

**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**PART 1.** City Council Resolutions 20110512-003 and 20160407-023 are repealed by the adoption of amendments to City Code in Part 2 of this ordinance.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 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 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 the 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 under this  
14 section if: (1) the customer files the request for an adjustment no later than 90 days  
15 after the customer's receipt of the bill; and (2) the customer has not received an  
16 adjustment under this section within the preceding 24 months. The customer must  
17 have at least 12 months of uninterrupted water billing history at the service address  
18 for which the application is filed.  
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- 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 are 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 rate for a portion of the volume that exceeds the expected volume.

- 1 (1) The adjusted total volume (ATV) is the sum of the actual metered volume  
2 (AMV) of water consumed less fifty percent of the actual metered volume  
3 that exceeds expected volume (EV). The preceding sentence is represented  
4 by the formula:  $ATV = AMV - ((AMV - EV) / 2)$ .  
5
- 6 (2) Charges for the adjusted total volume will be the sum of: (a) the expected  
7 volume (EV) charged at the rate for single-family residential customers; and  
8 (b) the volume represented by that portion of the adjusted total volume equal  
9 to  $(AMV - EV) / 2$  charged at the lower of the rate for single family residential  
10 customers, or a rate for excess usage.  
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- 12 (H) If by using the adjusted total volume for a bill adjustment under this section the  
13 customer's corresponding wastewater volume would be lower than the volume  
14 originally billed to the customer, the director may adjust the corresponding  
15 wastewater charges.  
16
- 17 (I) If a customer receives a bill adjustment under this section, the director may  
18 consider the adjusted total volume used in that adjustment to determine the  
19 customer's wastewater average for the applicable cycle during which the  
20 adjustment was received.  
21
- 22 (J) A determination by the director under this section is final and may not be appealed.  
23
- 24 (K) A customer who receives a bill adjustment under this section may not request an  
25 administrative hearing under Article 12 (*Administrative Review and Hearing*) for  
26 the same water billing period to which the credit is applied in order to dispute the  
27 administrative adjustment, or the remaining amount of the excess usage charged to  
28 the customer.  
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30 **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