

AN ORDINANCE 2014-01-30-0065

**SURRENDERING THE CITY OF SAN ANTONIO'S ORIGINAL EXCLUSIVE JURISDICTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OVER THE RATES, OPERATIONS, AND SERVICES OF PRIVATELY OWNED WATER AND WASTEWATER UTILITIES WITHIN THE CITY LIMITS.**

\* \* \* \* \*

**WHEREAS**, pursuant to Section 13.042 of the Texas Water Code, the San Antonio City Council has exclusive original jurisdiction over rates, operations, and services of privately owned water and wastewater utilities providing service within the City limits, but may elect to surrender such jurisdiction to the Texas Commission on Environmental Quality ("TCEQ") by ordinance; and

**WHEREAS**, on September 12, 2013, the City Council approved Ordinance No. 2013-09-12-0639 surrendering to the TCEQ the City's exclusive original jurisdiction over the rates, operations, and services of Leon Springs Utility Company ("Leon Springs"), a privately owned wastewater utility serving the Dominion development; and

**WHEREAS**, prior to accepting exclusive jurisdiction over the rates, operations, and services of Leon Springs, the TCEQ has requested that the City pass an ordinance that surrenders original exclusive jurisdiction over all privately owned water and wastewater utilities in the City; and

**WHEREAS**, according to TCEQ records, there are five small private water utilities in San Antonio serving a total of 1,102 customers, and three wastewater utilities serving a total of 970 customers; and

**WHEREAS**, the City has sent advance notice to the affected private utilities of this pending ordinance (Exhibit A contains the notice letters); **NOW THEREFORE:**

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

**SECTION 1.** Pursuant to Section 13.042 of the Texas Water Code, the City of San Antonio surrenders its exclusive original jurisdiction to the TCEQ over privately owned water and wastewater utilities. This Ordinance is not intended to surrender the City's original exclusive jurisdiction over City owned utilities.

**SECTION 2.** Consistent with Section 13.042(c) of the Texas Water Code, the City reserves the right to reinstate its exclusive original jurisdiction over privately owned water and wastewater utilities at a future date should the San Antonio City Council choose to exercise such jurisdiction for any reason.

**SECTION 3.** This Ordinance shall become effective immediately upon the unanimous vote of the City Council or within ten days following approval by majority vote.

GG  
01/30/14  
Item No. 26

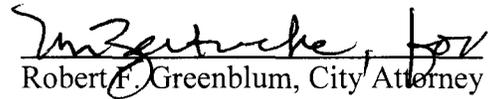
**PASSED AND APPROVED**, this 30<sup>th</sup> day of January 2014.

  
M A Y O R  
Julián Castro

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	26 ( in consent vote: 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 27A, 27B )						
<b>Date:</b>	01/30/2014						
<b>Time:</b>	11:49:00 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the Texas Commission on Environmental Quality to exercise exclusive jurisdiction over the Leon Springs Utility Company's rates, operations, and services within the City of San Antonio. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				x
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				

# **EXHIBIT A**

# CITY OF SAN ANTONIO

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**FINANCE DEPARTMENT**

111 Soledad St Ste 500 -- P.O. Box 839966  
San Antonio, Texas 78283-3966  
(210) 207-5734 FAX (210) 207-4072

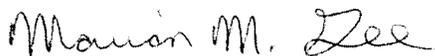
January 21, 2014

Cadillac Water Corporation  
15285 Cadillac Drive  
San Antonio, TX 78248

On Thursday, January 30<sup>th</sup>, the San Antonio City Council is expected to vote on an ordinance that would allow the Texas Commission on Environmental Quality (TCEQ) to exercise exclusive jurisdiction over the rates, operations, and services of all privately owned water and wastewater utilities that operate within the city limits. According to information maintained by the TCEQ, your organization currently provides water or wastewater services within the City of San Antonio or has an active Certificate of Convenience and Necessity (CCN). As such, you are being notified of this impending vote. If approved, the ordinance shall become effective immediately upon the unanimous vote of the City Council or within ten days following approval by majority vote.

If you should have any questions regarding this matter, please feel free to contact me at 210-207-4229 or at [marion.gee@sanantonio.gov](mailto:marion.gee@sanantonio.gov).

Sincerely,



Marion M. Gee  
Assistant Finance Director

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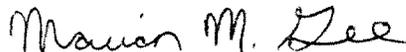
January 21, 2014

Forest Glen Utility Company  
15303 Huebner Road, Suite 15  
San Antonio, TX 78248

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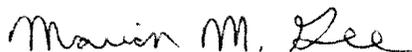
January 21, 2014

South Central Water Company  
P.O. Box 570177  
Houston, TX 77257

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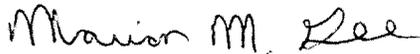
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Joseph Krier  
Cadillac Water Corporation  
14203 Fairway Basin  
San Antonio, TX 78217

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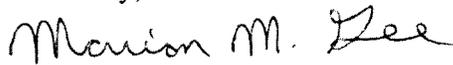
January 21, 2014

Louis L. Voelcker  
Enchanted Oaks  
2912 Enchanted Gln  
Boerne, TX 78015

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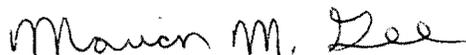
January 21, 2014

Christopher Hill  
Gallagher Utility Joint Ventures  
5111 Broadway Street  
San Antonio, TX 78209

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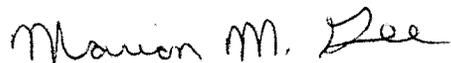
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Bill Willeford  
Nico Tyme Water Co-Op  
4851 Hardy Road  
Elmendorf, TX 78112

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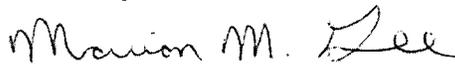
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Water Service Inc.  
12535 Reed Road  
Sugar Land, TX 77478

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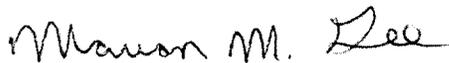
January 21, 2014

Larry Slayter  
Leon Springs Utility Company  
14855 Blanco Road, Suite 305  
San Antonio, TX 78216

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