

Ordinance adopting Subchapter C of Chapter 552 of the Texas Local Government Code and declaring the drainage of the City of Corpus Christi (“City”) to be a public utility and part of the City’s combined utility system and establishing the City’s storm water system as a municipal drainage utility system; incorporating existing facilities into the municipal drainage utility system; providing for segregation of revenue from drainage charges; and providing that issuance of storm water revenue bonds or combined (water, wastewater, gas and storm water) utility revenue bonds may be repaid with revenue from the municipal drainage utility system charge.

WHEREAS, the City Council desires to protect the public health, safety, and welfare of the citizens of Corpus Christi by reducing the risk of loss of life and property caused by surface water overflows and surface water stagnation and by reducing pollution arising from non-point source runoff; and

WHEREAS, the City Council desires to establish a Municipal Drainage Utility System for the City and adopt the Municipal Drainage Utility Systems Act as set forth in Subchapter C of Chapter 552 Texas Local Government Code (the “Act”);

WHEREAS, the City of Corpus Christi will establish and enforce rules appropriate to operate the Municipal Drainage Utility System.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The City of Corpus Christi (City or Municipality) declares the storm water drainage of this municipality to be a public utility and finds, in accordance with Subchapter C of Section 552.045(b) of the Texas Local Government Code that:

(a) the municipality will establish a schedule of drainage charges against all real property in the proposed service area (municipal boundaries) subject to charges under this subchapter;

(b) the municipality will provide drainage for all real property in the proposed service area on payment of drainage charges, except real property exempted under this subchapter;

(c) the municipality will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

SECTION 2. In accordance with Section 552.046 of the Texas Local Government Code, the City incorporates the existing municipal storm water drainage facilities and related

supplies and materials in the Municipal Drainage Utility System.

SECTION 4. Subsequent to passage of this ordinance and following the provision for public notice and public hearing, the City will establish, by separate ordinance, a levy of drainage utility charges for all properties in the service area.

SECTION 5. The drainage charges collected by the Municipal Drainage Utility System shall be segregated and deposited in the City's Storm Water Fund (aka "Municipal Drainage Utility System" fund).

SECTION 6. By majority vote of the City Council, the City may issue storm water revenue bonds or combined (water, wastewater, gas, solid waste, and storm water) utility revenue bonds to be repaid, in full or in part, with the use of revenue from municipal drainage utility charges.

SECTION 7. The establishment of a drainage utility system by the City does not relieve private landowners, developers, other individuals, and entities from responsibility for providing drainage improvements in connection with land development pursuant to State or Federal law or other City ordinances pertaining to stormwater or surface water runoff, drainage management or drainage improvements.

SECTION 8. The establishment of a Drainage Utility System by the City does not imply or warrant that a benefitted property will be free from flooding, stormwater pollution, or stream erosion. The City makes no representation that all drainage problems will be remedied.

SECTION 9. This ordinance does not create additional duties on the part of the City or create new liability or remedies for any flooding, stream erosion, deterioration of water quality or other damages. Nothing in this ordinance shall be deemed to waive the City's immunity from suit or immunity from liability, or to reduce the need or necessity for benefitted properties to obtain flood insurance.

SECTION 10. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 11. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____
Gil Hernandez _____
Michael Hunter _____
Billy Lerma _____

Ben Molina _____
Mike Pusley _____
Greg Smith _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____
Roland Barrera _____
Gil Hernandez _____
Michael Hunter _____
Billy Lerma _____

John Martinez _____
Ben Molina _____
Mike Pusley _____
Greg Smith _____

PASSED AND APPROVED on this the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor