

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE BOARD OF DIRECTORS OF BECKER-JIBA SPECIAL UTILITY DISTRICT OF KAUFMAN COUNTY, TEXAS, AMENDING AND RESTATING SECTIONS G.6 (INSTALLATION FEE), G.7 (MONTHLY SERVICE CHARGES), G.13 (RECONNECT FEE), G.14 (SERVICE TRIP FEE), AND G.22 (CUSTOMER SERVICE INSPECTION FEE) OF THE DISTRICT SERVICE POLICY; ADDING SECTIONS G.27 (DISCONNECT FEE), G.28 (CREDIT CARD CONVENIENCE FEE), AND G.29 (EMERGENCY RESPONSE FEE) TO THE DISTRICT SERVICE POLICY; PROVIDING FOR SEVERABILITY, CONFLICTS AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Becker-Jiba Special Utility District (the "District") is a political subdivision of the State of Texas created under the authority of Section 59, Article XVI, Texas Constitution, and a retail public utility operating pursuant to Chapters 49 and 65 of the Texas Water Code; and

WHEREAS, on April 7, 2004, the City of Kaufman, Texas ("Kaufman") and the Becker-Jiba Water Supply Corporation (the "Corporation") entered into that certain Water Sale and Purchase Contract wherein Kaufman agreed to provide, and the District agreed to pay for, a potable water supply (the "Contract"); and

WHEREAS, Kaufman relies on the North Texas Municipal Water District ("NTMWD") as its sole water supply; and

WHEREAS, in 2019 the Corporation converted into the District and assigned its rights under the Contract to the District as its successor; and

WHEREAS, Texas Water Code § 49.212 authorizes the District to adopt and enforce all necessary charges and mandatory fees for providing service or making service available to customers; and

WHEREAS, on January 16, 2020, the Board of Directors of the District adopted a District Service Policy (a/k/a tariff or rate order) establishing service policies and rates for retail water service provided by the District to the public; and

WHEREAS, NTMWD has announced it will raise its potable water supply rates by 8.9 percent for its customers and member cities, which Kaufman will pass through to the District, so the Board finds it necessary to increase certain rates and fees as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF BECKER-JIBA SPECIAL UTILITY DISTRICT THAT:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance by reference for all purposes.

SECTION 2. Amending and Restating Section G.6 of the District Service Policy. Section G.6 of the District Service Policy is hereby amended and restated in its entirety to read as follows:

6. *Installation Fee.*

- a. *Standard Service.* The District shall charge an Installation Fee for a new standard service connection on a lot or tract of land in the amount of \$5,250.00. The Installation Fee includes the following fees and costs:
 - i. *all labor and materials necessary to provide individual metered water service to the lot or tract of land, including a customer service line, tap, meter box, and a 6" x 3/4" meter;*
 - ii. *engineering and legal services;*
 - iii. *Customer Service Inspection Fee;*
 - iv. *administrative overhead;*
 - v. *capital contribution fee; and*
 - vi. *any additional site-specific equipment or appurtenances necessary to provide water service.*
- b. *Non-standard Service.* The District shall charge an Installation Fee for a new non-standard service connection in an amount that includes the following fees and costs:
 - i. *costs to design and construct or install new off-site water system improvements, including ground or elevated water storage tanks, water pipelines and mains, hydrants and appurtenances necessary to provide service at the level requested by the non-standard service applicant;*
 - ii. *construction inspection fees;*
 - iii. *administrative overhead including contract administration, invoice processing, disbursing checks to contractors;*
 - iv. *fees for legal services related to contracts, easements, water rights, permits, and CCN amendments;*
 - v. *fees for engineering services related to investigating the District's ability to provide service at the level requested by the non-standard service applicant; reviewing and approving on-site water plans, inspections, designing and engineering new off-site water system improvements necessary to provide*

service at the level requested by the non-standard service applicant, and obtaining regulatory approvals; and

- vi. 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.
- c. Extraordinary Expenses. In addition to Installation Fees, the District may charge the non-standard service applicant for extraordinary costs related to providing service including the cost of road bores, street crossings, line extensions, and pipeline relocations.

SECTION 3. Amending and Restating Section G.7 of the District Service Policy. Section G.7 of the District Service Policy is hereby amended and restated in its entirety to read as follows:

7. Monthly Service Charges.

(a) Base Rate. The base rate is that portion of a customer's monthly bill which is paid for the opportunity of receiving utility service, excluding standby fees which does not vary due to changes in service consumption. The standard service unit is a 6" x 3/4" meter (as per AWWA maximum continuous flow specifications), which is used as a base multiplier for the monthly base rate amount. Therefore, the amount of a customer's monthly base rate is based on the number of 6" x 3/4" meters equivalent to the size of that customer's meter. The district's monthly base rates for water service and meter size equivalents are as follows:

METER SIZE	5/8" x 3/4" METER EQUIVALENTS	MONTHLY RATE
6" x 3/4"	1.0	\$ 37.19
3/4" x 3/4"	1.5	55.78
1"	2.5	92.97
1 1/2"	5.0	185.94
2"	8.0	297.50
3" CMPD.	16.0	595.00
4" CMPD.	25.0	929.75
6" CMPD.	50.0	1,859.50
8" CMPD.	80.0	2,975.20

(b) Water Usage Rates. In addition to the base rate, customers shall be assessed water usage charges (a/k/a gallonage charges) at the following rates for water metered during a single billing period:

0 to 2,000 gallons	\$8.42 per 1,000 gallons
2,001 to 6,000 gallons	\$9.62 per 1,000 gallons
6,001 to 10,000 gallons	\$10.62 per 1,000 gallons

10,001 to 20,000 gallons	\$11.72 per 1,000 gallons
20,001 to 30,000 gallons	\$12.90 per 1,000 gallons
>30,000 gallons	\$13.97 per 1,000 gallons

SECTION 4. Amending and Restating Section G.13 of the District Service Policy. Section G.13 of the District Service Policy is hereby amended and restated in its entirety to read as follows:

- 13. **Reconnect Fee (Re-service Fee).** *The District shall charge a fee of \$75.00 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.3.b. Re-service.*

SECTION 5. Amending and Restating Section G.14 of the District Service Policy. Section G.14 of the District Service Policy is hereby amended and restated in its entirety to read as follows:

- 14. **Service Trip Fee.** *The District shall charge a fee of \$75.00 for any service call or trip to a customer's meter or property at the request of the customer or a resident of the property (unless the service call is in response to damage to the District's or another customer's water facilities). The District shall charge a fee of \$150.00 for any service call or trip made when the District's office is closed.*

SECTION 6. Amending and Restating Section G.22 of the District Service Policy. Section G.22 of the District Service Policy is hereby amended and restated in its entirety to read as follows:

- 22. **Customer Service Inspection Fee.** *A fee of \$100.00 will be charged to an applicant requesting permanent continuous service to newly constructed building or dwelling if a customer service inspection is required in addition to the initial inspection included with the Installation Fee.*

SECTION 7. Adding Section G.27 to the District Service Policy. Section G.27 of the District Service Policy establishing a Disconnect Fee is hereby added to read as follows:

- 27. **Disconnect Fee.** *A fee of \$100.00 will be charged to a customer whose service is disconnected or discontinued for any reason set forth in Section E.14 (Rules for Disconnection of Service) of this District Service Policy.*

SECTION 8. Adding Section G.28 to the District Service Policy. Section G.28 of the District Service Policy establishing a Credit Card Convenience Fee is hereby added to read as follows:

- 28. **Credit Card Convenience Fee.** *The District will assess a convenience fee*

equal to 3% of the total amount of any payment to the District involving use of a credit card or debit card. The convenience fee is a separate charge and is non-refundable in the event of a refund to the cardholder.

SECTION 9. Adding Section G.29 to the District Service Policy. Section G.29 of the District Service Policy establishing an Emergency Response Fee is hereby added to read as follows:

29. ***Emergency Response Fee.*** *The District will charge a fee to any person who causes damage to a waterline or other water system facilities resulting in water loss to reimburse the District for labor and materials expended to repair the damage and stop the water loss. The District will charge the responsible party a fee of \$250.00 per hour, with a \$500.00 minimum, beginning from the time District personnel are made aware of the damage until the time the damage is repaired and the water loss stopped.*

SECTION 10. Savings/Conflicts. All provisions of any ordinance in conflict with this Ordinance are hereby repealed and any remaining portions of such ordinance shall remain in full force and effect.

SECTION 11. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The District hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 12. Effective Date. This Ordinance shall take effect immediately from and after its passage by the Board of Directors.

ADOPTED on the 14th day of September, 2023, by the Board of Directors of Becker-Jiba Special Utility District.

APPROVED:



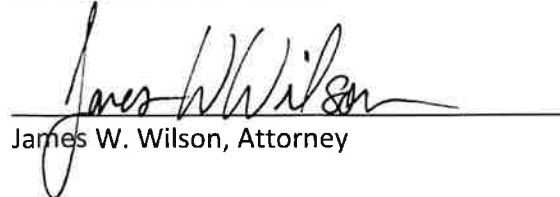
Robert Dodson, President

ATTEST:



Joyce Abbott, Secretary

APPROVED AS TO FORM:



James W. Wilson, Attorney