

FLOOR AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.12 (WATER AND SEWER SYSTEM) OF THE EL PASO CITY CODE BY ADDING SECTION 15.12.015 (UTILITY FRANCHISE FEE) IN ORDER FOR THE GRANT OF A FRANCHISE TO THE WATER AND SEWER UTILITY MANAGED BY THE PUBLIC SERVICE BOARD FOR THE OPERATION AND MAINTENANCE OF THE WATER AND SEWER UTILITY SYSTEM AND THE ASSESSMENT OF A FRANCHISE FEE OF UP TO \$6,550,000, ~~2.75 PERCENT OF TOTAL OPERATING REVENUES OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD.~~

WHEREAS, pursuant to Section 3.18 of the El Paso City Charter the right of control, ownership and use of streets and alleys is declared to be inalienable except as provided by ordinance passed by the Council; and,

WHEREAS, the City of El Paso is authorized by Section 7.13 of the El Paso City Charter to levy and collect franchise fees in accordance with the laws of the State of Texas; and

WHEREAS, on May 22, 1952 the City of El Paso (“City”) adopted Ordinance 752 which created the Public Services Board (“PSB”); and authorized the first issuance of water and sewer revenue bonds.

WHEREAS, pursuant to Ordinance 752, the City transferred the complete management and control of the City’s water and sewer system to the PSB; and

WHEREAS, pursuant to Section 15.12 of the City’s Municipal Code of Ordinance, the PSB is authorized to promulgate rules and regulation relevant to the operation of the city’s water and sewer system; and

WHEREAS, the PSB utilizes the City’s streets to provide the water and sewer utility services causing deterioration of the City’s streets; and

WHEREAS, the City Council of the City of El Paso is of the opinion that the granting of the franchise to the PSB and the establishment of a franchise fee are in furtherance of the public interest, for the good government, peace, order of the City and necessary and proper for carrying out the power granted by law to the City and in compliance with all water and sewer bond ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 15 (Public Services) of the City of El Paso Code is amended to add Chapter 15.12.015, Franchise Fee to read as follows:

ORDINANCE NO. _____
19-1009-1056.001/PL#948053/PSB Franchise Agreement Ordinance 2019/SMC

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Section 15.12.015 Franchise Fee.

The recitals described in Ordinance No. _____ are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into this ordinance by reference.

The City of El Paso grants the El Paso Water Utilities Public Service Board (“PSB”) a franchise to use the City streets as necessary to manage and operate the water and sewer system. The City establishes a franchise fee (“PSB Infrastructure Franchise Fee”) to be paid by the PSB in the amount of ~~up to \$6,550,000 2.75 percent of the total operating revenues generated from water, wastewater and water supply replacement charges.~~ The PSB will pay the City the PSB Infrastructure Franchise Fee on a monthly basis.

Section 2. EFFECTIVE DATE

This ordinance shall take effect on March ____, 2020.

PASSED and APPROVED this _____ day of December, 2019.

THE CITY OF EL PASO
:

Dee Margo
Mayor

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ATTEST:

Laura D. Prine
City Clerk

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APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Sol M. Cortez
Senior Assistant City Attorney

Samuel Rodriguez, P.E., City Engineer
Capital Improvement Department