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Anita Otterson, Town Secretary  
Town of Trophy Club, Texas

APPROVED TO AS FORM:

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J. David Dodd III, Town Attorney  
Town of Trophy Club, Texas