

ORDINANCE NO.

AN ORDINANCE REPEALING COUNCIL RESOLUTIONS 20110512-003 AND 20160407-023 AND AMENDING CITY CODE CHAPTER 15-9 REGARDING BILLING ADJUSTMENTS FOR BILLS INDICATING EXCESS WATER CONSUMPTION BY SINGLE-FAMILY RESIDENTIAL CUSTOMERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Council Resolutions 20110512-003 and 20160407-023 are repealed by the adoption of amendments to City Code in Part 2 of this ordinance.

PART 2. Chapter 15-9 (*Utility Service Regulations*) of the City Code is amended by adding new Section 15-9-141 to read as follows:

Section 15-9-141. Adjustment of Excess Water Bill if Leaks are Repaired

- (A) A single-family residential customer who receives a water bill showing metered consumption that exceeds the customer's expected volume at that service address for up to two consecutive billing periods may apply for a bill adjustment under this section if: (1) the director determines the volume exceeding the customer's expected volume was due to water line leaks at the service address that were not within the customer's control; (2) the customer exercised due diligence in repairing the leaks; and (3) the customer has not received any billing adjustment under this section within the preceding 12 months.
- (B) Within 90 days of having the leaks repaired, the customer must submit documentation in a form acceptable to the director that all water line leaks on the customer's property that contributed to the excess consumption have been repaired.
- (C) A customer is not eligible for a bill adjustment under this section if the director determines that: (1) the customer has been or is wasting water in violation of Section 6-4-12, *Water Waste Prohibited*; (2) the customer has been or is violating any provision of, or rule adopted under, chapter 6-4 of this code (*Water Conservation*); or (3) the cause for any amount of the customer's excess consumption is an unrepaired visible water leak, dripping faucet, broken sprinkler head, pool crack, or malfunctioning pool auto-filler.
- (D) For the purposes of this section, the director will determine a customer's expected volume (EV) for a given billing period by using one of the following methods in the review of an application:

(1) Metered volume used at the service address for the same month in the previous year;

(2) Average metered volume used at the service address for the same month over multiple years;

(3) Average metered volume used at the service address for similar seasonal months in prior years;

(4) Metered volume used at the service address for subsequent similar months; or

(5) Average metered volume used at the service address for current seasonal months.

(E) If the director determines that the customer qualifies for a bill adjustment under this section, the director will recalculate the bills for up to two consecutive billing periods in accordance with the following formula by establishing an adjusted total volume and charging a rate for a portion of the volume that exceeds the expected volume.

(1) The adjusted total volume (ATV) is the sum of the actual metered volume (AMV) of water consumed less fifty percent of the actual metered volume that exceeds expected volume (EV). The preceding sentence is represented by the formula: $ATV = AMV - ((AMV - EV) / 2)$.

(2) Charges for the adjusted total volume will be the sum of: (a) the expected volume (EV) charged at the applicable rate for single-family residential customers; and (b) the volume represented by that portion of the adjusted total volume equal to $(AMV - EV) / 2$ charged at the lower of the applicable rate for single family residential customers, or a rate for excess usage.

(F) If by using the adjusted total volume for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the director may adjust the corresponding wastewater charges.

(G) If a customer receives a bill adjustment under this section, the director may consider the adjusted total volume used in that adjustment to determine the customer's wastewater average for applicable cycle during which the adjustment was received.

(H) A determination by the director under this section is final and may not be appealed.

- 1 (I) A customer who receives a bill adjustment under this section may not request an
2 administrative hearing under Article 12 (*Administrative Review and Hearing*) for
3 the same water billing period to which the credit is applied in order to dispute the
4 administrative adjustment, or the remaining amount of the excess usage charged to
5 the customer.

6 **PART 3.** Chapter 15-9 of the City Code is amended by adding new Section 15-9-142 to
7 read as follows:
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9 **Section 15-9-142. Adjustment of High-Volume Water Bill**
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- 11 (A) A single-family residential customer whose bill shows consumption at the service
12 address for up to two consecutive billing cycles that is at least three times the
13 expected volume may apply to the director for an adjustment to the bill in the
14 manner provided in this section, provided the customer files the request no later
15 than 90 days after the customer's receipt of the bill only if the customer has not
16 received an adjustment under this section within the preceding 24 months. The
17 customer must have at least 12 months of uninterrupted water billing history at the
18 service address for which the application is filed.
19
- 20 (B) For the purposes of this section, the director will determine a customer's expected
21 volume (EV) for a given billing period by using the customer's metered volume
22 used at the service address for the same month over the prior two years. If records
23 of the customer's metered volume used at the service address for the same month
24 over the prior two years is not available, then the director will determine the
25 customer's expected volume by considering:
26
- 27 (1) Metered volume used at the service address in the same month in the
28 previous year;
 - 29 (2) Average metered volume used at the service address in similar seasonal
30 months in prior years;
 - 31 (3) Metered volume used at the service address for subsequent similar months;
32 or
 - 33 (4) Average metered volume used at the service address for current seasonal
34 months.
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- 36 (C) To apply for a bill adjustment under this section, the customer must use a form
37 approved by the director that includes a statement that the application is a

governmental record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code.

- (D) Upon receiving an application, the director of the utility will investigate the cause for excessive volume of consumption, which investigation may include, but is not limited to:
- (1) inspection of the customer's water meter for indication of leaks and accuracy testing;
 - (2) review of the customer's billing record including historical usage of the service address;
 - (3) review of meter reads to determine if any estimated reads affected the customer's bill;
 - (4) audit of the customer's irrigation system settings;
 - (5) review of any new construction conducted at the service address; and
 - (6) inspection of any new water consuming appliances installed in the past twelve months.
- (E) If the initial investigation reveals a billing or meter error, the director shall proceed in accordance with Section 15-9-140 (*Billing Adjustments*).
- (F) A customer is not eligible for a bill adjustment under this section if the director determines that: (1) the customer has been or is wasting water under Section 6-4-12 (*Water Waste Prohibited*); (2) the customer has been or is violating any provision of, or rule adopted under, chapter 6-4 of this code (*Water Conservation*); (3) the cause for any amount of the customer's excess consumption was a visible water leak, dripping faucet, broken sprinkler head, pool crack, or malfunctioning pool auto-filler; or (3) water intensive uses, including but not limited to a pool, vanity pond, or spa, could be a cause for the excess metered consumption.
- (G) If the director determines that the customer qualifies for a bill adjustment under this section, the director will recalculate the bills for up to two consecutive billing periods in accordance with the following formula by establishing an adjusted total volume and charging a for the a portion of the volume that exceeds the expected volume.

- 1 (1) The director will establish the adjusted total volume (ATV) as the sum of the
2 actual metered volume (AMV) of water consumed less fifty percent of the
3 actual metered volume that exceeds expected volume (EV). The preceding
4 sentence is represented by the formula: $ATV = AMV - ((AMV - EV) / 2)$.
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6 (2) Charges for the adjusted total volume will be the sum of: (a) the expected
7 volume (EV) charged at the applicable rate for single-family residential
8 customers; and (b) the volume represented by that portion of the adjusted
9 total volume equal to $(AMV - EV) / 2$ charged at the lower of the applicable
10 published rate for single family residential customers, or a rate for excess
11 usage.
12
13 (H) If by using the adjusted total volume for a bill adjustment under this section the
14 customer's corresponding wastewater volume would be lower than the volume
15 originally billed to the customer, the director may adjust the corresponding
16 wastewater charges.
17
18 (I) If a customer receives a bill adjustment under this section, the director may
19 consider the adjusted total volume used in that adjustment to determine the
20 customer's wastewater average for applicable cycle during which the adjustment
21 was received.
22
23 (J) A determination by the director under this section is final and may not be appealed.
24
25 (K) A customer who receives a bill adjustment under this section may not request an
26 administrative hearing under Article 12 (*Administrative Review and Hearing*) for
27 the same water billing period to which the credit is applied in order to dispute the
28 administrative adjustment, or the remaining amount of the excess usage charged to
29 the customer.
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31 **PART 4.** This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk