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# EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

## STATEMENT OF POLICY

This Policy Replaces Any Previous Service  
Policies of the District as Approved by the  
District Board of Directors

June 20, 2023

East Medina County Special Utility District  
P.O. Box 628  
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EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

# STATEMENT OF POLICY

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EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION A  
RESOLUTION AND AUTHORITY

**ORDER BY EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT ADOPTING  
A SERVICE POLICY ESTABLISHING RATES, FEES,  
CHARGES, AND ADOPTING RULES RELATING TO THE  
ADMINISTRATION OF ITS UTILITY SERVICES, AND PROVIDING  
FOR ENFORCEMENT FOR VIOLATIONS**

WHEREAS, the East Medina County Special Utility District (the "District") operating under Chapter *(the chapter that applies)* and Chapter 49 of Texas Water Code has provided facilities for the production and distribution of potable water [and/or sewer service] to residential and business users within its authorized service areas;

WHEREAS, Section 49.212, Texas Water Code, authorizes the District to adopt and enforce all necessary charges, rates, fees, and other terms and conditions for providing any district services;

WHEREAS, the Board of Directors has carefully considered the matter and is of the opinion that the following fees, charges, rates, rules, and enforcement procedures are necessary for the safe and efficient management of the District's utility facilities and services;

NOW THEREFORE,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT, IN MEDINA COUNTY, TEXAS, that the following Service Policy is adopted and establishes the fees, charges, rules and enforcement procedures for the District's water services ("Service Policy") and shall be effective on June 20 , 2023.

PASSED AND APPROVED THIS 20th day of June , 2023.

Signature on File

\_\_\_\_\_  
Gina Mangold, President Board of Directors

ATTEST:

Signature on File

\_\_\_\_\_  
JoNell Tarvin, Secretary Board of Directors

## SECTION A: AUTHORITY

1. This Service Policy was adopted by an order by the Board of Directors of the District on **June 20, 2023**. This Service Policy supersedes all utility service policies, adopted or passed by the Board of Directors previously, unless otherwise provided.

The adoption of this Service Policy shall not affect any violation or act committed or done, any penalty or forfeiture incurred, or any contract or vested right established or accrued under any prior Service Policy.

2. An original of this Service Policy as approved shall be maintained in the records of the District and all additions, deletions, and changes thereto shall be clearly exhibited.
3. Laws and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable state or federal law, shall supersede all terms of the Service Policy that directly conflict with such state and federal laws or regulations. If any section, paragraph, sentence, clause, phrase, word or words of the Service Policy are declared unconstitutional or in violation of law, the remainder of the Service Policy shall not be affected thereby and shall remain in full force and effect.
4. This Service Policy is immediately effective upon the date of adoption unless otherwise specified.



**EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT**

**STATEMENT OF POLICY**

**SECTION B  
STATEMENTS**

## SECTION B: STATEMENTS

1. **Organization.** The East Medina County Special Utility District is a Political Subdivision of the State of Texas organized under Chapters 49 and Chapter 65 of the Texas Water Code for the purpose(s) of furnishing potable water service to southeast Medina County. The management of the District is supervised by the Board of Directors, which is responsible for adopting all District service policies, rates and regulations. The members of the Board of Directors are elected by the registered voters residing within the District's boundaries.
2. **Non-Discrimination Policy.** Service is provided to all Applicants who comply with the provisions of this Service Policy regardless of race, color, religion, national origin, disability or sexual orientation.
3. **Policy and Rule Application.** These policies and rules apply to the water services provided by the District. Failure on the part of the Customer or Applicant to observe these policies and rules gives the District the authority to deny or discontinue service and to take any other action deemed appropriate according to the terms of this Policy.
4. **Fire Protection Responsibility.** The District generally does not provide, nor does it imply that fire protection is available throughout the distribution system, except where expressly specified and agreed to by the District. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments. The District reserves the right to remove any hydrant, due to improper use or detriment to the system as determined by the District, at any time without notice, refund, or compensation to any third party.
5. **Liability.** The District is not liable for damages caused by service interruptions, events beyond its control, nor for normal system failures.
6. **Information Disclosure.** The records of the District shall be kept in the District office in Devine, Texas. All information collected, assembled, or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act and other applicable law. **In no event and under no circumstances shall the District disclose the Social Security Number of any member or customer to any person other than an employee of the District.** Chapter 182, Subchapter B of the Texas Utilities Code makes confidential a water utility customer's address, telephone number, account records, and information relating to the volume or units of utility usage, or the amounts billed to or collected from the individual for utility usage. However, an individual customer may request in writing that this information be released upon request. The District shall give its applicants and customers notice of their right to request disclosure of this information under this policy. The confidentiality provision in Chapter 182, Subchapter B of the Texas Utilities Code does not prohibit the utility from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employee's duties. Further, such confidentiality does not prohibit the District from disclosing the name and address of each member entitled to vote on a list to be made available to the District's voting members, or their agents or attorneys, in connection with a meeting of the District's members.
7. **Customer Notice Provision.** The District will give written notice of a monthly water rate change by publication, mail or hand delivery to all affected customers within thirty (30) days

after the date on which the board authorizes the new rate. The notice shall contain the old rates, new rates, effective date of the new rates, date of Board authorization, and the location where additional information on rates can be obtained. Failure of the District to give the notice shall not invalidate the effective date of the change, the amount of the newly adopted rate nor any charge incurred based on the new rate.

8. **Grievance Procedures.** Any Customer of the District or individual demonstrating an interest under the policies of this District in becoming a Customer shall have an opportunity to voice concerns or grievances to the District by the following means and procedures:
  - a. By presentation of concerns to the District's Superintendent or authorized staff member. If not resolved to the satisfaction of the aggrieved party, then,
  - b. By presenting a letter to the Board of Directors stating the individual's grievance or concern and the desired result, or
  - c. By presenting a written request to be placed on the Board of Directors regular monthly meeting agenda for the purpose of addressing the Board concerning the grievance.
  - d. The Board of Directors shall respond to the complaint by communicating the Board's decision in person or in writing.
  - e. Any charges or fees contested as a part of the complaint in review by the District under this policy shall be suspended until a satisfactory review and final decision is made by the Board of Directors.

8. **Customer Service Inspections.** The District requires that a customer service inspection certification be completed prior to providing water service to new construction and for all new customers as part of the activation of standard and nonstandard service. Customer service inspections are also required on any existing service when the District has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction or addition to the customer's water distribution facilities. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. (30 TAC 290.46(j))

9. **Submetering Responsibility.** Submetering and non-submetering by master metered accounts may be allowed in the District's water distribution system provided the master metered account customer complies with the Public Utility Commission of Texas (PUC) Chapter 24, Subchapter I rules pertaining to Submetering. The District has no jurisdiction over or responsibility to the tenants. Tenants receiving water under a master metered account are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the master metered account customer. Any complaints regarding submetering should be directed to the PUC.

**NOTE: The system will check with the Master Metered Account Customer to:**

- a) See if they have registered with the PUC, (Texas Water Code Chapter 13 Subchapter M.)

- b) See that they do not charge their tenants more than the total amount of charges billed. If the aggregate bill is greater than the District's charge, the Master Metered Account Customer is considered by the PUC to be a separate Public Water System and will be required to comply with all PUC regulations.
- c) Protect the System's CCN. Should the Master Metered Account Customer continue to violate these or other state regulations, the District will need to request a Cease and Desist Order from the PUC. (Texas Water Code Section 13.252 and PUC Rules, Chapter 24 Section 24.255)

10. **Prohibition Against Resell of Water.** The meter is for the sole use of the customer and is to provide service to only one (1) dwelling or one (1) business. Extension of pipe(s) to share or resell water to any other persons, dwellings, businesses, or property, etc., is prohibited.

11. **No Smoking Policy.** The Surgeon General of the United States has reported that inhalation of tobacco smoke involuntarily can cause disease, including lung cancer, in healthy non-smokers. The District shares this position and believes that its employees and customers should have the right to choose for themselves on an individual basis whether to smoke either actively or passively. It is therefore the policy of the District to prohibit smoking, the use of tobacco products, and/or the use of any electronic smoking/vaping device in any manner within a building owned and operated by the District. Buildings include but are not limited to all portions of the main office building including the area where customer payments are received, the office auxiliary building, the vehicle equipment maintenance facility and all pump house facilities. In addition, smoking, the use of tobacco products, and/or the use of any electronic smoking/vaping device in any manner is prohibited within a minimum of 10 feet of a door, window, or vent opening to any building owned and operated by the District.

**EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT**

**STATEMENT OF POLICY**

**SECTION C  
DEFINITIONS**

## SECTION C: DEFINITIONS

**Applicant** — A person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity applying for service with the District. A person must have reached age of majority (18) in Texas to apply for service. (Section 129.001, Civil Practice & Remedies Code)

**Authorized Representative or District Representative** — The superintendent of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by this Policy pursuant to either general or specific authorization to do so from the superintendent or the board of directors of the District.

**Base Rate** — The monthly charge assessed each Customer for the opportunity of receiving service. The Base Rate is a fixed rate based upon the meter size as set forth in the equivalency chart in Section G.

**Board of Directors** — The governing body of the District elected by the registered voters within the District's boundaries in accordance with the applicable election laws.

**Customer** — Any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity receiving District's service at any specified premises designated to receive service.

**Defined Service Area** — That area within which water services are provided to customers and that includes the area within the District's boundaries (and/or the area described within Certificate(s) of Convenience and Necessity CCN Number (s) 10217).

**Deposit** — A non-interest-bearing refundable fee as set by the Board of Directors based upon the size of the water meter or customer class, which is held by the District as security for service being rendered.

**Developer** — Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who owns land located within the District or the District's service area(s) who has divided or proposes to divide the land into more than two parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent. (See Texas Water Code 13.2502(e)(1) & 49.052(d)).

**Disconnection of Service** — The discontinuance of water service to a customer of the District.

**District** — The East Medina County Special Utility District.

**District's Water System** — The water production, treatment, and distribution facilities operated or to be constructed by the District as currently operating and any water system extensions or improvements which may be built within the District in the future.

**Easement** — A private perpetual right-of-way dedicated to the District for the installation of water pipelines and necessary facilities that allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines (if

applicable) for both service to a customer/applicant and system-wide service. This may also include restrictions on the adjacent area to limit the installation of sewer lines or other facilities that would restrict the use of any area of the easement. (See Sample Application Packet, Form RUS-TX 442-8 or Form RUS-TX 442-9). The easement will be filed in the real property records of the appropriate county or counties.

**Final Plat** — A complete and exact plan for the subdivision of a tract of land that has been approved by all regulatory agencies having jurisdiction over approval of the design, planning and specifications of the facilities of such subdivision.

**Hazardous Condition** — A condition that jeopardizes the health and welfare of the customers of the District as determined by the District or regulatory authority with jurisdiction.

**Impact Fee** — A charge or assessment imposed by a District against new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development (See TWC Chapter 49, Section 49.212(d)). A charge or fee by a District for construction, installation, or inspection of a tap or connection to District water facilities, including all necessary service lines and meters, or for wholesale facilities that serve such water facilities, shall not be deemed to be an impact fee if it does not exceed three times the actual and reasonable costs to the District for such tap or connection.

**Installation Fee** — A fee charged for all costs necessary for installation of the type of service requested. (See Section G for breakdown of costs included in the fee.)

**Master Meter** — A meter used to measure, for billing purposes, all water usage of an apartment house, condominium, multiple use facility, or manufactured home rental community, including common areas, common facilities, and dwelling units. (See PUC Rules Chapter 24, Subchapter H, Section 24.275(c)(8))

**Meter Test Fee** — A fee assessed by the District upon written request of the Customer for testing the accuracy of the meter.

**Mobile Home Park** — A property on which spaces are rented for the occupancy of manufactured or mobile homes for non-transient residential use and for which rental is paid at intervals of one month or longer.

**Public Utility Commission (PUC)** -- State regulatory agency having jurisdiction over Certificates of Convenience and Necessity (CNNs) and appellate jurisdiction for rates of utility districts.

**Recreational Vehicle** — A motor vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home. (See Section 522.0044(b) Transportation Code)

**Recreational Vehicle Park** — A commercial property that is designated primarily for recreational vehicle transient guest use for which fees for site service connections are paid daily or longer. (See Texas Water Code Section 13.087)

**Re-Service** — Providing service to an Applicant at a location where service previously existed and where there is an existing setting for a meter. Costs of such re-servicing shall be as

established in the District's Service Policy or based on justifiable expenses in connection with such re-servicing.

**Revenues** — Any funds received for water service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits, that may be charged and collected by the District from the ownership and operation of its water systems.

**Rural Utilities Service (RUS)** — An agency of the United States Department of Agriculture Rural Development Mission Area that provides loan and grant funds for development of rural water systems serving communities with a population of less than ten thousand (10,000) people. (See Sample Application Packet, Form RUS-TX 442-8 (Rev. 6-06) and Form RUS-TX 442-9 (Rev. 6-06))

**Service Application and Agreement** — A written agreement on the current service application and agreement form between the Applicant and the District defining the specific type of service requirements requested, and the responsibilities of each party regarding the service to be provided on property designated to receive service.

**Service Investigation Fee** — A fee for costs associated with determining if service is available and determining cost of service.

**Service Trip Fee** — A fee charged for any service call or trip to the Customer's tap as a result of a request by the Customer for response to damage of the District's or another Customer's facilities; for customer service inspections due to suspicion of meter tampering, bypass or diversion of service; or for the purpose of disconnecting or collecting payment for services.

**Service Unit** — The base unit of service used in facilities design and rate making. For the purpose of this District Service Policy, a service unit is a 5/8" X 3/4" water meter. (See District Service Policy Section G. 7. a.)

**Subdivide** — To divide the surface area of land into 2 or more lots or tracts primarily for residential use. (Texas Local Government Code Section 232.021(11)).

**Subdivider or Person who Subdivides Land** — An individual, firm, corporation, or other legal entity that directly or indirectly subdivides land into 2 or more lots for sale or lease as a part of a common promotional plan in the ordinary course of business. (See Texas Local Government Code Section 232.021(12) Definitions and Section F, Part II.)

**Subdivision** — An area of land that has been subdivided into 2 or more lots or tracts. (See Texas Local Government Code Section 232.021(13) Definitions)

**System Development Charge** - A charge assessed to an applicant when combined with the actual and reasonable cost for construction, installation, inspection, and connection to district water does not exceed three times the cost of installation of a new service.

**Tap Fee** — all current labor and materials necessary to provide individual metered water or wastewater service.

**Temporary Service** — The classification assigned an Applicant that is in the process of construction. This could also apply to service for uses other than permanent (agricultural, road construction, drilling, livestock, etc.). The board will set the length of time associated with this



classification. This classification will change to permanent service after requirements in the District Service Policy Section E. 2, E. 4, E. 8, and E. 26 are met.

**Texas Commission on Environmental Quality (TCEQ)** — State regulatory agency having general supervision and oversight of water districts, including:

- Monitoring water district activities and their compliance with state laws.
- Providing information to district customers, consultants, board members, and employees.
- Reviewing applications and petitions for appointment to district boards.
- Reviewing the issuance of bonds that finance certain district infrastructure.

**Transfer of Service and Deposit** - The transferring of the service from one applicant to another to which the connection was assigned. At the time of transfer the new applicant will be required to pay the current deposit prior to receiving service.

**Usage** — Amount billed for water service based on actual or estimated usage.

1. **Actual Usage** – Amount billed or to be collected based on actual meter reading.
2. **Estimated Usage** – Amount billed or to be collected based on either the customer's historical average usage for the prior month or for the same month of the prior year where date is available. (See Section E. 6.b.; See also PUC Rules 16 TAC §24.165(i) regarding estimated bills.)

**Water Acquisition Fee** - A water acquisition fee assessed to fund the purchase of Edward Aquifer Water Permits.

**Water Conservation Penalty** — A penalty that may be assessed under Section H of this Policy to enforce customer water conservation practices during drought contingency or emergency water demand circumstances. (See Section H Sample Drought and Contingency Plan item 7)

**Weather Emergency** – Defined as a period beginning when the previous day's highest temperature did not exceed 28 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours according to the National Weather Service reports for the District's service area.

EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION D  
GEOGRAPHIC AREA SERVED



## Texas Commission On Environmental Quality

By These Presents Be It Known To All That

**East Medina County Special Utility District**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

### Certificate of Convenience and Necessity No. 10217

to provide continuous and adequate water utility service to that service area or those service areas in Medina County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 34233-C are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of East Medina County Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this OCT 05 2004

  
For the Commission

S.B. No. 1851  
AN ACT

relating to the expansion of the East Medina County Special Utility District and the composition of the district's board of directors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7203 to read as follows:

CHAPTER 7203. EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7203.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the East Medina County Special Utility District.

(4)

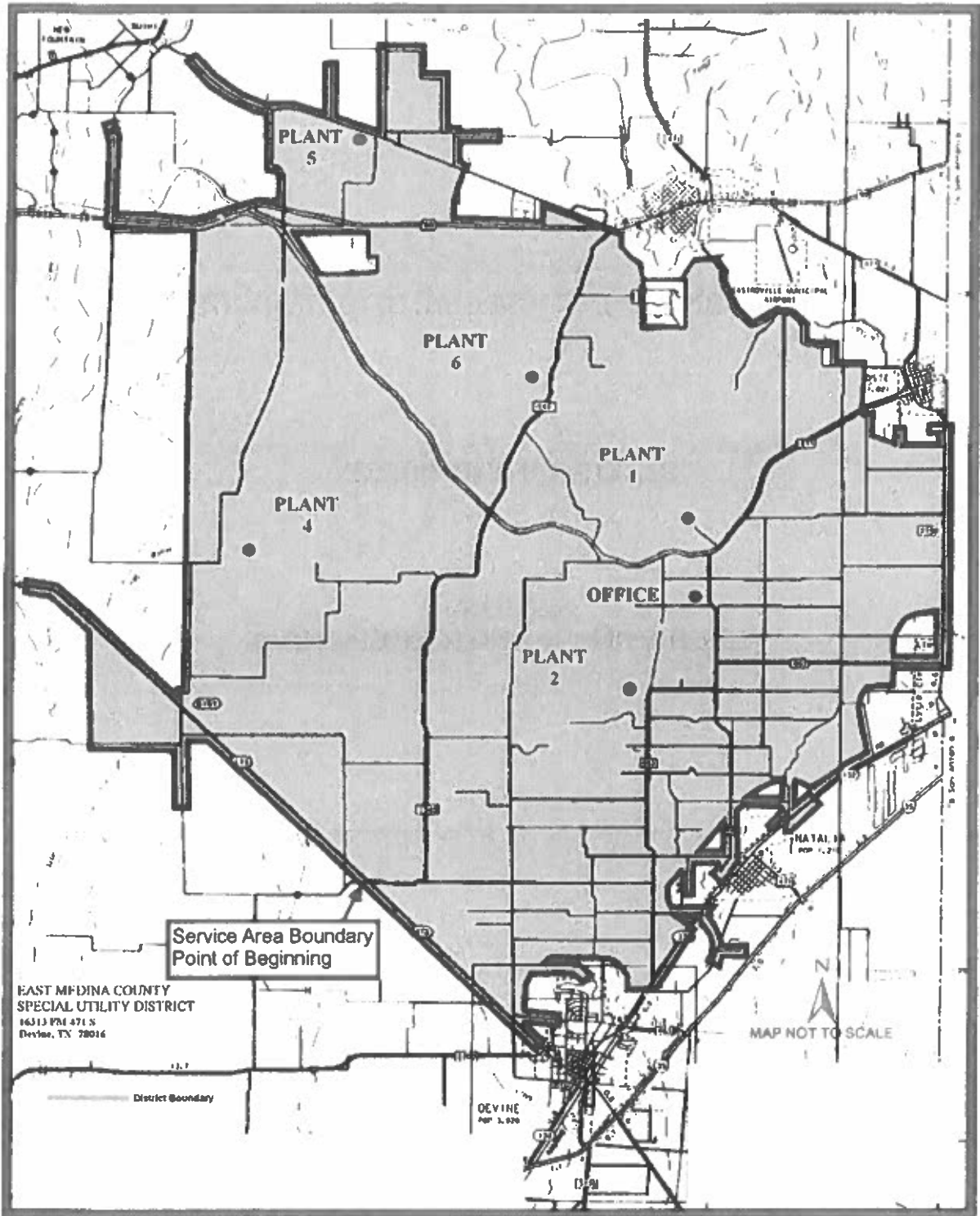
Sec. 7203.002. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of the territory that is described by certificate of convenience and necessity number 10217.

[Sections 7203.003-7203.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7203.051. BOARD OF DIRECTORS. The board consists of seven directors.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.



EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION E  
SERVICE RULES AND REGULATIONS

## SECTION E: DISTRICT SERVICE RULES

1. **Activation of Nonstandard Service.** Activation of Nonstandard Service shall be conducted as prescribed by the terms of Section F. of this service policy.
2. **Activation of Standard Service.** Before receiving service, applicants must comply with all the following requirements, as applicable:
  - a. **New Tap** — The District shall charge a non-refundable service installation fee and a deposit as required under Section G. of this service policy. The service installation fee shall be quoted in writing to the Applicant. All fees shall be paid in advance of installation.
  - b. **Re-Service** — On property where service previously existed, the District shall charge the deposit and other costs necessary to restore service. When re-service is requested by an Applicant, any debt owed to the District by the applicant must be paid before re-servicing procedures can begin. A system development charge fee will not be charged for a re-service event.
  - c. **Performance of Work** — After approval is granted by proper authorities, all tap and equipment installations specified by the District shall be completed by the District staff or designated representative. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection to the mains or distribution pipes of the District's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected with the water service pipe. The tap for a standard service request shall be completed within five (5) working days after approval and receipt of payment of quoted fees on the property designated to receive service. This time may be extended for installation of equipment for Nonstandard Service Request. (See Section F., (16 TAC 24.161(a)(4)))
  - d. **Inspection of Customer Service Facilities** — The facilities at the service connection shall be inspected to ensure compliance with state required Minimum Acceptable Operating Practices for Public Drinking Water Systems as promulgated by the Texas Commission on Environmental Quality or successor agency. The customer must, at his or her expense, properly install and provide certification of maintenance on any backflow prevention device required by the District. (See 30 TAC 290.46(j))
3. **Applicant's Recourse.** In the event the District refuses to serve an Applicant under the provisions of this service policy, the District must notify the applicant, in writing, of the basis of its refusal. The Applicant may file for an appeal, in writing, with the Board of Directors of the District.
4. **Application Procedures and Requirements.** For the purposes of this service policy, service requested by the Applicant(s) shall be for real estate designated to receive the service provided by the District. Service shall be through a meter located on that designated real estate unless otherwise approved by the board. Service shall be divided into the following two classes:
  - a. **Standard Service** is defined as service on a specific property designated to receive

service from an existing pipeline where pipeline or service facility extensions are not required and special design and/or engineering considerations are not necessary. Typically, this would include 5/8" X 3/4" or 3/4" sized water meter services set on existing pipelines.

- b. **Nonstandard Service** is defined as any service request that requires a larger meter service, service to a master metered account (see E 4.d.iv.) of this section), or an addition to the supply, storage and/or distribution system. The service requirements as prescribed by Section F of this service policy shall be required of the Nonstandard Service Applicant prior to providing service. The District shall make a determination as to the appropriate size and type of meter to serve nonstandard applicants.

c. **Requirements for Standard and Nonstandard Service.**

- i. The District's Service Application and Agreement Form shall be completed in full and signed by the Applicant.
- ii. A Right-of-Way Easement Form, Sanitary Control Easement, or other such easement form, approved by the District, must be provided by the applicant (properly executed by the person or persons having legal authority to convey an easement) for the purposes of providing water service to the applicant and to facilitate current and future system-wide service (Texas Water Code 49.218(d),(f)). *See also* Uniform Partition of Heirs Property Act, Property Code Chapter 23A).
- iii. As set forth in Section B.9 of this service policy, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction began after January 1, 2003, unless the District determines that installation of individual meters is not feasible. If the District determines that installation of meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeters or individual meters. The District shall be entitled to the payment of costs, including the costs of individual meter installations, as provided in Section G.5. The cost of individual meter installation shall be prepaid by the property owner as well as the cost of any additional facilities or supply occasioned by the total water service demand represented by full occupancy of the property, as determined under applicable provisions of Section G.
- iv. Master Meter for multiple use facilities. The District may install a master meter for water service to apartments, condominiums, business centers or other multiple use facilities on which construction began prior to January 1, 2003, or at an Applicant's request provided the total number of units to be served are:
  - 1. owned by the same person, partnership, cooperative, corporation, agency, public or private organization of any type but not including a family unit; and
    - o considered a commercial enterprise; i.e. for business, rental, or lease purposes; or
    - o not directly accessible to public right-of-way (such as but not limited to gated communities).



- v. Individual meters for multiple use facilities. On request by the property owner or manager, the district shall install individual meters owned by the District in apartments, condominiums, business centers or other multiple use facilities on which construction began after January 1, 2003, unless the District determines that installation of meters is not feasible. If installation of meters is not feasible, the District shall have no obligation to install meters until the property owner or manager installs a plumbing system, at the property owner's or manager's expense, that is compatible with the installation and service of meters. Each individual meter will require a Service Application and Agreement pursuant to this service policy.
- vi. The District shall install a master meter for recreational vehicle and mobile home parks and charge the same rate as other commercial businesses that serve transient customers and receive non-sub metered master metered utility service. (See Texas Water Code Section 49.2122(a-1))
- vii. Notice of application approval and costs of service determined by the District shall be presented to the applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the applicant must re-apply for service.
- viii. The district shall post on its website or provide to each service applicant or transferee a copy of the Disclosure of Personal Information Request Form. *See Section K, Miscellaneous Transaction Forms. See also, Texas Utilities Code Section 182.052(c). Note to utilities: if the form is posted on the website, the utility must provide customers with a way to return the form either by mail or electronically*
- ix. If the water main has been located in the public right-of-way and is adjacent to the Applicant's property due to the current or previous landowner's refusal to grant an easement or easements to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the Applicant, prior to receiving the requested service, shall grant the easements required under this service policy and in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to cap the existing line in the right-of-way (ROW) and construct the appropriate line or lines within those easements for the District's system-wide service (See Miscellaneous Transaction Forms).

5. **Back-billing.** The District may back-bill a customer for up to forty-eight (48) consecutive months for meter error, misapplied meter multiplier, incorrect meter readings, or error in computing a customer's bill. Failure to pay the most recent six (6) months billing will result in disconnection of service. (See 16 TAC 24.165(h))

6. **Bill Adjustment Due to Meter Error.**

- a. **Due to Meter Error.** The District shall test any customer's meter upon written request of the customer. In the event the meter tests within the accuracy standards of the American Water Works Association, a test fee as prescribed in Section G of this

service policy shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer shall complete a meter test request form prior to the test. (See [Section J. Misc. Transaction Forms](#))

- b. **Due to Estimated Billing.** If the District has estimated usage because the District is unable to access the meter due to circumstances beyond the District's control, such as a natural disaster, or because access is hindered or denied by a Customer, the District shall adjust the bill once access has been regained and actual usage is determined. (See [Section E. 12. a.](#))

**7. Billing Cycle Changes.** The District reserves the right to change its billing cycles if the workload requires such practice. After a billing period has been changed, the billings shall be sent on the new change date unless otherwise determined by the District.

**8. Changes in Service Classification.** If at any time the District determines that the customer service demands have changed from those originally applied for to a different service classification and the District determines that additional or different facilities are necessary to provide adequate service, the District shall require the customer to re-apply for service under the terms and conditions of this service policy. Customers failing to comply with this provision shall be subject to the disconnection with notice provisions of this service policy. (See [Section E.25.a](#))

**9. Charge Distribution and Payment Application.**

- a. **The Base Rate (Service Availability Charge)** — Billed on a monthly basis.
- b. **Gallonge Charge** — Shall be billed at the rate specified in Section G and billing shall be calculated in one hundred (100) gallon increments. Water charges are based on monthly meter readings and are calculated from reading date to reading date. Readings used in all billing calculations shall be taken by the District's employees or designated representative.
- c. **TCEQ Regulatory Fee** — ½ of 1% of the water usage rates assessed by the TCEQ as a regulatory assessment fee.
- d. **Edwards Aquifer Management Fee** — Billed per 100 gallons to support the payment of Edwards Aquifer Management Fees assessed on water the District is permitted to withdrawal from the Edwards Aquifer each calendar year.
- e. **Posting of Payments** — All payments shall be posted against previous balances prior to posting against current billings.
- f. **Forms of Payment** — The District will accept the following forms of payment: cash, personal check, cashier's check, money order, credit card, automatic debit on customer's bank account, or draft on bank. The District will not accept two-party checks, pay checks, or any other instrument of payment that is not made out to the District. The District reserves the right to require exact change and may refuse to accept payments made using

more than \$1.00 in coins. For credit card charges, the District may collect a reasonable fee to recoup the costs incurred by the District to process the credit card payment.

#### **10. Connection of Water Service.**

- a. Applications for water service connections shall be filed with the District upon application forms made available from the District. Applicants for water service shall meet all District requirements for service including the granting of any necessary water easements (as determined by the District) to serve the connection and to enable the District to provide systemwide service. In addition, the District shall install a customer service isolation valve at the expense of the service applicant.
- b. No person, other than the properly authorized agent of the district, shall be permitted to tap or make any connection with the mains or distributing pipes of the district's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected with the water service pipe.
- c. The customer must allow his or her property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District or its designated agent prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the District's normal business hours.
- d. The customer must, at his or her expense, properly install any backflow prevention device required by the District.
- e. Water extensions. As of the effective date of this service policy, the cost of the installation of water lines beyond the existing service lines or the cost of upsizing lines (when necessary) of District to any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting services.

#### **11. Customer's Responsibility.**

- a. The customer shall provide access to the meter as per the easement and service agreement. If access to the meter is hindered or denied preventing the reading of the meter, an estimated bill shall be rendered to the customer for the month; and a notice shall be sent to the effect that access could not be gained. If access is denied for three (3) consecutive months after proper notification to the customer, then service shall be discontinued, and the meter removed with no further notice. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals. (Section E.2.d.)
- b. The customer shall be responsible for compliance with all utility, local, and state codes, requirements, and regulations concerning on-site service and plumbing facilities.
  - i. All water service connections shall be designed to ensure against back-flow or siphonage into the District's water supply. In particular, livestock water troughs shall be plumbed above the top of the trough with air space between the discharge and the water level in the trough. (30 TAC 290.46, Texas Health & Safety Code Chapter 366)

- ii. The use of pipe and pipe fittings that contain more than 0.25% lead or solder and flux that contain more than 0.2% lead is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the District's facilities. Customer service pipelines shall be installed by the applicant. (30 TAC 290.46; RUS-TX Bulletin 1780-9 (Rev. 05 17:))
- c. The District's ownership and maintenance responsibility of water supply and metering equipment shall end at the meter or other service equipment as installed. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by the District shall be subject to charges as determined by this service policy.
- d. The District shall require each customer to have a cut-off valve on the customer's side of the meter for purposes of isolating the customer's service pipeline and plumbing facilities from the District's water pressure. This cut-off valve may be installed as a part of the original meter installation by the District. The valve shall meet AWWA standards (a ball valve is preferred). The customer's use of the District's curb stop or other similar valve for such purposes is prohibited. Any damage to the District's equipment shall be subject to service charges.
- e. The customer is required to notify the system 48 hours prior to digging or excavation activities along or near water lines and appurtenances.

**12. Deferred Payment Agreement.** The District may offer a deferred payment plan to a customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable installments as determined by the District, including any late penalty fees or interest on the monthly balance to be determined as per the agreement (See Section J. Miscellaneous Transaction Forms).

**14. Denial of Service.** The District may deny service for any of the following reasons:

- i. Failure of the Applicant to provide all required easements and forms and to pay all required fees and charges;
- ii. Failure of the Applicant to comply with rules, regulations, policies, and bylaws of the District;
- iii. Existence of a hazardous condition at the Applicant's property that would jeopardize the welfare of other customers of the District upon connection;
- iv. Failure of Applicant to provide representatives or employees of the District reasonable access to property for which service has been requested;
- v. Applicant's service facilities are known to be inadequate or of such condition that satisfactory service cannot be provided;
- vi. Failure of Applicant to comply with applicable regulations for on-site sewage disposal systems if the District has been requested to deny service by the TCEQ or the TCEQ's designated representative under Chapter 366 of the Texas Health and Safety Code;

- vii. Failure of the Applicant to pay any previous outstanding delinquent account(s) in full. This could be delinquencies resulting from the same account location or other service location(s) within the system where the Applicant received service.

**15. Disputed Bills.** In the event of a dispute between the customer and the District regarding any bill, the District shall make and conduct an investigation as required by the particular case and report the results in writing thereof to the customer. All disputes under this Subsection must be submitted to the District, in writing, prior to the due date posted on said bill.

**16. Due Dates, Delinquent Bills, and Service Disconnection Date.**

- a. The District shall mail all bills on or about the fifth day of each month. All bills shall be due and payable upon receipt and are past due beyond the date indicated on the bill (allowing approximately fifteen (15) days to pay), after which time a penalty shall be applied as described in Section G. The time for payment by a political subdivision may be different than your regular due date. (See Texas Government Code 2251.021) A bill is delinquent if not paid on or before the past due date. Payments made by mail will be considered late if postmarked after the past due date. Notices shall be mailed allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service with sufficient postage. If the past due date for the regular or final billing is on a weekend or holiday, the past due date for payment purposes shall be the next day the District office is open for business after said weekend or holiday. For all disputed payment deadlines, the date postmarked on each bill will determine the beginning of each billing cycle or final notice mailings.
- b. Upon written request, any residential customer 60 years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District shall receive extension of the past due date, without penalty. The extension shall not exceed 10 days beyond the usual 15-day payment period for a total of no more than 25 days from the date the bill is issued. The request may specify extension of the late payment periods for current and subsequent billings (See Texas Utilities Code Section 182.001 - 182.005)

All insufficient fund checks, accounts closed, or money orders that have had a "stop payment order" issued for payment of a water bill will be deemed delinquent as if no payment was received and the meter is subject to disconnection with notice on the regular disconnection day.

**17. Inoperative Meters.** Water meters found inoperative will be repaired or replaced within a reasonable time. If a meter is found not to register for any period, unless bypassed or tampered with, the District shall make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years. If the meter is inoperative due to bypassing or tampering, the District will proceed with disconnection.

**18. Insufficient Grounds for Refusal of Service.** The following shall not constitute sufficient cause for the refusal of service to an Applicant:

- a. Delinquency in payment for service by a previous occupant of the premises to be served;

- b. Violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments that interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said rules;
- c. Failure to pay a bill of another customer as guarantor thereof, unless the guarantee was made in writing to the utility as a condition precedent to service;
- d. Failure to pay the bill of another customer at the same address except where a change of customer identity is made to avoid or evade payment of a utility bill;
- e. Failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer;
- f. The service applicant or customer chooses to use a type of backflow prevention assembly approved under 30 TAC §290.44(h) (relating to Water Distribution) even if the assembly is not the one preferred by the utility; or
- g. Failure to comply with regulations or rules for anything other than the type of utility service specifically requested.

**19. Line Extension Reimbursement.** An approved Applicant may have to pay on a prorated basis a line reimbursement fee to the District for the purpose of reimbursing a customer or other party that made the capital outlay to extend service to that area. (See Section J. Miscellaneous Transaction Forms).

**20. Meter Tampering and Damage to Property.**

- a. For purposes of this Section, the term "Tampering" shall mean meter-tampering, bypassing, or diversion of the District's water meter or equipment causing damage or unnecessary expense to the utility, bypassing the same, or other instances of diversion, including:
  - 1. Removing a locking or shut-off device used by the District to discontinue service;
  - 2. physically disorienting the water meter;
  - 3. attaching objects to the water meter to divert service or to bypass;
  - 4. inserting objects into the water meter;
  - 5. other electrical or mechanical means of tampering with, bypassing, or diverting service;
  - 6. connection or reconnection of service without District authorization;
  - 7. connection into the service line of adjacent customers of the District; and
  - 8. preventing the water supply from being correctly registered by a water metering device due to adjusting the valve so that flow is reduced below metering capability.

The burden of proof of Tampering is on the District. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by the District's staff when any action regarding Tampering is initiated. A court finding of Tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of services of the District shall be prosecuted to the extent allowed by law under the Texas Penal Code Sections 28.03, 12.21 and 12.22.

- b. If the District determines under subsection (a) that Tampering has occurred, the District shall disconnect service without notice as set forth in Subsection E.25.b. and charge the person who committed the Tampering the total actual loss to the District, including the cost of repairs, replacement of damaged facilities, and lost water revenues. Any person who destroys, defaces, damages or interferes with District property will be charged the total actual loss to the District, including but not limited to the cost of repairs, replacement of damaged facilities, and lost water revenues.

The District also will prosecute the offending party to the extent allowed under law pursuant to Texas Water Code Section 49.228 and other applicable laws. For purposes of this section, "offending party" means the person who committed the Tampering or damaged the property.

- c. In addition to actual damages charged under subsection (b), the District may assess a penalty against the person who committed the Tampering. The penalty must be reasonable and not exceed \$10,000.

***NOTE: See Section 65.207, Water Code, regarding requirements for publication of new penalty provision and Section 49.004, Water Code, for penalty limits for districts.***

**22. Ownership of equipment.** All water meters and equipment and materials required to provide water service to the point of customer connection; water meter, is the property of the District upon installation, and shall be maintained by the water system only.

**23. Prohibited Plumbing Practices.**

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.
- b. No cross-connection between the water supply and a private water system is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
- c. No connection which allows water to be returned to the public drinking water supply is permitted.
- d. No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- e. No solder of flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

## 24. Prohibition of Multiple Connections to a Single Tap.

- a. No more than one (1) residential, commercial, or industrial service connection is allowed per meter. For purposes of this section a master meter for a multiple use facility is considered a commercial meter. (Refer to Section E.4.d.iv-vi). If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the disconnection without notice provisions of this service policy.
- b. For purposes of this section, the following definitions shall apply:
  - A “multiple connection” is the connection to any portion of a customer’s water system that is connected to a primary delivery point already servicing one residence, one commercial or industrial facility of a water line serving another residence or commercial or industrial facility. Water lines to outbuildings, barns or other accessory structures shall not be considered a multiple connection if: (i) those structures are located on the same tract as the primary delivery point and (ii) such structures are not used as a residence or as a commercial or industrial facility.
  - A “primary delivery point” shall mean the physical location of a meter tap that is installed in accordance with this Service Policy and applicable law and which provides water service to the residence or commercial or industrial facility of a customer.
  - A “residence” shall mean any structure used for human habitation, which may include kitchen and bathroom facilities, or other evidence of habitation as defined by the District.
  - “Commercial” facility shall mean any structure or combination of structures at which any business, trade, occupation, profession, or other commercial activity is conducted. A business conducted within a customer’s residence or property that does not require water in addition to that provided to the customer’s residence shall not be considered a separate commercial facility.
- c. The District agrees to allow customers in good standing to share water usage with a **visitor** on their property with a recreation vehicle (RV) or travel trailer for a period of no longer than three months. If the recreation vehicle/travel trailer is being used for a permanent residence, this service policy requires an additional meter installation. If the customer routinely has more than one visitor at a time with recreation vehicles or travel trailers or has multiple visitors throughout the year, the District may require that a second or additional meter(s) be purchased. The customer must submit a written request to the District’s business office at least five (5) business days prior to sharing District water with a visitor. The District has the right to refuse or deny the shared usage for any reason. The District also has the right to inspect the premises for any potential cross-contamination issues as outlined in the Customer Service Inspection requirements and to ensure that the meter is properly sized for the additional usage at the time of total peak water demand. These requirements pertain to **visitors ONLY**. No commercial usage where fees for water are charged is allowed. If a customer is found to violate these conditions, the customer will be sent a letter of notice stating that water service will be cut off in ten (10) days if the situation is not corrected.



**25. Rules for Disconnection of Service.** The following describes the rules and conditions for disconnection of service. Notwithstanding any language to the contrary in the Service Application and Agreement Form, the District may only discontinue service for the reasons set forth in this Section.

- a. **Disconnection with Notice** — Water utility service may be disconnected for any of the following reasons after proper notification has been given.
- i. **Returned Checks** — The District shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the District office. Redemption of the returned instrument shall be made by cash, money order, or certified check. Failure to meet these terms shall initiate disconnection of service (See Section J: Miscellaneous Transaction Forms). Any such instruments returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period shall be considered evidence of bad credit risk by the District. The customer in violation shall be placed on a “cash-only” basis for a period of 12 months.

**NOTE: “cash only,” means certified check, money order, or cash.**

- ii. Failure to pay a delinquent account for utility service, failure to timely provide a deposit or failure to comply with the terms of a deferred payment agreement (See Section J: Miscellaneous Transaction Forms).
- iii. Violation of the District’s rules pertaining to the use of service in a manner that interferes with the service of others or the operation of nonstandard equipment if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.
- iv. Failure of the customer to comply with the terms of the District’s service agreement, service policy, bylaws, or special contract provided that the District has given notice of said failure to comply, and customer has failed to comply within a specified amount of time after notification.
- v. Failure to provide access or hindering access to the meter under the terms of this service policy or to property at which water service is received when there is reason to believe a hazardous condition or policy violation exists for which access is necessary to verify. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects placed on top of meters or meter boxes, and unrestrained animals.
- vi. Misrepresentation by any applicant of any fact on any form, document, or other agreement required to be executed by the District.
- vii. Failure of customer to re-apply for service upon notification by the District that the customer no longer meets the terms of the service classification originally applied for under the original service application.
- viii. Failure to pay charges arising from a service trip fee as defined in Section G.12, meter re-read fee, or meter read fee when a customer on self-read plan failed to submit their meter reading.

- ix. Failure by a customer to pay for all repair or replacement costs resulting from the customer damaging system facilities including, but not limited to water lines, service taps, meter boxes, valves, or meters by engaging in activities such as property excavations, installment of a driveway or roadway requiring encasements, lowering or re-routing of lines or system components, or by any other action. The notice will detail the extent of the damage, the location of the damage, the cost of repair, and whether the damage occurred on private property or on a public right-of-way. Failure to pay the cost of repair or replacement will result in the customer's service being disconnected. Service will remain disconnected until payment is received or an acceptable payment plan is approved.
- x. Failure to disconnect or secure additional service tap(s) for an RV or other service connection (See E.24 of this Section) after notification by the District of violation of the prohibition of multiple connections.

**b. Disconnection Without Notice** — Water utility service may be disconnected without notice for any of the following conditions:

- i. A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to, a public health nuisance as defined in Sections 341.011 or 343.011 of the Texas Health and Safety Code. (Section E.2.d., E.12, E.24; 30 TAC 290.46 (j)). If there is reason to believe a dangerous or hazardous condition exists, the District may conduct a customer service inspection (CSI) to verify the hazardous condition and may notify the local county health office. The District will disconnect without notice if the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition (30 TAC 290.46(j) and 30 TAC 290.46(j)). Service will be restored when a CSI confirms no health hazard exists, the health hazard has been removed or repaired, or the health hazard has been isolated from the District's water system by the installation of a backflow prevention device.
- ii. A line leak on the customer's side of the meter is considered a potential hazardous condition under paragraph (b)(i). If the District conducts a CSI and discovers that the line leak has created a hazardous condition, the District will provide the customer up to five (5) business days, or another time period determined reasonable under the circumstances, to repair the line prior to disconnection of service.
- iii. Service is connected without authorization or has been reconnected without authorization following termination of service for nonpayment; and
- iv. Tampering with the District's meter or equipment, bypassing the meter or equipment, or other unauthorized diversion of water service as set forth in Section E.21.
- v. When a returned check is received on an account that was scheduled for disconnection, service shall be immediately disconnected.

**NOTE: Where reasonable under the circumstances of the disconnection without notice, a written statement providing notice of disconnection and the**

**reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit after service has been disconnected.**

- c. **Disconnection Prohibited** — Utility service may not be disconnected for any of the following reasons:
- i. Failure of the customer to pay for merchandise or charges for non-utility service provided by the District, unless an agreement exists between the applicant and the District whereby the customer guarantees payment of non-utility service as a condition of service;
  - ii. Failure of the customer to pay for a different type or class of utility service unless a fee for such service is included in the same bill;
  - iii. Failure of the customer to pay charges arising from an underbilling occurring due to any misapplication of rates more than six (6) months prior to the current billing;
  - iv. Failure of the customer to pay the account of another customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;
  - v. Failure of the customer to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due under the inoperative meters subsection E.18. of this service policy.
  - vi. Failure of the customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control.
  - vii. A Weather Emergency defined as a period beginning when the previous day's highest temperature did not exceed 28 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours according to the National Weather Service reports for the District's service area.
- d. **Disconnection on Holidays and Weekends** — Unless a dangerous condition exists or the customer requests disconnection, or the customer is notified in advance of a potential disconnect for failure to provide payment per a payment agreement, service shall not be disconnected on a day, or on a day preceding a day, when personnel of the District are not available to the public for the purpose of taking collections and reconnecting service.
- e. **Disconnection Due to Utility Abandonment** — The District may not abandon a customer or a certificated service area without written notice to its customers and all similar neighboring utilities and approval from the Texas Commission on Environmental Quality.
- f. **Disconnection for Ill Customers** — The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the District prior to the stated date of disconnection. Service may be disconnected in accordance with Subsection (a) of this Section if the next month's bill and the past due bill are not paid by the due date of the next month's bill, unless the customer enters into a deferred payment agreement. (See Section J., Miscellaneous Transaction Forms)

**g. Disconnection of Master-Metered Accounts and Nonstandard Sewer Services**

When a bill for water utility services is delinquent for a master-metered service complex (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply:

- i. The District shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the tenants of the service complex in five (5) days if payment is not rendered before that time.
- ii. At least five (5) days after providing notice to the customer and at least five (5) days prior to disconnection, the District shall post notices stating "Termination Notice" in public areas of the service complex notifying the residents of the scheduled date for disconnection of service.
- iii. The tenants may pay the District for any delinquent bill on behalf of the owner to avert disconnection or to reconnect service to the complex.

**h. Disconnection of Temporary Service**

When an applicant with a temporary service fails to comply with the conditions stated in the Service Application and Agreement Form or other rules of this service policy, service may be terminated with notice.

**26. Service Entitlement.**

An applicant requesting service within the boundaries of the District or the District's defined service area shall be considered qualified and entitled to water utility service when proper application has been made, terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service outside the District's boundaries or defined service area shall be considered for service in accordance with current District policies on providing service outside the District boundaries or CCN service area.

**27. Service Facility Relocation.**

Relocation of service facilities on the same property shall be allowed by the District provided that:

- a. An easement for the proposed location has been granted to the District; and
- b. The customer pays the actual cost of relocation plus administrative fees.

**28. Standards for Water Service Lines.**

- a. In addition to compliance with this service policy, all connections shall comply with the rules and regulations for public water systems issued by the Texas Commission on Environmental Quality set forth in 30 TAC 290. In the event of a conflict between this service policy and TCEQ Rules, the more stringent rule shall apply.
- b. Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials.

- c. Water service lines and wastewater service lines shall not be less than three (3) feet apart horizontally and shall be separated by undisturbed or compacted earth.
- d. Water service lines or any underground water pipe shall not be run or laid in the same trench with non-metallic sewer or drainage piping unless all three of the following conditions are met:
  - i. The bottom of the water service line at all points shall be at least twelve inches (12") above the top of the wastewater line.
  - ii. The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").
  - iii. The water service line shall be installed with watertight joints tested to a minimum of 150 PSI.
- e. Water service lines shall be bedded in washed sand to provide six inches (6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.
- f. A District-owned water meter and a District approved meter box shall be installed by a District representative.
- g. Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.
- h. Lawn sprinkling systems shall be equipped with an approved vacuum breaker installed in the discharge side of each of the last valves. The vacuum breaker shall be installed at least six inches (6") above the surrounding ground and above a sufficient number of heads so at no time will the vacuum breaker be subjected to back pressure or drainage.
- i. The District's water system shall be protected from swimming pool makeup water by means of an approved backflow preventer or an adequate air gap.
- j. Upon the installation of a service line, a request for inspection shall be made to the District's office forty-eight (48) hours in advance for request of inspection, and no back filling of the lines may be made until inspection has been made by the District, its agents or employees.
- k. Back filling of service line trenches must be accomplished within twenty-four (24) hours of inspection and approval, and no debris will be permitted in any service line trench.

EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION F  
DEVELOPER, SUBDIVISION, AND  
NON-STANDARD SERVICE REQUIREMENTS

## SECTION F

### DEVELOPER, SUBDIVISION, AND NON-STANDARD SERVICE REQUIREMENTS

1. *District's Limitations:*

All applicants shall recognize that the District must comply with local, state, and federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness. **The District is not required to extend retail utility service to an applicant in a subdivision where the responsible party (Applicant/Developer) of the applicable property (Subdivision) has failed to comply with the terms of this policy.** Chapter 13.2502 of the Texas Water Code requires that notice be given herein or by publication or by alternative means to the Developer/Applicant.

2. *Purpose:*

This Section is applicable to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required. For the purpose of this Statement of Policy, Applications subject to this Section shall be defined as Non-Standard.

3. *Definition:*

**Subdivision:**

The term subdivision as used in this policy expressly includes, as an example, offering to sell or transfer or selling or transferring, by contract, deed, devise or any other method of sale or transfer, a tract or parcel of land which is adjacent to another tract or parcel owned or held in the name of the same person who is offering to sell or transfer the tract or parcel, even if approval of a subdivision plat is not required by the county commissioners court or the governing body of any city prior to such intended or actual sale or transfer.

4. *Application of Rules:*

This section sets forth the terms and conditions pursuant to which the District will process nonstandard service requests. This section is applicable to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required for a single tract of property. Examples of nonstandard services for a single tract of property include, but are not limited to, road bores, extensions to the distribution system, meters larger than 5/8" X 3/4", water service lines exceeding 3/4" diameter and exceeding fifty feet in length. For the purposes of this service policy, applications subject to this section shall be defined as nonstandard. In cases of service to a single tract, the superintendent shall determine whether or not an applicant's service request shall be subject to all or part of the conditions of this section. Nonstandard service to subdivisions is governed by this section.

The Board of Directors of the District shall interpret on an individual basis whether or not the Applicant's service request shall be subject to all or part of the conditions of this Section.

5. *Nonstandard Service Application.*

The applicant shall meet the following requirements prior to the initiation of nonstandard service or the execution of a nonstandard service contract by the District:

- a. **All subdivisions that result in four (4) or more lots, tracts or parcels will be required to provide permanent unrestricted permitted Edwards Aquifer water allotments at the rate of one-half acre-foot per residential lot/connection or equivalent dwelling**

**unit for each lot, tract, or parcel before any service connection within the subdivision is provided water service.**

- b. The applicant shall provide the District a completed Nonstandard Service Application (see Section I of this service policy). The applicant shall specify any special service needs, such as large meter size, size of subdivision or multi-use facility, or the required level of fire protection requested, including the flow and pressure requirements and specific infrastructure needs such as line size and system capacity.
- c. The applicant must be authorized to enter into a contract with the District setting forth terms and conditions pursuant to which nonstandard service will be furnished to a property or subdivision. The Specific terms and conditions pursuant to which the District will provide nonstandard service in response to any request will depend upon the nature of such request and may be set forth in a legally enforceable, contractual agreement to be entered into by the District and the service applicant. A non-standard service contract may not contain any terms or conditions that conflict with this section.
- d. A plat acceptable to the District must accompany the application showing the applicant's requested service area. (See Section C. Definition of Final Plat) The plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps involving extension or upsizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.
- e. A nonstandard service Investigation Fee shall be paid to the District in accordance with the requirements of Section G for purposes of paying initial administrative, legal, and engineering fees. The District shall refund any balance that remains after it has completed its service investigation and has completed all legal and engineering services associated with processing a request. In the event such a fee is not sufficient to pay all reasonable expenses incurred by the District, the applicant shall pay to the District all remaining expenses that have been or will be incurred by the District and District shall have no obligation to complete processing of the request until all remaining expenses have been paid.
- f. If after the service investigation has been completed, the District determines that the applicant's service request is for property located, in whole or in part, outside the area described in the District's defined service area, service may be extended provided that:

The service location is not in an area receiving similar service from another retail public utility;

- i. The service location is not within another retail public utility's Certificate of Convenience and Necessity (CCN); and
- ii. The District's defined service area shall be amended to include the entirety of applicant's property for which service is requested. Applicant shall pay all reasonable costs incurred by District for annexation or for amending its CCN,



including but not limited to engineering and professional fees. The District may extend service prior to completing the amendment to its CCN but will do so only upon applicant's legally enforceable agreement to fully support such amendment (including but not limited to payment of all professional fees, including administrative, legal, surveying and engineering fees incurred by District in securing the amendment). If the District determines to annex the property, the applicant shall secure written requests for annexation from all ownership interests in the property to be annexed, and shall pay all costs, including engineering and professional fees for the annexation.

6. *Design.*

Upon receipt of a complete nonstandard service application and Investigation Fee, the District shall study the design requirements of the applicant's required facilities prior to initiation of a nonstandard service contract by adopting the following schedule:

- a. The District's engineer shall design, or review and approve plans for, all on-site and off-site service facilities for the applicant's requested level and manner of service within the District's specifications, incorporating any applicable municipal or other governmental codes and specifications.
- b. The engineer's fees shall be paid out of the Nonstandard service Investigation Fee under section 4.
- c. The engineer shall submit to the District a set of detailed plans, specifications, and cost estimates for the project.
- d. The District's Engineer shall ensure all facilities for any applicant are of proper size and type to meet the level and manner of service specified in the nonstandard service application. The District reserves the right to upgrade design of service facilities to meet future demands provided however, that the District shall pay the expense of such upgrading in excess of what is reasonably and directly allocable to the applicant's facility requirements.
- d. The District's engineer will determine the fire flow design for any nonstandard service request, including new subdivisions, based on density, type of structure, and other factors.

7. *Nonstandard Service Contract.*

Applicants requiring nonstandard service may be required to execute a nonstandard service contract, drawn up by the District's attorney, in addition to submitting the District's Nonstandard Service Application. Service to any subdivision shall require a nonstandard service contract. Said contract shall define the terms, including the level and manner of service and the date for commencing service, prior to construction of any facilities. The nonstandard service contract may include, but is not limited to:

- a. Specifying the costs for contract administration, the design, construction, and inspection of facilities.
- b. The required amount of unrestricted Edwards Aquifer water rights to be transferred to the District to meet the water demands of the nonstandard service request.

- c. Procedures by which the applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project.
- d. Terms by which service capacity adequate to the level and manner of service requested shall be reserved for the applicant following construction of facilities and duration of reserved service taking into consideration the impact the applicant's service demand will have upon the District's overall system capability to meet other service requests, as well as assessment of any base rate following construction of facilities (if applicable).
- e. Terms by which the District shall administer the applicant's project with respect to:
  - i. Design of the on-site and off-site facilities;
  - ii. Securing and qualifying bids;
  - iii. Requirements for executing the nonstandard service agreement;
  - iv. Selection of a qualified bidder for construction;
  - v. Dispensing funds advanced prior to initiation of construction;
  - vi. Inspecting facilities following construction; and
  - vii. Testing facilities and closing the project.
- f. Terms by which the applicant shall indemnify the District from all third-party claims or lawsuits in connection with the project.
- g. Terms by which the applicant shall convey facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the applicant's project.
- h. Terms by which the applicant shall grant title or easements for use of property during construction and for ongoing service thereafter.
- i. Terms by which the board of directors shall review and approve the nonstandard service contract pursuant to current rules, regulations, and bylaws.
- j. Agreement to enforceable remedies in the event applicant fails to comply with all contract obligations, including specific performance.

In the event that the applicant undertakes any construction of any such facilities prior to execution of a nonstandard contract with the District, the District may refuse to provide service to the applicant or to any portion of the applicant's property (or require payment of all costs for replacing/repairing any facilities constructed without prior execution of a contract from any person requesting service within the applicant's service area, such as a person buying a lot or home within the subdivision), require that all facilities be uncovered by the applicant for inspection by the District, require that any facilities not approved by the District be replaced, or take any other lawful action determined appropriate by the board of directors of the District.

8. *Property and Right-of-Way Acquisition.*

With regard to construction and subsequent maintenance and operation of facilities, the District shall require exclusive easements or title to property as appropriate.

- a. If the District determines that easements or facility sites outside the applicant's property are required, the applicant shall secure such easements or title to facility sites exclusively for the District. All easements and property titles shall be researched, validated, and filed by the District at the expense of the applicant (See Sample Application Packet Rural Utilities Service Form RD-TX 442-8 or 442-9).
- b. In the event the applicant is unable to secure any easements or title to any sites required by the District, and the District determines to acquire such easements or title by eminent domain, all reasonable costs incurred by the District shall be paid by the applicant, including administrative, legal fees, appraisal fees, court costs, and the condemnation award.
- c. The District shall require exclusive dedicated easements on the applicant's property as appropriate for the level and manner of service requested by the applicant and system-wide service by the District. All such easements shall be adequate to authorize the District to construct, install, maintain, replace, upgrade, inspect, or test any facility necessary for service to the applicant as well as system-wide service within the District generally. Easements for subdivisions also must be sufficient for service throughout the subdivision when the subdivision is fully occupied. Title to any portion of applicant's property required for on-site facilities will be provided and exclusive to the District.
- d. Easements and facilities sites shall be prepared for the construction of all District facilities in accordance with the District's requirements at the expense of the applicant.

9. *Dedication of Water System Extension/Improvements to District.*

- a. Upon proper completion of construction of all on-site and off-site service facilities (the "Facilities") to meet the level and manner of service requested by the applicant, the facilities shall become the property of the District. The facilities shall thereafter be owned and maintained by District subject to the warranties required of applicant under Subsection (b). Any connection of individual customers to the Facilities shall be made by the District.
- b. Upon transfer of ownership of the facilities, applicant shall warrant materials and performance of the Facilities constructed by applicant for 12 months following the date of the transfer.

10. *Bids for Construction.*

The District's consulting engineer shall solicit or shall advertise for bids for the construction of the applicant's proposed facilities in accordance with law and generally accepted practices. Plans and specifications shall be made available, with or without charge, to prospective bidders. Although the District reserves the right to reject any bid or contractor, the District shall generally award the contract to the lowest and best bidder in accordance with the following criteria:

- a. The applicant shall execute the nonstandard service contract evidencing willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
- b. The contractor shall provide an adequate bid bond under terms acceptable to the District;

- c. The contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the District;
  - d. The contractor shall supply favorable references acceptable to the District;
  - e. The contractor shall qualify with the District as competent to complete the work; and
  - f. The contractor shall provide adequate certificates of insurance as required by the District.
11. *Pre-Payment for Construction and Other Costs.*  
As a general rule, applicant shall be required to pay all anticipated costs of construction, easement and title acquisition, legal and engineering fees, and other costs associated with extending nonstandard service prior to these costs being incurred by District. District shall promptly remit any and all unexpended prepaid funds, without interest, upon completion of the nonstandard service extension and commencement of service. While the District will make every reasonable effort to work with applicant, prepayment of costs shall be provided in a manner acceptable to District.
12. *Construction.*
- a. All roadwork pursuant to state, county and/or municipal standards (as applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage of applicant's facilities during construction.
  - b. The District shall, at the expense of the applicant, inspect the facilities to ensure compliance with District standards.
  - c. Construction plans and specifications shall be strictly adhered to, but the District reserves the right to change-order any specifications, due to unforeseen circumstances during the design phase, to better facilitate construction or operation of the applicant's facility. All change-order amounts shall be charged to the applicant.

## **Part II. Request for Service to Subdivided Property**

This section contains additional requirement for applicants that are developers as defined in Section C Definitions.

1. *Sufficient Information* – Applicants shall provide the District sufficient information describing the level and manner of service requested and the timeline for initiation of this service. The following is the minimum information needed for an engineering evaluation of the requested service to the property described in the application.
- a. Completion of requirements described in Section F. Part I, including completing the *Nonstandard Service Application*.
  - b. Applicant shall provide the District with details concerning access to the property during evaluation of application.

- c. Applicant shall be notified in writing by the District or designated representative the timeframe within which the requested service can be provided and the costs for which the applicant will be responsible, in accordance with the details described on the Applicant's request for service.

2. *Service within Subdivisions.*

The District's obligation to provide service to any customer located within a subdivision governed by this section is strictly limited to the level and manner of the service specified by the applicant developer for that subdivision. The applicant developer is responsible for paying for all costs necessary for nonstandard service to a subdivision as determined by the District under the provisions of this service policy and specifically the provisions of this section. If the applicant developer fails to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots or homes within such subdivision before the District is obligated to provide retail utility service to any customer service applicant within the subdivision. In addition, District may elect to pursue any remedies provided by the nonstandard service contract if one has been executed. Applicant developer is advised that purchasers of lots also may have legal recourse to the applicant developer under Texas law, including but not limited to Section 13.257, Texas Water Code, and the Texas Deceptive Trade Practices–Consumer Protection Act, Chapter 17, Subchapter E, Business and Commerce Code.

- a. The applicant developer must provide all information otherwise required under this section and must ensure that the District has been provided complete information sufficient to determine whether the level and manner of service requested by the applicant developer can be provided within the time frame specified by the applicant developer and to determine what capital improvements, including expansion of capacity of the District's production, treatment and/or storage facilities and/or general transmission facilities properly and directly allocable to the requested level and manner of service, will be needed. At a minimum, and in addition to information otherwise required under this section, the applicant developer must provide:
  - i. Map and legal description of the area to be served complying with the map requirements of PUC Rules, Chapter 24, Subchapter G, Section 24.257(a)(1-4).
  - ii. Time frame for:
    - a. Initiation of service; and
    - b. Service to each additional or projected phase following the initial service.
  - iii. Detailed description of the nature and scope of the project/development for:
    - a. Initial service; and
    - b. Phased and final needs, including a map showing each phase, and the projected land uses that support the requested level of service for each phase.
  - iv. Flow and pressure for anticipated level of fire protection requested, including line size and capacity;
  - v. Specific infrastructure needs for anticipated level of fire protection requested, including line size and capacity;
  - vi. Copies of all required approvals, reports and studies done by or for the applicant developer to support the viability of the proposed subdivision.
  - vii. The proposed improvements to be constructed by the applicant developer including time lines for the construction of these improvements.

- viii. A map or plat of the subdivision depicting each phase and signed and sealed by a licensed surveyor or registered professional engineer.
  - ix. Intended land use of the development, including detailed information concerning types of land use proposed;
  - x. The projected water and/or sewer demand of the development when fully built out and occupied, the anticipated water/sewer demands for each type of land use, and a projected schedule of build-out;
  - xi. A schedule of events leading up to the anticipated date upon which service from the District will first be needed;
  - xii. A proposed calendar of events, including design, plat approval, construction phasing and initial occupancy; and
  - xiii. Any additional information requested by the District necessary to determine the capacity and the costs for providing the requested service.
- b. Applicant developer must establish that current and projected service demands justify the level and manner of service being requested.
  - c. The applicant developer must advise the District that he/she may request expedited decertification from the PUC.
  - d. The application will be processed on a time frame that should ensure final decision by the District within ninety (90) days from the date of the nonstandard service application and the payment of all fees required by this section.
    - i. Upon payment of all required fees, the District shall review applicant developer's service request. If no additional information is required from applicant developer, the District will prepare a written report on applicant developer's service request, subject to any final approval by the District's governing body (if applicable) which must be completed within the ninety (90) days from the date of application and payment of the required fees. The District's written report will state whether the requested service will be provided, whether the requested service can be provided within the time frame specified by the applicant developer, and the costs for which the applicant developer will be responsible (including capital improvements, acquisition of any additional water supply/sewer treatment capacity, easements and land acquisition costs, and professional fees).
    - ii. In the event the District's initial review of the applicant developer's service application shows that additional information is needed, the District will notify applicant developer of the need for such additional information. Notice of the need for additional information will be made in writing within 30 days of the date the District receives the applicant developer's payment of the required fees and completed application for nonstandard service. Applicant developer should respond to the District's request for additional information within 15 days of receipt of the District's written request. In any case, the District will provide the written report, including any final approval by the District's Board (if applicable) within ninety (90) days from the date of the initial written application and payment of all required fees.
    - iii. By mutual written agreement, the District and the applicant developer may extend the time for review beyond the ninety (90) days provided for expedited petitions to the PUC. The applicant developer is advised that failure to timely provide the information required by this section, including this Subsection, may cause the PUC to reject any subsequent petition for decertification of applicant developer's

property. The applicant developer is further advised that if the applicant developer makes any change in level or manner of service requested, the time frame for initiation of service, or the level or manner or time frame for any phase of service, the applicant developer's original application for nonstandard service will be deemed withdrawn, and the change may be considered a new application for nonstandard service for all purposes, including the times specified herein for processing.

- iv. Following ninety (90) days and final approval by the District and acceptance of the District's terms for service by the applicant, a nonstandard service contract will be executed, and the District shall provide service according to the conditions contained in the nonstandard service contract.

### **3. Exception**

Any Division of land of one (1) acre or larger, arising from the transfer or partition of the land between the Owner and members of the owner's family within the first (1<sup>st</sup>) degree of consanguinity, will be exempt so long as:

1. Each lot has frontage and direct physical access onto an existing street or road.
2. The division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations.

EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION G  
RATES AND SERVICE FEE



## SECTION G RATES AND SERVICE FEES

UNLESS SPECIFICALLY DEFINED IN THIS SERVICE POLICY, ALL FEES, RATES, AND CHARGES AS STATED HEREIN SHALL BE NONREFUNDABLE.

### 1. **Classes of Users.**

All users of the District's water services shall be classified as either standard or nonstandard service, as further defined in Section E and Section F of this service policy. Either class of users may be further classified into customer classes according to the type of service, cost or risk associated with each individual customer class. (See Texas Water Code 49.2122.)

### 2. **Service Investigation Fee**

The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the service request is standard or nonstandard. An investigation shall then be conducted, and the results reported under the following terms:

- a. All standard service requests shall be subject to a **\$150.00** hydraulic investigation fee. Following the hydraulic investigation conducted by the District's engineer, all applicable costs for providing service shall be quoted in writing to the applicant within ten (10) working days of application.
- b. All nonstandard service requests shall be subject to a fee, appropriate to each project, of sufficient amount to cover all administrative, legal, and engineering fees required by the District to:
  - i. provide cost estimates of the project,
  - ii. develop detailed plans and specifications as per final plat,
  - iii. advertise and accept bids for the project,
  - iv. execute a nonstandard service contract with the applicant, and
  - v. provide other services as required by the District for such investigation.

### 3. **Deposit.**

- a. At the time the application for service is approved, an applicant for standard service shall pay an account deposit of **\$200.00** which will be held by the District, without interest, until settlement of the customer's final bill.

The deposit will be used to offset final billing charges of the account. In the event that \$5.00 or more of the deposit remains after the final billing is settled, the balance will be paid to the customer within forty-five (45) days, provided the District is given a suitable address. All requests for refunds shall be made in writing and should be filed within ninety (90) days of termination. In the event that an outstanding balance exists after the deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.

- i. The deposit for standard water service is **\$ 200.00** for each service unit.
- ii. The deposit for nonstandard service including oversized or master metered accounts shall be based on multiples of meter size equivalence and estimated

monthly use.

- b. If the District is not provided with a suitable address to send the balance of a deposit or if after sending the balance it is returned by the postal service, the District will hold the funds for the customer to claim for a period of one year. After the one-year holding period has expired, the District will turn the money over to the Texas Comptroller's Office. The customer may still claim their deposit once deposited with the Comptroller's Office.

**4. Easement Fee.**

When the District determines that dedicated easements and/or facilities sites are necessary to provide service to the applicant, the applicant shall be required to make good faith efforts to secure the necessary easements and/or sites on behalf of the District and/or pay all costs incurred by the District in validating, clearing, and retaining such easements or sites in addition to tap fees otherwise required pursuant to the provisions of this service policy. The costs may include all legal fees and expenses necessary to attempt to secure such easements and/or facilities sites on behalf of the Applicant.

**5. Installation Fee.**

The District shall charge an installation fee for service that does not exceed the actual and reasonable cost as follows:

a. **Standard Service Fees** shall include:

- i. Tap Fees — all current labor, materials, necessary to provide individual metered water,
- ii. Engineering Fees.
- iii. Legal Fees.
- iv. System Development Fees,
- v. Water Acquisition Fees,
- vi. Customer Service Inspection Fees,
- vii. Administrative Costs, and
- viii. Any additional site-specific equipment or appurtenances necessary to provide water service.

Standard New Service connection fees shall be charged per service unit as follows:

Meter Size	New Water Connection Fee is \$ <b>6,032.00</b>
5 8" X 3/4"	Re-Service Fee is <b>\$2,893</b> (reduced by \$1,833 if water acquisition fee has been previously paid)

Standard Service Fees within a development with a written and approved development non-standard service agreement shall be due for all new service connections as stated in a service agreement approved by the Board of Directors for the development or the current Standard Service Fee in effect at the time-of-service request.

b. **Nonstandard service shall include:**

1. Facility improvement costs: including but not limited to tanks, piping, main lines, hydrants and other labor materials necessary to provide service at the level required by water code and as requested by the applicant;
2. line and facility inspection fees;
3. administrative costs, including but not limited to, contract administration costs, processing invoices, disbursement of checks to contractors;

4. legal fees, including but not limited to, contract development, easements, water rights, permits, and CCN amendments for the area;
5. engineering fees; and
6. any additional site-specific equipment or appurtenances necessary to provide water service as determined by the District under the terms of Section F of this policy (includes tap fee(s)).

All fees will be determined by the District under the rules of Section F of this service policy.

- c. **Standard and nonstandard service installations** shall include all costs of any pipeline relocations as per Section E.4.d.ix. of this service policy or other system improvements.
6. **Line Extension Reimbursement Fee.** An approved Applicant may have to pay on a prorated basis a line reimbursement fee to the District for the purpose of reimbursing a customer or other party who made the capital outlay to extend service to that area.

**7. Monthly Charges.**

a. **Service Availability Base Rate**

Water service - The monthly charge of **\$33.42** for standard metered water service is for a 5/8" by 3/4" meter. The 5/8" X 3/4" meter charge is used as a base multiplier for larger nonstandard meters in accordance with the following chart based on American Water Works Association maximum continuous flow specifications:

METER SIZE	5/8" X 3/4" METER EQUIVALENTS
5/8" X 3/4"	1.0
3/4"	1.5
1"	2.5
1 1/2"	5.0
2"	8.0
3" DISP.	15.0
3" CMPD.	16.0
3" TURB.	17.5
4" CMPD.	25.0
4" TURB.	30.0
6" CMPD.	50.0
6" TURB.	62.5
8" CMPD.	80.0

Note: Certain customer classes, such as customers receiving fire flow that require a higher cost of service to the district for that class, may be charged a higher Base Rate as set forth in this policy.

- b. **Commercial Rate** – An additional **\$5.00** per month per service unit is due for each account classified for commercial and/or agriculture use.
- c. **Gallage Charge** - In addition to the Base Rate, a gallage charge shall be added at the

rates for water charges during any one (1) billing period as determined by the Board.

- i. The District shall, as required by Section 5.701, Texas Water Code, collect from each of its retail customers a regulatory assessment equal to one-half of one percent of the charge for retail water or wastewater service. This charge shall be collected in addition to other charges for utility service. This fee is collected on all charges pertaining to Section G.7. monthly charges of this Service Policy.
  - ii. The District assesses a charge of **\$ 0.05 cents per 100 gallons** as an Edwards Aquifer Management Fee.
- d. **Excessive Usage Charge** - Accounts averaging 100,000 gallons of water usage monthly over a rolling six-month period will be required to purchase unrestricted Edwards Aquifer water rights for transfer to the District by  $\frac{1}{2}$  acre-feet increments until they have purchased enough water allotments to meet their calendar year usage requirements.

All new applicants who anticipate average usage of 50,000 gallons per month will be required to purchase unrestricted transferable water rights by  $\frac{1}{2}$  acre-feet increments, until they have purchased enough water allotments to meet their calendar year usage requirements. The transfer of water rights to the District as a result of excessive use are non-refundable.

#### 9. **System Development Charge**

Each applicant for a new service unit where service has never been provided before shall be required to pay a system development charge. The current the amount assessed by the District of **\$ 1,330.00**. This fee shall be used to assist in funding capital improvements to the District's system capacity, including water supply or for recouping those costs. This fee shall be assessed immediately prior to providing service on a per service unit basis. If the sum of the system development charge and the installation fee exceeds three times the actual cost\* of installation, the system development charge is defined as an impact fee and must be approved by TCEQ under Texas Water Code 49.212 and Local Government Code Chapter 395.

\* Actual costs may include non-construction expenses attributable to the design, permitting, financing and construction of those facilities, and reasonable interest on those costs calculated at a rate not to exceed the net effective interest rate on any district bonds issued to finance the facilities.

Minimum Factors for Consideration in Calculating a System Development Charge include:

- Prepare and adopt a capital improvement plan.
- Project number of connections during period covered by plan.
- Prepare a table establishing the additional demand on system facilities and supply.
- Identify additional facilities to be constructed and probable cost to be financed through system development fees.
- Divide total cost to be financed through system development fees by number of connections the facilities will serve to determine per connection system development charge.

See also 30 TAC 293.171-176.

10. **Late Payment Fee.**  
Once per billing period, a penalty of \$ 25.00 shall be applied to delinquent bills. This late payment penalty shall not be applied to any balance to which the penalty was applied in a previous billing but shall be applied to any unpaid balance during the current billing period.
- NOTE: The District cannot charge political subdivisions and state agencies the late payment fee. (Texas Government Code Chapter 2251.021)**
11. **Returned Check Fee.**  
In the event a check, draft, or any other similar instrument is given by a person, firm, District, or partnership to the District for payment of services provided for in this service policy, and the instrument is returned by the bank or other similar institution as insufficient or nonnegotiable for any reason, the account for which the instrument was issued shall be assessed a return check charge of \$30.00
12. **Reconnect Fee.**  
The District shall charge a fee of \$50.00 for reconnecting service after the District has previously disconnected the service for any reason provided for in this service policy except for activation of service under Section E.2.b. Re-service.
13. **Service Trip Fee.**  
The District shall charge a trip fee of \$ 50.00 per hour (\$65 after hours, weekends & holidays) for any service call or trip to the customer's tap as a result of a request by the customer or resident (unless the service call is in response to damage of the District's or another customer's facilities) or for the purpose of disconnecting or collecting payment for services. A minimum trip fee equal to 1 hour of time will be assessed with additional charges each ½ hour or portion thereof.
14. **Meter Tampering and Damage to Property Penalty.**  
In addition to the Equipment Damage Fee, the District may charge a penalty for "Tampering" as defined in Section E.18 in the amount of \$5,000,00. The penalty may be assessed against the person who committed the Tampering.
- NOTE: See Section 65.207, Water Code, regarding requirements for publication of new penalty provision and Section 49.004, Water Code, for penalty limits for districts.**
15. **Fee for Unauthorized Actions - \$500 Violation of District Policy**  
If the District's facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair or replacement of the District's facilities and shall be paid before service is re-established. The fee shall also include the actual costs for all labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authorization. All components of this fee will be itemized, and a statement shall be provided to the customer. If the District's facilities or equipment have been damaged due to unauthorized use of the District's equipment, easements, or meter shut-off valve, or due to other unauthorized acts by the customer for which the District incurs losses or damages, the customer shall be liable for all labor and material charges incurred as a result of said acts or negligence. **Note: Payment of this fee will not preclude the District from requesting appropriate criminal prosecution.**

16. **Customer History Report Fee.**  
A fee of **\$25.00** shall be charged to provide a copy of the customer's record of past water (or sewer service) purchases in response to a customer's request for such a record.
17. **Meter Test Fee.**  
The District shall test a customer's meter upon written request of the customer. Under the terms of Section E of this service policy, a charge of **\$ 50.00** shall be imposed on the affected account. Factory tests requested by a customer is based on the manufacturers cost plus postage to return the meter to the manufacturer for testing.
18. **Information Copy Fee.**  
A fee for the copying of any public information will be charged to the person requesting that information in compliance with the cost rules of the Texas Government Code, Section 552.261 et. seq.
19. **Equipment Damage Fee - \$100**  
If the District facilities or equipment have been damaged by tampering, bypassing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair, replacement, and other District. This fee shall be charged and paid before service is re-established. If the District's equipment has not been damaged, a fee equal to the actual costs for all labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authority shall be charged. All components of this fee will be itemized, and a statement shall be provided to the Customer. If the District facilities or equipment has been damaged due to negligence or unauthorized use of the District's equipment, right-of-way, or meter shut-off valve, or due to other acts for which the District incurs losses or damages, the Customer shall be liable for all labor and material charges incurred as a result of said acts or negligence
20. **Customer Service Inspection Fee.**  
A fee of **\$ 100.00** will be assessed each applicant before permanent continuous service is provided to new construction if an additional inspection is required in addition to the initial inspection included with the installation or tap fee.
21. **Customer Requested Lock Fee - \$50.00**  
The District will place a lock on the meter at the customers request to prevent the flow of water through the meter. The minimum service availability charge will be required and all due dates are applicable.  
  
**The District will not lock a service at the request of a landowner to deny a tenant use of the water when the account is paid by the resident.**
22. **Account Transfer Fee**  
An administrative fee of **\$35.00** will be assessed to an account transferred from one responsible party to another one. Additional fees may apply when an easement document is required to be filed in the county records.

A transfer due to a death or name change may be exempt from the transfer fee and deposit upgrade if the account is in good standing for the recent past twelve months.

23. **Credit Card/Debit Card Fee**  
Credit/Debit card payments are subject to a third-party user fee.
24. **Regulatory Assessment.**  
A fee of 0.5% of the amount billed for water/sewer service will be assessed each customer; as required under Texas law and TCEQ regulations.
25. **Additional Assessments.**  
In the event any federal, state or local government imposes on the District a “per meter” fee or an assessment based on a percent of water/sewer use or charges, this fee or assessment will be billed and collected as a “pass through” charge to the customer.
26. **Edwards Aquifer Management Fee.**  
A fee of \$ 0.05 per 100 gallons of water used by each customer will be collected to pay a portion of the annual aquifer management fee charged the District by The Edwards aquifer Authority based on the amount of water pumped from the District’s wells located within the boundaries of the District.
27. **Other Fees.**  
The actual and reasonable costs for any services outside the normal scope of utility operations that the District may be compelled to provide at the request of a customer shall be charged to the customer.

EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION H

DEMAND MANAGEMENT AND  
CRITICAL PERIOD MANAGEMENT



**DROUGHT CONTINGENCY PLAN  
CRITICAL PERIOD MANAGEMENT RULES**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT  
REVISION OF THE DEMAND MANAGEMENT AND  
CRITICAL PERIOD MANAGEMENT RULES.  
REVISED SEPTEMBER 16, 2014**

WHEREAS, the Board recognizes the amount of water available to the East Medina County Special Utility District and its water utility customers is limited and subject to depletion during critical periods;

WHEREAS, the Board recognizes natural limitations due to critical conditions and cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality and the Edwards Aquifer Authority require all public water supply systems in Texas to prepare a Demand Management and Critical Period Management Plan; and

WHEREAS, as authorized under law, and in the best interests of the customers of the East Medina County Special Utility District, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during critical periods and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT:

SECTION 1. That the Demand Management and Critical Period Management Rules attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the East Medina County Special Utility District.

SECTION 2. That the East Medina County Special Utility District Board of Directors is hereby directed to implement, administer, and enforce the Demand Management and Critical Period Management Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT ON THIS 16TH DAY OF SEPTEMBER 2014.

(Original Signature On File  
President, Board of Directors

ATTESTED TO:

Original Signature On File  
Secretary, Board of Directors

## DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Abbreviations:

Aquifer	The Edwards Aquifer
CPM	Critical Period Management
CPMP	Critical Period Management Policy
CPMS	Critical Period Management Stage
DM	Demand Management
DMP	Demand Management Policy
DMS	Demand Management Stage
EAA	Edwards Aquifer Authority
The District	East Medina County Special Utility District

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use, which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by East Medina County Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number accounts: Four digit section of the account numbers ending in even numbers 0, 2, 4, 6, or 8.

Odd numbered accounts: Four digit section of the account numbers ending in odd numbers 1, 3, 5, 7, or 9.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

J 17 Well: Index Well located in Bexar County in Fort Sam Houston, San Antonio. Identified as AY-68-37-203. Trigger well for East Medina County Special Utility District.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- Flushing gutters or permitting water to run or accumulate in any gutter or street;
- Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- Failure to repair a controllable leak(s) within a reasonable period after receiving notice directing the repair of such leak(s); and
- Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

**San Antonio Pool:** That part of the Aquifer underlying the boundaries of the Authority, other than Uvalde County.

**c.f.s.:** Cubic Feet Per Second.

EAST MEDINA COUNTY  
SPECIAL UTILITY DISTRICT

DEMAND MANAGEMENT AND  
CRITICAL PERIOD MANAGEMENT RULES

**SECTION 1:  
INTRODUCTION**

East Medina County Special Utility District was established as a Water Supply Corporation in 1967 under chapter 1434a of the Water Code for the sole purpose of supplying potable water to the rural area of southeast Medina County. In September 1996 the Water Supply Corporation converted to a Special Utility District under Chapters 49 & 65 of the Texas Water Code. The District is generally bordered by the communities of LaCoste, Lytle, Natalia, Devine, Biry, Dunlay, Quihi, and Castroville. The people in the rural areas within the District boundaries are served through over 300 miles of water lines supplied by eight Edwards Aquifer wells.

The District serves approximately 4000 connections with an estimated per capita population of 3.5 persons per connection. The District's service area is located west of the metropolitan area of San Antonio, Texas. Due to this location, the District is experiencing rapid growth in service requests and at the same time is subject to pumping reductions as stated in the EAA Critical Period Management rules based on the water level of the Edwards Aquifer. The District continues to purchase additional pumping rights and seek alternative water supplies as funds are available to meet current and future needs.

**SECTION 2:  
PURPOSE**

The goal of the Demand Management and Critical Period Management Rules is to cause a reduction in water use in response to drought conditions or emergency condition that place an undue demand on the District's water source.

**SECTION 3:  
DISCLOSURES**

East Medina County Special Utility District is organized under Chapters 49 and 65 of the Texas State Water Code having the power to levy fines for non-compliance of District policies, rules, and or regulations. Customers of East Medina County Special Utility District are required to follow the rules and regulations as set forth by District Policy, the Texas Commission on Environmental Quality and the Edwards Aquifer Authority.

**SECTION 4:  
STRATEGY**

Customers in the East Medina County Special Utility District service area generally have three potential sources of water supply including East Medina Co. SUD, private wells for domestic and livestock use and Bexar Medina Atascosa (BMA) irrigation water. Due to the diverse source of water and the rural nature of the District having more than 300 miles of water lines to

maintain and operate, enforcement actions may be taken by the District when it appears that this policy is blatantly and/or consistently violated and/or ignored.

The Board of Directors are confident that necessary water curtailments can be accomplished through the spirit of education and cooperation among the people we serve working together to conserve, preserve and protect our water resources.

**SECTION 5:  
COORDINATION WITH OTHER AUTHORITIES**

The District will expend every effort to coordinate with the Texas Commission on Environmental Quality and the Edwards Aquifer Authority in the management of our water resources.

**SECTION 6:  
CRITICAL PERIOD STAGES.  
(TRIGGER CONDITIONS)**

Reduction	J17 Well Level (MSL)	San Marcos Springs	Comal Springs
Stage *	10-day average Is Less Than	10-day average is less than	10-day average is less than
Stage 1 Demand Management	660 feet	96 CFS	225 CFS
Stage 2 Demand Management	650 feet	80 CFS	200 CFS
Stage 3 Critical Period	640 feet	N/A	150 CFS
Stage 4 Critical Period	630 feet	N/A	100 CFS
Stage 5 Critical Period	625 Feet	N/A	45/40*

\*As declared by the Edwards Aquifer Authority for the San Antonio Pool (includes Medina County).

\*\*San Antonio Pool only: In order to enter into Critical Period Stage V, the applicable springflow trigger is either less than 45 cfs based on a ten-day rolling average or less than 40 cfs based on a three-day rolling average. Expiration of Critical Period stage V is based on a ten-day rolling average of 45 cfs or greater.

**SECTION 7:  
TABLE REDUCTION LEVELS**

In compliance with the Edwards Aquifer Authority regulations on Demand Management and Critical Period Management, the following EAA reduction percentages will apply.

Reduction	572,000 AF/Annual Cap
Stage	Interruption Coefficient
Stage 1 (Demand Management)	20%
Stage 2 (Demand Management)	30%
Stage 3 (Critical Period)	35%
Stage 4 (Critical Period)	40%
Stage 5 (Critical Period)	44%

**SECTION 8:  
DECLARATION OF DEMAND MANAGEMENT AND  
CRITICAL PERIOD MANAGEMENT**

The District will declare Critical Period Management and the appropriate Demand Management Stage when Critical Period is declared by the Edwards Aquifer Authority in the San Antonio Pool of the Edwards Aquifer.

**SECTION 9:  
PUBLIC ISSUANCE OF CRITICAL PERIOD MANAGEMENT STAGE**

The declaration of a Demand Management (DM) or Critical Period Management (CPM) Stage will be announced by the Superintendent. The declaration will be published on the District's web page at [www.emcsud.dst.tx.us](http://www.emcsud.dst.tx.us), published in the, the Hondo Anvil Herald a minimum of one time, announced on the Medina County Radio Stations daily during the DM or CPMS, and posted in the lobby of the District Office.

**SECTION 10:  
RESTRICTION OF THE USE OF WATER**

YEAR ROUND

1. All users must practice water conservation and preservation.
2. All water leaks must be repaired as soon as possible to minimize water waste

3. No person may use District water for landscape watering using a sprinkler or sprinkler system between the hours of 10:00 AM and 8:00 PM.
4. Watering with a hand held or soaker hose is permitted as needed.

**Upon the declaration of a Demand Management Stage (DMS) or Critical Period Management Stage (CPMS) by the District, compliance with the DM or CPM demand reduction measures shall be required.**

#### **STAGE 1**

1. All users must practice water conservation and preservation.
2. No person may use District water for landscape watering between the hours of 10:00 AM and 8:00 PM.
3. No person may use District water for washing automobiles, sidewalks, driveways, carports, or any other type of artificial ground cover.
4. Restaurants and other eating establishments are prohibited from serving District water to customers except upon request from the customer.
5. Every customer who owns or has possession of a swimming pool must cover the pool with an effective evaporation cover, screen, or evaporation shields when the pool is not in active use. Active usage includes necessary maintenance that requires removal of the cover, screen, or shields.
6. Livestock watering will be permitted in water troughs only. (Filling earthen tanks will not be allowed).

#### **STAGE 2**

1. All users must practice water conservation and preservation.
2. No person may use District water for landscape watering between the hours of 10:00 AM and 8:00 PM.
3. No person may use District water for washing automobiles, sidewalks, driveways, carports, or any other type of artificial ground cover.
4. Restaurants and other eating establishments are prohibited from serving District water to customers except upon request from the customer.
5. Every customer who owns or has possession of a swimming pool must cover the pool with an effective evaporation cover, screen, or evaporation shields when the pool is not in active use. Active usage includes necessary maintenance that requires removal of the cover, screen, or shields.
6. Designated water days for landscape watering will be:
  - a. For all customers whose four digit section of the account numbers end in an even number the watering days will be Monday and Thursday between the hours of 8:00 PM and 10:00 AM.
  - b. For all customers whose four digit section of the account numbers end in an odd number the watering days will be Tuesday and Friday between the hours of 8:00 PM and 10:00 AM.
  - c. Wednesday, Saturday, and Sunday will be non-watering days.
7. Persons may not use District water for an ornamental fountain or similar feature.
8. Livestock watering will be permitted in water troughs only. (Filling earthen tanks will not be allowed).

#### **STAGE 3**

1. All users must practice water conservation and preservation.

2. No person may use District water for landscape watering between the hours of 10:00 AM and 8:00 PM.
3. No person may use District water for washing automobiles, sidewalks, driveways, carports, or any other type of artificial ground cover.
4. Restaurants and other eating establishments are prohibited from serving District water to customers except upon request from the customer.
5. Every customer who owns or has possession of a swimming pool must cover the pool with an effective evaporation cover, screen, or evaporation shields when the pool is not in active use. Active usage includes necessary maintenance that requires removal of the cover, screen, or shields.
6. Designated watering days for landscape watering will be:
  - a. For all customers whose four-digit section of the account number ends in an even number the watering day will be Tuesday between the hours of 8:00 PM and 10:00 AM.
  - b. For all customers whose four-digit section of the account number ends in an odd number the watering day will be Thursday between the hours of 8:00 PM and 10:00 AM.
  - c. Monday, Wednesday, Friday, Saturday, and Sunday will be non-watering days.
7. Persons may not use District water for an ornamental fountain or similar feature.
8. Livestock watering will be permitted in water troughs only. (Filling earthen tanks will not be allowed).

#### STAGE 4

1. All users must practice water conservation and preservation.
2. No person may use District water for landscape watering between the hours of 7:00 AM and 8:00 PM and from 11:00 PM to 3:00 AM.
3. No person may use District water for washing automobiles, sidewalks, driveways, carports, or any other type of artificial ground cover.
4. Restaurants and other eating establishments are prohibited from serving District water to customers except upon request from the customer.
5. No person may use District water to fill a new swimming pool or refill an existing swimming pool.
6. No person can use District water for any outdoor fountains, ornamental ponds, or similar devices.
7. Designated watering days for landscape watering will be:
  - a. For customers whose four digit section of the account number ends in an even number the watering day will be Tuesday, between the hours of 3:00 AM to 7:00 AM and from 8:00 PM to 11:00 PM.
  - b. For customers whose four digit section of the account number ends in an odd number the watering day will be Thursday from 3:00 AM to 7:00 AM and from 8:00 PM to 11:00 PM.
8. Monday, Wednesday, Friday, Saturday, and Sunday will be non-watering days.
9. Persons may not use District water for an ornamental fountain or similar feature.
10. Livestock watering will be permitted in water troughs only. (Fillings earthen tanks will not be allowed).

#### STAGE 5

1. All users must practice water conservation and preservation.



2. No person may use District water for landscape watering between the hours of 7:00 AM and 8:00 PM and from 11:00 PM to 3:00 AM.
3. No person may use District water for washing automobiles, sidewalks, driveways, carports, or any other type of artificial ground cover.
4. Restaurants and other eating establishments are prohibited from serving District water to customers except upon request from the customer.
5. No person may use District water to fill a new swimming pool or refill an existing swimming pool.
6. Designated watering days for landscape watering will be:
  - a. For customers whose four digit section of the account number ends in an even number the watering day will be the first and third Tuesday of each month between the hours of 3:00 AM and 7:00 AM and between the hours of 8:00 PM and 11:00 PM.
  - b. For customers whose four digit section of the account number ends in an odd number the watering day will be the first and third Thursday of each month between the hours of 3:00 AM and 7:00 AM and between the hours of 8:00 PM and 11:00 PM.
  - c. **Monday, Wednesday, Friday, Saturday, and Sunday will be non-watering days.**
7. Persons may not use District water for an ornamental fountain or similar feature.
8. Livestock watering will be permitted in water troughs only. (Fillings earthen tanks will not be allowed).

## **SECTION 11: PENALTIES FOR VIOLATIONS**

**First Violation** – The Customer will be notified by a written notice of their specific violation. The notice will inform the customer that failure to comply with the Demand Management and Critical Period Management Rules of the District will result in penalties to be assessed to their account. The failure to pay the required penalties will result in a disconnect of their service. Reconnection will require payment of the penalty and a charge for the service call to restore service. The notice will also inform the customer that additional violations will trigger more severe penalties and may result in termination of service regardless of whether the customer pays the penalties.

**Second Violation** - The District will assess a penalty of \$ 25.00. The notice of second violation will show the amount of penalty to be assessed and will inform the customer that failure to pay the penalty will result in termination of service to be restored only upon payment of penalty and service call to restore service. The notice will also inform the customer that additional violations will trigger more severe penalties and may result in termination of service regardless of whether the customer pays the penalties.

**Subsequent Violations** - The District will assess an additional penalty of \$ 50.00 for violations continuing after the Second Violation. The notice of subsequent violation will show the amount of the penalty to be assessed and will inform the violator that failure to pay the penalty will result in termination of service to be restored only upon payment of penalty and service call to restore service. The notice will also inform the customer that the District may also install a flow restricting device in the customer's meter service to limit the amount of water that will pass through the meter in a twenty-four (24) hour period. The costs of this procedure will be for the actual work and equipment and shall be paid by the customer. Removal of this device will be considered Meter Tampering and

will result in disconnection of service without further notice. The notice of subsequent violation will also inform the customer that additional penalties will be assessed for additional violations; and in addition to penalties, that water service will be terminated for a period of three (3) days regardless of whether the customer pays the penalties for the additional violations.

**Termination** For each continuing violation, the district will assess an additional penalty of \$ 100.00. Service will also be terminated for a period of three (3) days. The notice of termination will show the date on which water service will be terminated and the date on which service will be restored, unless the customer has failed to pay delinquent penalties, assessments or charges. Service will remain off until any delinquent penalty or other assessment is fully paid including a charge for the service call to restore service.

### **SECTION 12: DISCONTINUANCE OF A DEMAND MANAGEMENT OR CRITICAL PERIOD MANAGEMENT STAGE**

The District will publish the end to a Demand Management Stage (DMS) or Critical Period Management Stage (CPMS) by publishing on the District's Web page at [www.emesud.dst.tx.us](http://www.emesud.dst.tx.us) , one time in the Devine News and the Hondo Anvil Herald and posting in the District office lobby.

### **SECTION 13: VARIANCE**

A customer may file a written request for a variance from these rules with the Board of Directors. A variance must be based on grounds of extreme hardship relating to personal health. The request must contain the following:

- a. The specific nature of the variance requested.
- b. A detailed explanation of why the variance is requested, and
- c. A sworn statement that the information contained in the request is true and accurate.

The Board of Directors may grant a variance for a term and with any conditions the Board deems appropriate.

The Board of Directors will determine each request for variance by its own merits. Any determination of the Board will apply to the variance being addressed and will not set a precedent or have any bearing on any other determination of variances.

The Board of Directors may rescind a variance at any time due to changes in circumstances, new information, or failure of the holder of the variance to abide by the terms of the variance, an order from the Edwards Aquifer Authority, or any order of the Board.

**SECTION 14:  
PUBLIC INPUT**

The Board of Directors of the East Medina County Special Utility District held a regular duly posted Board of Directors meeting on June 20, 2023 at 7:00 PM at the District Office. The purpose of this meeting, among other District business, was to review, discuss and have the Board take action on the revision of this Demand Management and Critical Period Management Policy. Notice of this meeting was published on the District's web page, and the District Office. The meeting, at which this policy was revised, was duly posted and the public was welcome. Public comments and involvement are welcomed and encouraged at all board meetings.

**SECTION 15:  
PUBLIC EDUCATION AND INVOLVEMENT**

Continuing public education and involvement are accomplished through:

- a. Water Conservation information provided as follows:
  - 1. Newsletters mailed to every account
  - 2. District Website: [www.emcsud.dst.tx.us](http://www.emcsud.dst.tx.us)
- b. Xeriscape information is available at the District office.
- c. The District's Web Page's quick-link to the daily levels of the J17 and Medina County Wells and the flow rates of the Comal and San Marcos Springs.
- d. Water Audits to assist Customers in determining source of wasted water.
- e. Water Saving Presentations provided for small groups and classes.
- f. Public comments and involvement at Board meetings.

EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT

STATEMENT OF POLICY

SECTION I

IDENTITY THEFT PREVENTION PROGRAM

**SECTION I  
IDENTITY THEFT PREVENTION PROGRAM**

**I. PROGRAM ADOPTION**

The East Medina County Special Utility District ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Board of Directors. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the Board of Directors determined that this Program was appropriate for the East Medina County Special Utility District and therefore approved this Program on November 1, 2008.

**II. PROGRAM PURPOSE AND DEFINITIONS**

**A. Fulfilling requirements of the Red Flags Rule**

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

**B. Red Flags Rule definitions used in this Program**

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

### **III. IDENTIFICATION OF RED FLAGS.**

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

#### **A. Notifications and Warnings From Credit Reporting Agencies**

##### **Red Flags**

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

#### **B. Suspicious Documents**

##### **Red Flags**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

#### **C. Suspicious Personal Identifying Information**

##### **Red Flags**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);

3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

#### **D. Suspicious Account Activity or Unusual Use of Account**

##### **Red Flags**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

#### **E. Alerts from Others**

##### **Red Flag**

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

### **IV. DETECTING RED FLAGS.**

#### **A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

## **Detect**

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

## **B. Existing Accounts**

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

## **Detect**

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

## **V. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

## **Prevent and Mitigate**

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

## **Protect customer identifying information**

In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:



1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.
8. **Ensure that all account information including name, address, telephone numbers be kept private on all accounts with no charge to the customer.**

## **VI. PROGRAM UPDATES**

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once per year the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Board of Directors with his or her recommended changes and the Board of Directors will make a determination of whether to accept, modify or reject those changes to the Program.

## **VII. PROGRAM ADMINISTRATION.**

### **A. Oversight**

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the president of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

### **B. Staff Training and Reports**

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. The Program Administrator will train staff as needed. The staff will provide reports to the Program Administrator on incidents of Identity Theft.

### **C. Service Provider Arrangements**

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require that service providers have such policies and procedures in place; and
2. Require that service providers review the Utility's Program and date and sign a copy of the Program and report any Red Flags to the Program Administrator.

### **D. Non-disclosure of Specific Practices**

*(This provision is not required by the Rule, but municipal utilities may find it useful.)*

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.