

**MINUTES**  
**PUBLIC SERVICE BOARD**  
**CITY OF EL PASO**  
**January 11, 2017**

The regular meeting of the Public Service Board was held Wednesday, January 11, 2017, at the El Paso Water Utilities Public Service Board Meeting Room located at 1154 Hawkins Boulevard, El Paso, Texas.

**PSB MEMBERS PRESENT**

Henry Gallardo, Chair  
Christopher Antcliff, Vice Chair  
Mayor Oscar Leeser, Ex-Officio Member  
Dr. Ivonne Santiago, Member  
Bradley Roe, Member  
Dr. Kristina Mena, Member

**PSB MEMBERS ABSENT**

Terri Garcia, Secretary-Treasurer

**PSB EMPLOYEES PRESENT**

John E. Balliew, P.E., President and Chief Executive Officer  
Lee Ann Koehler, General Counsel

**EPWU EMPLOYEES PRESENT**

Matthew Behrens, Assistant General Counsel  
Alan Shubert, Vice President  
Marcela Navarrete, Vice President  
Art Duran, Chief Financial Officer  
Gilbert Trejo, Chief Technical Officer  
Fernie Rico, Chief Operations Officer  
Lisa Rosendorf, Chief Government Affairs and Communications Officer  
Gretchen Byram, Computer Media Specialist  
Georgette Webber, Executive Assistant  
Rosemary Guevara, Senior Purchasing Agent  
Levi Chacon, Purchasing Agent  
Christina Montoya, Marketing and Communications Manager  
Isabel Rodriguez, Public Information Coordinator  
Anai Padilla, Water Conservation/TecH<sub>2</sub>O Manager  
Alma DeAnda, Land & Water Rights Manager  
Art Quijano, Construction Superintendent  
Lidia Carranco, Treasury & Property Control Manager  
Jeff Tepsick, Fiscal Operations Manager  
Joshua Moniz, Lead Public Information Coordinator  
Martin Noriega, Stormwater Operations Manager

**GUESTS**

Joe Cardenas, Moreno Cardenas  
Taylor Moreno, City of El Paso  
Pam Farrone, Citizen  
Debbie Torres, Citizen  
Sanaan Villalobos, Carollo

**MEDIA**  
KFOX

The Public Service Board meeting was called to order by Mr. Gallardo at 8:07 a.m. A quorum of its members was present. After a moment of silence, those in attendance joined Mayor Leeser, in reciting the Pledge of Allegiance.

**CONSENT AGENDA**

On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board took action on the following agenda items:

**APPROVED THE MINUTES OF THE REGULARLY SCHEDULED MEETING HELD ON DECEMBER 14, 2016.**

The Board approved the minutes of the regularly scheduled meeting held on December 14, 2016.

**APPROVED THE PURCHASE OF THE AVIGILON CCTV SYSTEM THROUGH THE ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NUMBER 15-7077 FROM PYROCOM SYSTEMS, INC. FOR THE ROBERTO BUSTAMANTE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$66,294.32.**

The Board approved the purchase of the Avigilon CCTV system through the ESC Region 19 Allied States Cooperative Contract Number 15-7077 from PyroCom Systems, Inc. for the Roberto Bustamante Wastewater Treatment Plant in the amount of \$66,294.32.

**APPROVED A LICENSE AGREEMENT BETWEEN EL PASO WATER AND THE CITY OF DELL CITY TO AUTHORIZE USE OF AN EL PASO WATER WATER WELL LOCATED IN DELL CITY.**

Mr. Gallardo requested additional information from staff regarding this item. On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board moved this item from the consent agenda to the regular agenda for additional information from staff. Mr. John Balliew, President/CEO, presented the Board with information regarding this item. The City of Dell City (Dell City) recently lost one of its water wells utilized for watering its parks, gardens, and right-of-ways. Dell City requested to utilize an El Paso Water (EPWater) well. EPWater will not incur any costs by allowing Dell City to utilize its well. Any water drawn from the EPWater well shall not count against EPWater's permit issued by the Hudspeth County Underground Water Conservation District No. 1. The license agreement is for a period of ten years. Mr. Balliew addressed questions from the Board regarding this item.

On a motion made by Mr. Roe, seconded by Dr. Santiago and unanimously carried, the Board approved a license agreement between El Paso Water and the City of Dell City to authorize use of an El Paso Water water well located in Dell City.

**REGULAR AGENDA**

**PUBLIC HEARING BY THE MUNICIPAL DRAINAGE UTILITY SYSTEM'S GOVERNING BOARD TO CONSIDER A STORMWATER RATE INCREASE. THE BOARD WILL RECEIVE PUBLIC COMMENT ON THE PROPOSED RATE INCREASE AND ANY RESULTING CHANGES TO THE STORMWATER FEES PRIOR TO THE ADOPTION OF ANY INCREASE OR FEE CHANGES.**

Ms. Lee Ann Koehler, General Counsel, said this is was public hearing to consider a stormwater rate increase and changes to the stormwater fees. She said a presentation would be made by staff. Following the presentation, the Board would allow public comment. After public comment, the Board would close the public hearing and

move to the next agenda item for consideration and action. Mr. John Balliew, President/CEO, made a PowerPoint presentation to the Board (copy on file in Central Files). The Public Service Board budget hearings took place on November 7 and 14, 2016. Mr. Balliew began his presentation by providing a brief overview of the stormwater utility history and the 2008 Stormwater Master Plan Project prioritization. A total of 299 projects, totaling \$643 million were prioritized in 2008. Projects were prioritized with A, B, C, D and Localized Flooding designations, with "A" designation being the top priority. The project designations were as follows: A Projects totaled \$146 million (27 projects); B Projects totaled \$159 million (11 projects); C Projects totaled \$190 million (38 projects); D Projects totaled \$60 million (23 projects); and Localized Flooding Projects totaled \$88 million (200 projects). Since 2008, \$116 million of masterplanned projects have been moved up to Priority A designation. As of now, Priority A Projects total \$262 million. Mr. Balliew reviewed the project costs for Priority A Projects through year seven of the 10-year capital improvement program. To date, \$149 million of the \$262 million Priority A Projects have either been completed or are in progress.

Mr. Balliew said the maintenance expense budget had been decreased by \$617,000. The capital budget is \$38.0 million and includes a \$19.4 million new bond issue. The five-year financial plan presented last year included a 17% fee increase for FY 2017-18. Two additional rate adjustment alternatives were presented to the Board regarding the implementation of 17% rate increase. Alternative 1 proposed increasing the rates over the next six fiscal years, beginning with FY 2017-18. By FY 2022-23, the stormwater fee would be capped at \$6.20 and no additional increases would be implemented beyond that fiscal year. Alternative 2 proposed implementing a 17% rate increase for FY 2017-18 only. Mr. Balliew explained that doing so will set the CIP budget every fiscal year at \$15 million.

El Paso Water has prioritized and continues to prioritize capital projects that remove flooding risks from high-traffic areas and can potentially save lives. EPWater has created 38 million gallons of capacity for flood control which has reduced the flooding on Interstate 10. (I-10). EPWater also maintained 180 acres of stormwater ponds, five miles of drains, cleaned 18 miles of channels and levees, 1.4 miles of conduits and 425 inlets during FY 2016-17. Regarding the capital budget, Mr. Balliew said work will continue in Central El Paso however, the emphasis in work for FY 2017-18 will shift from Central to Northeast-Fairbanks; Northwest – Mesa Hills; Localized – Keystone Dam; and Mission Valley – Thomas Manor. The FY 2017-18 stormwater operating budget which is approximately \$6.4 million. This would be a 7.56% decrease from FY 2016-17. The decrease is a result of decreased maintenance needed for basins, ponds, dams; small tools and equipment; utilities expenses; transportation costs and personnel changes. He also reviewed the new funding requests within the FY 2017-18 stormwater proposed capital improvements plan. A table was presented while Mr. Balliew compared the current and proposed fee increases for FY 2017-18. Mr. Balliew presented a table which compared El Paso's current and proposed stormwater fees to those of other cities in the State of Texas.

At the conclusion of his presentation, Mr. Balliew said staff recommended a 17% fee increase and reconvening the Stormwater Master Plan Community Advisory Committee to update the Stormwater Master Plan, address rate expectations, reprioritize projects and remove unneeded projects. He also recommended revising the financial plan.

Mr. Gallardo opened the floor for comments from the public. There were no comments made. On a motion made by Mayor Leeser, seconded by Mr. Antcliff, and unanimously carried, the Board closed the public hearing to receive public comment on the proposed rate increase and any resulting changes to the stormwater fees prior to the adoption of any increase or fee changes at 8:48 a.m., January 11, 2017.

**CONSIDERED AND TOOK ACTION ON THE STORMWATER BUDGET TO INCLUDE, BUT NOT LIMITED TO, THE FOLLOWING ACTIONS:**

**a. ADOPTED A STORMWATER RATE INCREASE AND STORMWATER FEES.**

This item was heard in conjunction with Item 4.

On a motion made by Mr. Roe, seconded by Dr. Santiago and unanimously carried, the Board adopted a 17% stormwater rate and fees increase.

- b. **ADOPTED THE ANNUAL STORMWATER BUDGET IN THE AMOUNT OF \$54.968 MILLION FOR FISCAL YEAR 2017-2018.**

This item was heard in conjunction with Item 4.

On a motion made by Mr. Roe, seconded by Dr. Santiago and unanimously carried, the Board adopted the annual stormwater budget in the amount of \$54.968 million for Fiscal Year 2017-2018

- c. **ADOPTED A RESOLUTION AMENDING PUBLIC SERVICE BOARD RULES AND REGULATIONS NO. 3, ESTABLISHING ADJUSTED RATES FOR THE FURNISHING OF STORMWATER SERVICE.**

This item was heard in conjunction with Item 4.

On a motion made by Mr. Roe, seconded by Dr. Santiago and unanimously carried, the Board adopted a resolution amending Public Service Board Rules and Regulations Number 3, Establishing Adjusted Rates for the Furnishing of Stormwater Service. **(Resolution attached)**

**CONSIDERED AND TOOK ACTION ON THE WATER, WASTEWATER AND RECLAIMED WATER BUDGET, TO INCLUDE BUT NOT LIMITED TO THE FOLLOWING ACTIONS:**

- a. **ADOPTED THE ANNUAL WATER, WASTEWATER AND RECLAIMED WATER BUDGET IN THE AMOUNT OF \$463.668 MILLION FOR FISCAL YEAR 2017-2018.**

On a motion made by Mr. Roe, seconded by Dr. Mena and carried with Mayor Leeser opposing, the Board adopted the annual Water, Wastewater and Reclaimed Water Budget in the amount of \$463.668 million for Fiscal Year 2017-2018.

- b. **ADOPTED A RESOLUTION AMENDING PUBLIC SERVICE BOARD RULES AND REGULATIONS NO. 5, WATER SERVICE RATES.**

On a motion made by Mr. Roe, seconded by Dr. Mena and carried with Mayor Leeser opposing, the Board adopted a resolution amending Public Service Board Rules and Regulations No. 5, Water Service Rates. **(Resolution attached)**

- c. **ADOPTION OF A RESOLUTION AMENDING PUBLIC SERVICE BOARD RULES AND REGULATIONS NO. 6, SEWER SERVICE RATES.**

On a motion made by Mr. Roe, seconded by Dr. Mena and carried with Mayor Leeser opposing, the Board adopted a resolution amending Public Service Board Rules and Regulations No. 6, Sewer Service Rates. **(Resolution attached)**

Mr. Balliew made a PowerPoint presentation to the Board regarding this item (copy on file in Central Files). The total water, wastewater and reclaimed water budget is \$463.7 million. The \$97.4 million operating budget increased by \$3.5 million. The capital budget is \$271.6 million with new funding requests of \$182.9 million. He then reviewed some of the challenges EPWater anticipates facing in the upcoming fiscal year. FY 2016-17 will focus on addressing water resource acquisitions; infrastructure rehabilitation; upgrades to safety, security and information technology to improve efficiency; system expansion to support city growth; and debt service coverage and cash reserves. Mr. Balliew discussed the expanding diverse portfolio of options to meet water supply needs. Currently, EPWater water resources portfolio consists of surface water from the Rio Grande, water reuse, underground water, conservation and desalination. The Utility's goal is to add three additional resources which include importation, advanced purification and aquifer storage and recovery.

The FY2017-18 operating budget is anticipated to increase to accommodate normal salary increases; additional increases in chemical and new water supply costs; adjustments to electricity expenses; increases in maintenance of services and maintenance of mains; and increases in expenses of supervisors and employees due to continuing training. The total capital improvements program new funding request for FY 2017-18 is \$182,882,000. The five-year financial plan presented last year projected an eight percent rate increase for FY 2017-18. Due to efficiencies, staff proposed a seven percent water and wastewater rate increase. In addition, staff proposed raising the threshold on the Water Supply Replacement Charge to allow more customers the opportunity to benefit. A table was presented to show the comparison between the current minimum water/wastewater charges and the proposed minimum water charge if a seven percent increase is implemented. Overall, the total 2016-17 water, wastewater and reclaimed water budget is \$463.7 million. The \$97.4 million operating budget increased by \$3.5 million from the previous year. The capital budget is \$271.6 million with new funding requests of \$182.9 million. The budget supports a 7% rate increase for water and wastewater in addition to raising the threshold on the Water Supply Replacement Charge to allow more customers the opportunity to benefit. After the increase, the average monthly residential bill is 1.37% of the local median household income and below Fitch's affordability threshold of 2%. The rates and fees will be supplemented with additional funding sources such as proceeds from land sales, grants as well as revenue bonds and commercial paper. Mr. Balliew presented a graph comparing El Paso's average residential water/wastewater bill with the current and proposed rates to other cities in the border region. He also reviewed the proposed changes to the Rules and Regulations. The recommended changes to Rules and Regulations 5 will improve delinquent fee standards to simplify and reduce customer burden. The revisions to Rules and Regulation 5 will update standby fire line service guidelines for clarity and revise the leak adjustment policy. Mr. Balliew addressed several questions from the Board. Mr. Gallardo also opened the floor for public comment. There were no additional comments from the public.

**AUTHORIZED PAYMENT TO THE CITY OF EL PASO FOR IMPROVEMENTS TO THE DRAINAGE SYSTEM WITHIN THE EL PASO STREETCAR INFRASTRUCTURE PROJECT IN THE ESTIMATED AMOUNT OF \$265,717.06.**

Mr. Alan Shubert, Vice President, made a PowerPoint presentation to the Board regarding this item (copy on file in Central Files). EPWater are requesting approval to fund drainage system improvements and relocations initiated by the El Paso Streetcar Infrastructure Project. In conjunction with the City of El Paso, street and drainage improvements planned as part of the future Central Business District IV (CBDIV) project will be advanced, including stormwater improvements and new stormwater systems. The stormwater improvements were programmed by EPWater staff for a future date in the 10-year capital improvements program, however, completing these improvements now would be more cost effective and relieve the community of future burden caused by construction in the future as part of the CBDIV projects. Based on bid unit rates for related bid items quantities provided in the contractors bid for the Streetcar project, the estimated cost for the stormwater improvements is \$265,717.06. Given these rates underwent a bidding process, staff evaluated the unit costs and consider the overall estimated cost reasonable and in line with the level of effort required to complete the work. Mr. Shubert addressed questions from the Board regarding this item.

On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board authorized payment to the City of El Paso for improvements to the drainage system within the El Paso Streetcar Infrastructure Project in the estimated amount of \$265,717.06.

**DECLARED GUNN CHEVROLET NOT RESPONSIBLE FOR LINE ITEMS 4, 5A, 5B, 6, AND 13; DECLARED SOUTHWEST INTERNATIONAL TRUCKS NOT RESPONSIBLE FOR LINE ITEM 19; AND AWARDED BID NUMBER 76-16, VEHICLES AND EQUIPMENT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDERS: CASA FORD, INC. FOR LINE ITEMS 1-3, 5A, 5B, AND 6- 18 IN THE AMOUNT OF \$2,394,717.72; CASA NISSAN, INC. FOR LINE ITEM 4 IN THE AMOUNT OF \$389,660; RJ BORDER INTERNATIONAL, L.P. FOR LINE ITEMS 19 AND 20 IN THE AMOUNT OF \$723,885; WAGNER EQUIPMENT CO. FOR LINE ITEMS 21-24**

**IN THE AMOUNT OF \$169,080; NUECES POWER EQUIPMENT FOR LINE ITEMS 25 AND 26 IN THE AMOUNT OF \$191,784; AND SIERRA MACHINERY, INC. FOR LINE ITEM 27 IN THE AMOUNT OF \$253,588.**

Mr. Duran presented the Board with information regarding this item. This bid is for vehicles and equipment replacement and will be awarded by line item. El Paso Water received 10 bids. Staff evaluated each bid and determined that, Gunn Chevrolet, the apparent low bidder for items 4, 5A, 5B, 6, and 13, did not meet the general specifications listed in the bid proposal for failing to provide a 10-year free-of-charge single seat diagnostics software. Gunn Chevrolet did not respond to a request for clarification. Southwest International Trucks, the apparent low bidder for item 19 did not meet the specifications for this item. Therefore, staff recommended both bidders be deemed not-responsible for those specific line items. No bids were received for line item 28, a 4x4 Farm Tractor with boom mower, therefore staff will be pursuing the purchase of this item through available buyboards. Staff evaluated the remaining low bidders for the respective line items and found they met all the specifications stated within the bid proposal. Mr. Duran and Mr. Art Quijano, Construction Superintendent, addressed questions from the Board regarding this item.

On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board declared Gunn Chevrolet not responsible for line items 4, 5A, 5B, 6, and 13; declared Southwest International Trucks not responsible for line item 19; and awarded Bid Number 76-16, Vehicles and Equipment to the lowest responsive, responsible bidders: Casa Ford, Inc. for line items 1-3, 5A, 5B, and 6- 18 in the amount of \$2,394,717.72; Casa Nissan, Inc. for line item 4 in the amount of \$389,660; RJ Border International, L.P. for line items 19 and 20 in the amount of \$723,885; Wagner Equipment Co. for line items 21-24 in the amount of \$169,080; Nueces Power Equipment for line items 25 and 26 in the amount of \$191,784; and Sierra Machinery, Inc. for line item 27 in the amount of \$253,588.

**AWARDED BID NUMBER 84-16, TRASH COLLECTION SERVICES – EL PASO WATER UTILITY FACILITIES (RE-BID), TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, DEMCON DISPOSAL MANAGEMENT, LLC., IN THE ESTIMATED ANNUAL AMOUNT OF \$136,474, WITH THE OPTION FOR TWO ONE-YEAR EXTENSIONS.**

Mr. Duran presented the Board with information regarding this item. Trash Collection Services will be utilized by various El Paso Water sites for trash collection. El Paso Water (EPWater) received two bids. The bidders included Demcon Disposal and El Paso Disposal. Staff evaluated both bids and recommended award of Bid Number 84-16 Trash Collection Service – El Paso Water Utility Facilities (Re-bid) to the lowest responsive, responsible bidder, Demcon Disposal, in the estimated annual amount of \$136,474. Mr. Duran addressed questions from the Board regarding this item.

On a motion made by Mr. Roe, seconded by Dr. Santiago and unanimously carried, the Board awarded Bid Number 84-16, Trash Collection Services – El Paso Water Utility Facilities (Re-bid), to the lowest responsive, responsible bidder, Demcon Disposal Management, LLC., in the estimated annual amount of \$136,474, with the option for two one-year extensions.

**AWARDED THE FOOTWEAR CONTRACT THROUGH (1) ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NUMBER 13-6978 TO NORTHERN IMPORTS, INC. (DBA WORK WEAR SAFETY SHOES) AND BAZAAR UNIFORMS & MEN'S STORE, LLC; AND (2) GSA CONTRACT NUMBER GS-07F-0027N TO RED WING BRANDS OF AMERICA, INCORPORATED FOR A TOTAL ESTIMATED ANNUAL AMOUNT OF \$102,000.**

Mr. Duran presented information to the Board regarding this item. The safety footwear voucher program allows employees to select from various styles and models meeting the safety specifications as per EP Water Uniform Policy. Each eligible employee will receive a voucher for \$150 to purchase safety footwear to be used during the 2017 – 2018 fiscal year. In previous years, shoe selection was limited to only one vendor. Staff recommended adding two new vendors to give employees more options. Eligible employees will have the option to purchase their safety footwear from one of three vendors: Northern Imports dba Work Wear Safety Shoes and Bazaar

Uniforms & Men's Store, LLC. through ESC Region 19 Allied States Cooperative Contract Number 13-6978; Red Wing Brands of America, through GSA Contract Number GS-07F-0027N. Mr. Duran addressed questions from the Board regarding this item.

On a motion made by Mr. Antcliff, seconded by Dr. Mena and unanimously carried, the Board awarded the footwear contract through (1) ESC Region 19 Allied States Cooperative Contract Number 13-6978 to Northern Imports, Inc. (dba Work Wear Safety Shoes) and Bazaar Uniforms & Men's Store, LLC; and (2) GSA Contract Number GS-07F-0027N to Red Wing Brands of America, Incorporated for a total estimated annual amount of \$102,000.

**APPROVED THE 3RD QUARTER FINANCIAL AND PERFORMANCE MEASURES REPORT FOR PERIOD ENDING NOVEMBER 30, 2016.**

Mr. Duran made a PowerPoint presentation to the Board regarding this item (copy on file in Central Files). In regards to water and wastewater, operating revenue through the third quarter was \$19.06 million more than the same period last year mainly due to the approved eleven percent water and wastewater rate increases effective March 1, 2016. Operations and maintenance expenses costs were \$1.57 million more than last year mainly due to an increase of \$1.71 million in maintenance, an increase of \$450,000 in water purchased from El Paso County Water Improvement District #1 and, offset by a decrease of \$390,000 in utilities and \$875,000 in salaries and workers' compensation expense. El Paso water is expected to meet all of its operating, capital and debt service obligations this year. As for stormwater, the total operating revenues through the third quarter for the Stormwater Utility were \$1.63 million more than for the same period last year mainly due to the approved eleven percent fee increase effective March 1, 2016. Operating expenditures are \$42,000 more than last year mainly due to an increase in maintenance. El Paso Water is on target to meet all its operating, capital and debt service requirements this year.

On a motion made by Dr. Mena, seconded by Mr. Roe and unanimously carried, the Board approved the 3rd Quarter Financial and Performance Measures Report for period ending November 30, 2016.

**APPROVED THE 3RD QUARTER INVESTMENT REPORT FOR PERIOD ENDING NOVEMBER 30, 2016.**

Mr. Duran made a PowerPoint presentation to the Board regarding this item (copy on file in Central Files). The Public Funds Investment Act (PFIA) requires a quarterly report be submitted. El Paso Water's Investment Committee, consisting of Board members Terri Garcia and Dr. Ivonne Santiago; the President & CEO; the Vice President of Strategic, Financial and Management Services; General Counsel; Chief Financial Officer; Fiscal Operations Manager; Treasury Manager; and the Water and Wastewater Economic Analyst met on January 9, 2017, to review the 3rd quarter investment report. During the third quarter of FY 2016-17, the portfolio par value was \$236,296,335. The weighted average maturity was 47 days. During the quarter, EPWater bid 27 investments totaling \$30.537 million. The overall yield for the quarter was 0.59%.

On a motion made by Dr. Santiago, seconded by Mr. Roe and unanimously carried, the Board approved the 3rd Quarter Investment Report for period ending November 30, 2016.

**APPROVED A RESOLUTION AUTHORIZING THE PRESIDENT AND CEO TO SIGN AND SUBMIT AN APPLICATION TO THE USBR UNDER TITLE XVI WATERSMART FUNDING FOR THE THIRTY PERCENT DESIGN OF THE ADVANCED WATER PURIFICATION FACILITY PROJECT.**

Mr. John Balliew, President/CEO, presented information to the Board regarding this item. El Paso Water (EPWater) applied to the United States Bureau of Reclamation (USBR) for funding for the thirty percent design of the Advanced Water Purification Facility project Phase 1, under its Title XVI: WaterSMART Water Reclamation and Reuse Program Funding for 2017. The cost of the project's design is \$3,000,000. EPWater is requesting \$750,000 in funding from USBR for the thirty percent design. This amount represents 25% maximum

funding for this project; EPWater is responsible for a 75% match, or \$2,250,000. USBR requires a PSB resolution authorizing the President/CEO to sign and submit the Title XVI: WaterSMART funding application. Mr. Balliew addressed questions from the Board regarding this item.

On a motion made by Mr. Antcliff, seconded by Dr. Mena and unanimously carried, the Board approved a resolution authorizing the President and CEO to sign and submit an application to the USBR under Title XVI WaterSMART funding for the thirty percent design of the Advanced Water Purification Facility project. **(Resolution attached)**

**TOOK ACTION ON THE PUBLIC SERVICE BOARD'S SEMI ANNUAL REPORT (JULY 2016 THROUGH DECEMBER 2016) ON THE ACTIVITIES OF THE LAND MANAGEMENT PROGRAM AND THE ANNUAL LAND INVENTORY REPORT IDENTIFYING THE LAND WHICH MAY BE CONSIDERED FOR SALE, AS REQUIRED BY THE CITY/EPWU JOINT RESOLUTION OF MARCH 2010 AND AMENDED SEPTEMBER 2012.**

Mr. John Balliew, President/CEO, presented information to the Board regarding this item. The Joint Resolution between the El Paso City Council and the El Paso Water Utilities/Public Service Board adopted on March 31, 2010, and revised on September 26, 2012, sets forth the policies, procedures and reimbursements related to transfers of land and land use policies. The Joint Resolution requires the Public Service Board submit to the City Council of El Paso, both a Semi Annual Report on the activities of the Land Management Program summarizing the land activities that are the subject of the Joint Resolution as well as an Annual Land Inventory Report identifying the land under its management and control which may be considered for sale. The reporting period for the Semi Annual Report on the activities of the Land Management Program is from July 2016 through December 2016. This includes a summary of the land transactions and the current status of each. The Annual Land Inventory Report identifies EPWU/PSB land which may be considered for sale in 2017. The Board was provided a copy of the report for review.

On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board adopted a resolution approving Semi Annual Report (July 2016 through December 2016) on the activities of the Land Management Program and the Annual Land Inventory Report identifying the land which may be considered for sale, as required by the City/EPWU Joint Resolution, and directed the President/CEO to forward the reports to the El Paso City Council. **(Resolution attached)**

**TOOK ACTION ON POTENTIAL STATE LEGISLATION FOR THE 85TH LEGISLATIVE SESSION, INCLUDING DRAFT LEGISLATION AUTHORIZING A CUSTOMER AFFORDABILITY RATE STRUCTURE AS PREVIOUSLY DIRECTED BY THE BOARD.**

Mr. John Balliew, President/CEO, presented information to the Board regarding this item. At times, customers experience circumstances that prevent them from paying their utility bill in full. EPWater is limited in its ability to provide relief or assistance to such customers. The proposed affordability legislation would allow EPWater to create a customer payment assistance program to help customers who are not able to pay their water bill.

On a motion made by Mr. Roe, seconded by Dr. Mena and unanimously carried, the Board moved this item to executive session for consultation with its attorney.

At the reopening of open session the Board made the following motion:

On a motion made by Mr. Antcliff, seconded by Mr. Roe and unanimously carried, the Board approved draft legislation which would authorize a low-income customer affordability assistance program/rate structure and legislation clarifying that the Board's management of the system includes the authority for compensation of utility employees necessary for service and to protect against service interruption.



**PUBLIC COMMENT: THE PSB WILL PERMIT PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA. THE CHAIR MAY IMPOSE REASONABLE TIME LIMITS FOR EACH SPEAKER.**

There were no additional comments from the public.

**EXECUTIVE SESSION**

On a motion made by Mr. Antcliff, seconded by Mr. Roe, and unanimously carried, the Board retired into Executive Session at 9:41 a.m., January 11, 2017, pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 through 551.076 to discuss any of the following:

Section 551.071	Consultation with Attorney
Section 551.072	Deliberation Regarding Real Property
Section 551.074	Personnel Matters

**a. Section 551.071 Consultation with Attorney**

The Board will consult with its attorneys regarding the claim of Saab Site Contractors, L.P.

**b. Section 551.072 Deliberation Regarding Real Property**

The Board will deliberate regarding El Paso Water's Headquarters.

The Board reconvened in open session at 10:33 a.m., January 11, 2017.

**CONSULTED WITH ITS ATTORNEYS REGARDING THE CLAIM OF SAAB SITE CONTRACTORS, L.P.**

On a motion made by Mr. Antcliff, seconded by Dr. Santiago and unanimously carried with Mayor Leiser absent from the vote, the Board authorized the General Counsel's Office to respond and take appropriate action concerning the claim of Saab Site Contractors, L.P., and related request for mediation under the Pico Norte Pond Phase 1 Improvements construction contract, in accordance with the Board's direction.

**THE BOARD WILL DELIBERATE REGARDING EL PASO WATER'S HEADQUARTERS.**

On a motion made by Mr. Antcliff, seconded by Dr. Santiago and unanimously carried with Mayor Leiser absent from the vote, the Board authorized the President/CEO to respond to development proposal(s) concerning El Paso Water's Headquarters, in accordance with Board's direction.

**ADJOURNMENT**

The meeting adjourned at 10:35 a.m., January 11, 2017.

ATTEST:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary-Treasurer

## **RESOLUTION**

A RESOLUTION REQUESTING AUTHORIZATION FOR THE PRESIDENT/CEO TO SUBMIT A GRANT FUNDING APPLICATION TO THE U.S. BUREAU OF RECLAMATION FOR THE THIRTY PERCENT DESIGN OF THE "ADVANCED WATER PURIFICATION FACILITY, PHASE 1", UNDER THE WATERSMART: TITLE XVI WATER RECLAMATION AND REUSE PROGRAM FUNDING 2017, IN AN AMOUNT OF \$750,000.

WHEREAS, the El Paso Water Utilities Public Service Board (EPWU), was established on May 22, 1952, by Ordinance No. 752 of the City of El Paso for the purpose of providing potable water and wastewater collection and treatment for the City of El Paso; and,

WHEREAS, EPWU has historically worked with funding agencies to obtain the necessary resources to invest in sustainable, long-term water solutions for the City of El Paso, and,

WHEREAS, EPWU will continue to secure regional water resources that will allow them to provide residents of the City of El Paso and surrounding communities with safe, high-quality drinking water; and,

WHEREAS, the City Council adopted a resolution on September 30, 2014, delegating authority to apply for funding from the U.S. Bureau of Reclamation on behalf of the City of El Paso to the El Paso Water Utilities Public Service Board of Trustees, President/CEO; and,

WHEREAS, the President/CEO is hereby designated the authorized representative for purposes of furnishing information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the U.S. Bureau of Reclamation.

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS:**

**Section 1.** That the findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

**Section 2.** That the El Paso Water Utilities Public Service Board authorizes the President/CEO to sign any and all documents necessary to submit the application to request funding from the U.S. Bureau of Reclamation, in an amount not to exceed \$750,000. The funding from the U.S. Bureau of Reclamation will help fund the thirty percent design of an Advanced Water Purified Facility for the benefit of the citizens of the City of El Paso, for a total project amount of \$3,000,000;


**PASSED AND APPROVED** at the regular meeting of the Public Service Board, this the 11th day of January 2017, at which meeting a quorum was present and which was held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001, et. seq.

EL PASO WATER UTILITIES

  
\_\_\_\_\_  
Henry Gallardo  
Chairperson

  
\_\_\_\_\_  
Terri Garcia  
Secretary/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lee Ann B. Koehler  
General Counsel



## RESOLUTION

**A RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD (EPWU/PSB) TO APPROVE THE PUBLIC SERVICE BOARD'S ANNUAL LAND INVENTORY REPORT AND THE SEMIANNUAL LAND MANAGEMENT REPORT ON THE ACTIVITIES OF THE EL PASO WATER UTILITIES LAND MANAGEMENT PROGRAM (JULY 2016 THROUGH DECEMBER 2016) AND TO DIRECT THE PRESIDENT/CEO TO FORWARD THE REPORTS TO THE CITY COUNCIL**

**WHEREAS**, the Joint Resolution between the El Paso City Council and the El Paso Water Utilities/Public Service Board adopted on March 31, 2010, and revised on September 26, 2012, sets forth the policies, procedures and reimbursements relating to transfers of real estate and land use policies; and,

**WHEREAS**, the Joint Resolution requires the Public Service Board to provide the El Paso City Council an Annual Land Inventory Report that identifies the land(s) under PSB management and control that may be considered for land sale and for which the PSB has or can declare as inexpedient to its utility system and a Semiannual Land Management Report of the activities of the Land Management Program for land activities that are the subject of the Joint Resolution;


**NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS:**

Section 1. The recitations as set out in the preamble above are found to be true and correct, and are hereby adopted by the El Paso Water Utilities Public Service Board and made a part of this Resolution for all purposes.

Section 2. That the El Paso Water Utilities Public Service Board (EPWU/PSB) approves the Annual Land Inventory Report identifying the land(s) under (EPWU/PSB) management and control which may be considered for land sale in 2017 and the Semiannual Land Management Report on the activities of the El Paso Water Utilities Land Management Program from July 2016 through December 2016 and directs the President/CEO to forward the reports to the El Paso City Council.

**PASSED, ADOPTED and APPROVED** at a Regular Meeting of the El Paso Water Utilities Public Service Board of the City of El Paso, Texas, this 11th day of January 2017, at which meeting a quorum was present and which meeting was held in accordance with the provisions of Government Code, Sections 551.001, et seq.

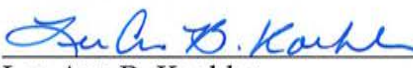
EL PASO WATER UTILITIES  
PUBLIC SERVICE BOARD

  
\_\_\_\_\_  
Henry Gallardo  
Chair

ATTEST:

  
\_\_\_\_\_  
Terri Garcia  
Secretary/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lee Ann B. Koehler  
General Counsel





## Application Resolution - Certificate of Secretary (WRD-201b)

THE STATE OF TEXAS   \$  
COUNTY OF     El Paso   \$  
APPLICANT      El Paso Water Utilities  
Public Service Board on Behalf of  
the City of El Paso

I, the undersigned, Executive Secretary of the El Paso Water Utilities Public Service Board, El Paso, Texas, DO HEREBY CERTIFY as follows:

That on the 11<sup>th</sup> day of January, 2017, a regular meeting of the El Paso Water Utilities Public Service Board was held at a meeting place within the City; the duly constituted members of the El Paso Water Utilities Public Service Board being as follows:

Henry Gallardo, Chris Antcliff, Terri Garcia, Bradley Roe, Ivonne Santiago, Kristina Mena, and Mayor Oscar Leeser, and all of said persons were present at said meeting, except the following:  
Terri Garcia

Among other business considered at said meeting, the attached resolution entitled:

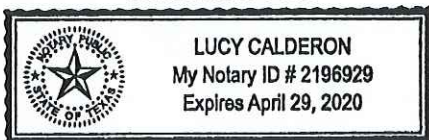
**“A RESOLUTION by the Public Service Board of the El Paso Water Utilities requesting financial participation from the Texas Water Development Board; authorizing the filing of an application for financial participation; and making certain finding in connection therewith”**

was introduced and submitted to the El Paso Water Utilities Public Service Board, for passage and adoption. After presentation and due consideration of the resolution, and upon a motion made by Christopher Antcliff, seconded by Kristina Mena, the resolution was duly passed and adopted by the El Paso Water Utilities Public Service Board by the following vote:

6 voted "For"                      0 voted "Against"                      0 abstained

all as shown in the official Minutes of the El Paso Water Utilities Public Service Board for the meeting held on the aforesaid date.

2. That the attached resolution is a true and correct copy of the original on file in the official records of the El Paso Water Utilities Public Service Board ; the duly qualified and acting members of the El Paso Water Utilities Public Service Board on the date of the aforesaid meeting are those persons shown above and, according to the records of my office, advance notice of the time, place and purpose of said meeting was given to each member of the El Paso Water Utilities Public Service Board ; and that said meeting, and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the above entitled resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551 of the Texas Government Code.



Executive Secretary, El Paso Water Utilities  
Public Service Board:

Georgette Webber

## ACKNOWLEDGEMENT

STATE OF TEXAS                    }  
COUNTY OF EL PASO            }

This instrument was acknowledged before me on this 11<sup>th</sup> day of January, 2017, by Georgette Webber as Executive Assistant for the El Paso Water Utilities Public Service Board.

d. Luey Calder  
Notary Public, State of Texas

## RULES AND REGULATIONS NO. 3

### RULES AND REGULATIONS ESTABLISHING ADJUSTED RATES FOR THE FURNISHING OF STORMWATER SERVICE BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF CHAPTER 552, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED (THE ACT), AUTHORIZING THE CITY TO ESTABLISH A MUNICIPAL DRAINAGE UTILITY SYSTEM, AND ORDINANCE 16668, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON JUNE 19, 2007, DECLARING THE DRAINAGE SYSTEM OF THE CITY TO BE A PUBLIC UTILITY AND AUTHORIZING THE PUBLIC SERVICE BOARD TO HAVE COMPLETE AUTHORITY AND CONTROL OF THE MANAGEMENT AND OPERATION OF THE SYSTEM; NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULES FOR THE FURNISHING OF STORMWATER SERVICE WITHIN THE CITY OF EL PASO ARE HEREBY ESTABLISHED.

#### SECTION I      GENERAL

##### A.      TABLE OF CONTENTS

The headings or captions following are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 3.

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##### B.      DEFINITIONS



Benefited Property:

An improved lot or tract to which service is made available under the establishing Drainage Ordinance and in accordance with applicable Rules and Regulations.

Best Management Practices (BMP):

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to control, prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Delinquent Accounts:

A user of the Utility who has failed to pay the charges promptly when due.

Drainage Ordinance:

Ordinance 16668 passed and approved by the City Council of the City of El Paso, Texas on June 19, 2007 authorizing the Public Service Board to have authority and control of the management and operation of the stormwater system.

Equivalent Residential Unit ("ERU"):

The ERUs shall be determined by dividing the impervious square footage of a property by 2,000 square feet.

Impervious Area:

Any area that has been disturbed from its natural condition in such a way as to reduce the ability of the surface to absorb and infiltrate water into the soil. Impervious areas include, but are not limited to, compacted soils, buildings, pavement, parking lots, driveways, sidewalks, and any other man-made structure or surface that is built or laid on the natural surface of the land which has the effect of increasing, concentrating, or otherwise altering stormwater runoff so that flows are increased. Xeriscaped properties and turf are considered pervious.

Municipal Separate Storm Sewer System ("MS4"):

The system of conveyances (including roads with drainage systems, municipal streets, flood control dams, retention and detention basins, grate and/or curb inlets, curbs, gutters, ditches, man-made channels, arroyos, agriculture drains, storm drains or designated flow paths) owned, operated or controlled by the city and/or PSB and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Non-residential Property:

Non-residential properties shall include all non-residential customer classes including apartments (quadplexes and higher), commercial and industrial customers, and any other class not designated as residential, but excluding those subject to mandatory exemption under Chapter 402.053(c) of the Texas Local Government Code.

Residential Property:

Residential properties shall include single family, duplex, and triplex properties.

Undeveloped Land:

Property held and maintained in its natural state on which no improvements currently exist.

## SECTION II ADJUSTED STORMWATER CHARGES

A monthly stormwater fee shall be imposed on each improved parcel within the City for services and facilities provided by the Utility, except as provided for by law or by these Rules and Regulations. The stormwater fee shall be based on the developed use of the benefited property and its estimated amount of impervious area. The adjusted Stormwater rates are effective with the March Utility billing cycle. The following charges shall apply for stormwater service provided to property within the City of El Paso:



A. STORMWATER CHARGE FOR RESIDENTIAL

Residential properties shall include single family residential, duplex, and triplex properties. Residential properties will be charged a fixed monthly charge as shown in the following table:

Residential Category	Impervious Area (Square Feet)	Stormwater Monthly Charge
Small	0 – 1,200	\$2.09
Typical	1,201 – 3,000	\$4.17
Large	> 3,000	\$8.34

Residential properties may be assigned to the Small, Typical, or Large category using data obtained from the Central Appraisal District, Utility's GIS database, or any other source deemed reasonable by the Utility.

B. STORMWATER CHARGE FOR NON-RESIDENTIAL

Non-residential properties shall include apartments, commercial, and industrial customers, and any other customer class not designated as residential but excluding those subject to mandatory exemption. Non-residential properties shall be charged for their estimated impervious square footage on a per Equivalent Residential Unit ("ERU") basis. The ERUs shall be determined by dividing the property's estimated impervious square footage by 2,000 square feet. The monthly charge per non-residential ERU is \$4.25.

An example of the monthly stormwater bill for a non-residential property is shown below:

Non-residential impervious square footage	20,000 sq. ft.
Equivalent residential unit value	<u>2,000 sq. ft.</u>
Equals calculated ERUs	10 ERUs
Monthly charge (10 ERUs x \$4.25/ERU/Mo.)	\$42.50

All social service and non-profit agencies, and churches will pay a fee equal to 10% of the approved non-residential fee.—This rate will remain in effect until the account is closed. New account ownership must apply for the reduced fee in writing to EPWU Customer Service.

Apartment units with meters classified as residential will be billed individually based on the unit size per residential category (small, typical or large). If the complex is two or more stories, the charge will be divided among the number of units sharing the same footprint.

City of El Paso Housing Authority and independent school districts made exempt from stormwater fees by action of the 81<sup>st</sup> Texas Legislature.

C. IMPERVIOUS AREA DETERMINATION

The Utility has the authority to establish the impervious square footage using the following approaches:

1. An analysis of El Paso Central Appraisal District data on the footprint of the main building and any structural additions such as garages or tennis courts that would increase the impervious footprint of the parcel<sup>1</sup>.
2. A calculation of the impervious square footage using GIS and aerial photography.
3. Detailed and approved building plans provided.
4. Any other source deemed reasonable by the Utility.

<sup>1</sup> Sidewalks and driveways were not included in the residential impervious square footage information obtained from the Central Appraisal District, as it was not available.

The impervious area for a property may be updated at any time to reflect improvements made to the property that would either increase or decrease the estimated impervious square footage.

D. STORMWATER-ONLY ACCOUNTS

The Utility may establish stormwater-only accounts for properties that contribute stormwater as a result of their impervious area.

E. NO DEPOSIT REQUIRED FOR SERVICE

There is no deposit required for service as a precondition to accepting surface flow in the system.

SECTION III BILLING FOR STORMWATER

A. MONTHLY BILLING

A stormwater charge shall be billed on the monthly utility bill. The due date for payment and associated charges for delinquent accounts under Section V of Rules and Regulations No. 5 are hereby incorporated by reference as applying to stormwater. Discontinuance of service and delinquent accounts are addressed further in these Rules and Regulations.

B. RESPONSIBLE PARTY

The monthly charge for stormwater will be billed to the customer established as the responsible party for water service. If the benefited property does not receive a monthly utility bill, the bill will be the responsibility of the property owner.

C. MULTIPLE METERS

If more than one meter serves a benefited property, the Utility will determine the allocation of the charge among the users, using any reasonable method, including allocating the charge equally among the users of a benefited property.

D. EXEMPTIONS

The following entities or persons shall be exempt from charges:

1. Any property to which a mandatory exemption under Chapter 402.053(c) of the Texas Local Government Code applies, including without limitation:
  - a. Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system including each of the following elements:
    - (i) Land and dedicated engineered stormwater structures owned and operated for the purpose of retaining 100 percent of the volume, with no discharge, of the Probable Maximum Flood, which includes proper allowances for emergency storage, and siltation.
    - (ii) There shall be no discharge of the system into a creek, river, slough, culvert or other channel that is part of the municipal drainage system.
    - (iii) The facility must have a written maintenance plan effectively documenting policies and procedures designed to ensure that the stormwater system will continue to safely contain the Probable Maximum Flood.
    - (iv) The owner must provide documentation of (i) through (iii) in the form of engineering reports, surveys, maps, and supporting documentation signed and sealed by a Registered Professional Engineer along with an Application for Determination of Wholly Sufficient.



- (v) The Stormwater Utility engineering staff will review the documentation submitted. If there is insufficient information, the Application will be returned to the owner along with list of required information. The owner will then be responsible to resubmit the Application with the required documentation.
  - (vi) A decision by the Stormwater Utility engineering staff will be rendered. That decision could include defining all or a portion of the parcel as Wholly Sufficient.
  - (vii) The exemption shall be for such time as the stormwater structures are operated and maintained as indicated in (i) through (iii).
  - (viii) The Stormwater Utility staff retains the right to enter the property to inspect the facilities at any time during normal business hours. If entry is denied, the Wholly Sufficient exemption shall be withdrawn.
- b. Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the municipality in which the property is located for maintenance; and
  - c. A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the municipality in which the property is located.
2. Any property to which a mandatory exemption under Chapter 430.003 of the Texas Local Government Code applies or which is exempt under applicable federal law, including without limitation:
- a. A federal or state agency; and
  - b. A public institution of higher education.

#### E. CREDITS

A credit will be provided for non-residential properties that have implemented stormwater management measures that meet the minimum design standards established by the City. A 25% credit will be given upon written application to the Utility and verification that the stormwater pond is properly designed and maintained. Residential properties are not eligible for credits.

#### SECTION IV DISCONTINUANCE OF SERVICE

The Utility shall have the right, with notice to the customer, to discontinue water service for non-payment of stormwater; for violation of any provisions of the Utility's Rules and Regulations; or any other lawful rule or regulation of the Utility or the City of El Paso or for any other action which interferes with providing stormwater service or which creates a danger of contamination to the water system. Provided, however, the Utility shall have the authority to immediately discontinue the customer's service without notice should any violation of these rules and regulations cause an immediate threat to the public health or safety or the environment. Such service shall remain discontinued until all errors are rectified and/or violations have ceased.

#### SECTION V DELINQUENT ACCOUNTS

The Texas Local Government Code, Chapter 402.050, authorizes a utility to discontinue any utility services it currently provides for failure to pay stormwater charges when due: *"...failure of a user of the municipal utilities within the service area to pay the charges promptly when due shall subject such user to discontinuance of any utility services provided by the municipality..."*. The schedule for payment and disconnection of water service and all associated charges and fees apply to delinquent stormwater accounts and are herein incorporated by reference to Section V of Rules and Regulations No. 5.

#### SECTION VI APPEALS

Customer inquiries regarding stormwater rates, charges and regulations shall follow the Appeals process under Section II of Rules and Regulations No. 8.

#### SECTION VII SEVERABILITY

If any provision, paragraph, word, or section of this Rules and Regulations No. 3, is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, or sections shall not be affected and shall continue in full force and effect.

#### SECTION VIII SAVINGS

These rules and regulations are a part of the other rules and regulations of the Public Service Board and, save and except as amended hereby, the remaining provisions of the Public Service Board's rules and regulations shall remain in full force and effect.

#### SECTION IX EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption by the Board and shall remain in effect until amended or changed by the Public Service Board. Changes to any fees or rates resulting from approval of the budget are effective on the 1<sup>st</sup> day of March and shall remain in effect until amended or changed by the Public Service Board

PASSED, APPROVED and ADOPTED, AMENDED STORMWATER RATES at the special meeting of the Public Service Board of the City of El Paso, Texas, this 7th day of May, 2008, and AMENDED DEFINITION OF WHOLLY SUFFICIENT at a regular meeting of the Public Service Board of the City of El Paso, Texas, this the 23<sup>rd</sup> day of July, 2008, at which a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

RULES AND REGULATIONS NO. 3, SECTION III(E), AMENDED, APPROVED and ADOPTED this 11<sup>th</sup> day of March, 2009.

RULES AND REGULATIONS NO. 3, SECTION II(B), AMENDED IN 2011 BY ACTION OF THE 81<sup>ST</sup> TEXAS LEGISLATURE.

No action necessary by Public Service Board

RULES AND REGULATIONS NO. 3 SECTION II (A, B), AMENDED, APPROVED, and ADOPTED this 21<sup>st</sup> day of January 2015, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.


RULES AND REGULATIONS NO. 3 SECTION II (A, B), SECTION III D(a)(vii) AMENDED, APPROVED, and ADOPTED this 13<sup>th</sup> day of January 2016, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 3 SECTION II (A, B), AMENDED, APPROVED, and ADOPTED this 11<sup>th</sup> day of January 2017, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

#### **PUBLIC SERVICE BOARD:**

  
Henry Gallardo, Chair

#### **ATTEST:**

  
Terri Garcia, Secretary-  
Treasurer

#### **APPROVED AS TO FORM:**

  
Lee Ann B. Koehler, General Counsel



## RULES AND REGULATIONS NO.5

### RULES AND REGULATIONS ESTABLISHING A RATE FOR THE FURNISHING OF WATER SERVICE BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952 NOW THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING WATER RATES SUPERSEDE ALL RATES HERETOFORE FIXED AND ALL ORDINANCES HERETO PASSED WITH REFERENCE TO THE FIXING OF RATES FOR THE FURNISHING OF WATER SERVICE: (KNOWN AS RULES AND REGULATIONS NO.5).

#### SECTION I

There shall be collected from the users of every water service connected to the water system of the El Paso Water Utilities of the City of El Paso, Texas, for use thereof, a monthly charge consisting of a minimum charge plus a commodity charge for water used. For residential customers only, a volume of 4 hundred cubic feet (4 Ccf) will be included in the minimum charge. The following charges shall apply:

#### A. MONTHLY MINIMUM CHARGES FOR WATER SERVICE. BASED ON SIZE OF METER

<u>Meter Size</u>	<u>Minimum Monthly Bill</u>
Less than 1"	\$6.63
1"	\$10.34
1½"	\$17.73
2"	\$21.34
3"	\$42.61
4"	\$63.60
6"	\$96.43
8"	\$165.18
10"	\$317.63

#### B. Water used in excess of the volume allowance (4 Ccf) included in the minimum charge shall be billed at the following rates:

<u>Block</u>	<u>Volume</u>	<u>Charge Per Ccf</u>
Block 1	Over 4 Ccf to 150% of AWC*	\$1.99
Block 2	Over 150% to 250% of AWC	\$4.73
Block 3	Over 250% of AWC	\$6.76

#### C. AVERAGE WINTER CONSUMPTION

\*Average Winter Consumption (AWC) is the average amount of water used during the most recent December, January, and February billing periods. If the customer's calculated AWC is lower than the class average then the customer will be assigned the class average AWC by meter size for the respective customer classification. Any unestablished (no history) Customer at the time of service will default to the class average AWC by meter size for that customer classification.

D. WATER SUPPLY REPLACEMENT CHARGE

There shall be collected from the users of every service connected to the water system, including Local Government Turf Accounts and Very Large Water Users, a monthly Replacement Charge as follows:

<u>Meter Size</u>	<u>Monthly Charge*</u>
Less than 1"	\$9.83
1"	\$24.59
1 ½"	\$49.18
2"	\$78.67
3"	\$157.28
4"	\$245.77
6"	\$491.55
8"	\$914.25
10"	\$1,740.51

\* If the monthly water consumption is less than 4 Ccf the monthly charge for Water Supply Replacement Charge will not be charged.

- E. Charges for services less than the normal 30-day reading cycle shall be calculated in the same manner as a full reading cycle.

F. LOCAL GOVERNMENT TURF IRRIGATION ACCOUNTS

A uniform rate of \$2.49 per Ccf is hereby established for local government turf irrigation accounts serving only an associated turf area of local governments for all usage per acre that does not exceed a per month Ccf usage based on the evapotranspiration information set forth in the following table:

<u>Month</u>	<u>Maximum Ccf Per Acre</u>	<u>Month</u>	<u>Maximum Ccf Per Acre</u>
Jan.	40	July	280
Feb.	40	Aug.	200
March	50	Sep.	180
April	180	Oct.	120
May	200	Nov.	50
June	280	Dec.	40

"Turf irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's President/CEO or his designee.

"Local government" shall mean any county, municipality, village, town, a common or independent school district, hospital district or political subdivision of the State of Texas; excluding from this definition, however, any department, board, or agency of the State of Texas; including, without limitation, any of the following local governmental entities: the City of El Paso, Texas; the County of El Paso, Texas; the El Paso Independent School District; and the El Paso Community College District.

Any usage by the local government turf irrigation accounts in excess of the above monthly allotments shall be billed at the Block 3 rates shown in subsection B above.



Participating local governments in this rate shall provide the Water Conservation Department the total acres served by each irrigation only meter, excluding the total areas for parking lots, building, hard surface courts, streets, and any other impervious areas. If such information is not provided by this date by those local governments participating on this date, water use for those local governments will be billed in accordance with the procedures and rates shown in subsection B above. Provided, however, any local government participating in the parks and recreation rate on the effective date of this Resolution shall not be required to comply with this paragraph and will continue to be billed under their established allotment, as that allotment may be adjusted in the future. Provided further, this exception shall not exempt any new account for such local government participating in the parks and recreation rate from fully complying with this paragraph.

In the case of multiple yard meters serving one location, the total acreage served must be divided in such a manner as to represent the acreage served per/by each yard meter. If the President/CEO, or his designee, after an investigation, determines that an equitable adjustment is required due to pressure variations and other factors, total consumption for meters looped at a single location must not exceed maximum Ccfs per acre allocated for the location.

No local government non-irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

All local government turf irrigation accounts that modify the size of their landscape or turf area must provide the Water Conservation Department with written notice of the modification to allow the Water Conservation Department to recalculate new allotments.

Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section I-K.

Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.

G. VERY LARGE WATER USERS

Section 15.13.05 of the El Paso Municipal Code, also known as The Water Conservation Ordinance, defines a "Very Large Water User" as a person who uses an average of 100,000 gallons per day or more. Monthly metered water consumption for any person or account having daily water use of 100,000 or more gallons shall be charged in accordance with the following table:

		<u>Charge Per Ccf</u>
Block 1	0 Ccf to 5,000 Ccf	\$2.49
Block 2	5,001 Ccf to 15,000 Ccf	\$3.15
Block 3	15,001 Ccf to 30,000 Ccf	\$3.78
Block 4	Over 30,000 Ccf	\$4.73

The Monthly Minimum Charge based on the size of the meter and contained in Section I A shall also apply to all Very Large Water Users. No minimum volume will be included in the Monthly Minimum Charge; all metered use will be charged at the rates noted above.

For existing accounts served by the El Paso Water Utilities Public Service Board, daily water use shall be determined each year based on metered water consumption for the twelve-month period ending December 31. Annual water use (in gallons) will be divided by 365 to determine daily water use. Any account determined to have used an average of 100,000 or more gallons per day shall be classified as a Very Large Water User, and the rates contained in Section I G of this Rule and Regulation shall apply for the twelve-month period beginning March 1 and ending at the end of February of the following fiscal year. This classification shall apply for the full twelve month period regardless of actual water use. The procedure for determining a Very Large Water User shall be repeated each year based on annual metered water use per account for the twelve months ending December 31.

New accounts with an anticipated water use in excess of 100,000 gallons per day will be charged the rates for Very Large Water Users until sufficient data is available for a consecutive twelve-month period.

This data shall then be used to calculate average daily water consumption and determine whether an account meets the definition of a Very Large Water User.

Local Government Turf Irrigation accounts will be charged in accordance with Section 1-F of this Rule and Regulation, regardless of average daily water use.

#### H. INCENTIVES FOR RECYCLING

1. All Customers

In order to encourage the use of recycled water by Very Large Water Users, the Utility will assist industries in evaluating alternatives to potable water use by providing water reuse technology seminars, providing water conservation audits, and assisting in providing water application techniques. Industries who recycle at least 25% of their potable water use or who connect to the Utility's reuse water system will be publicly acknowledged for their conservation efforts.

2. Existing Customers (served prior to July 1, 1995)

Very Large Water Users receiving service on July 1, 1995, who recycle a percentage of potable water, either purchased from the PSB and/or produced by the users from wells, as verified by Utility staff, will receive a recycling rebate as follows:

Percent of Potable Water Recycled	Amount of Recycling Rebate
25% to 29%	5% of water bill only
30% to 50%	10% of water bill only
>50%	15% of water bill only

Recycling rebates will be based on the percentage of recycled water used in comparison with the total potable water usage from January through December of each year. Recycling rebates for 1995 will be based on potable water usage and recycling from July through December, 1995. Rebates to qualifying customers will be paid in February for the prior year's recycled water usage. This program only applies to industries in existence as of July 1, 1995.

Very Large Water Users must complete a recycling rebate program application providing the company name, address, telephone and fax numbers, the names and telephone numbers of the plant manager and the person supervising the daily operation of the water recycling system, and a schematic diagram of the potable water and recycled water systems. The Utility will inspect the system and determine eligibility in accordance with these Rules and Regulations, and certify eligibility in writing. Participation will begin with the receipt of the first flow report submitted by the industry. Applications may be submitted to: Water Reclamation and Bio solids Manager-El Paso Water Utilities.

The following conditions must be met in order to be eligible for recycling rebates:

- The account must have been an active account as of July 1, 1995.
- Recycle rebates will not apply for new or additional accounts or metered service as a result of expansion or addition of new facilities.
- Industries must, at their own expense, purchase and install recycle flow meters and wastewater flow meters. Meters and installation must be Utility approved.
- Effluent water, recycle water, and wastewater flow meters must be read each production day and the information recorded in a bound logbook and shall be entered into a spreadsheet format. The information in the form of the spreadsheet printouts must be faxed and hand-delivered to the Utility's Water Reclamation and Bio solids Manager every Friday by 5:00pm.



- e. Utility staff will assess the hydraulic capacity of all treatment equipment. The maximum theoretical recycle percentage will be developed from this flow. No higher percentage will be considered unless the equipment capacity is increased.
- f. Recycled water is intended to be used for production of finished products. Wash water, landscape irrigation, and other similar uses will not count toward the recycle percentage unless they are a minor constituent of overall recycle water usage for production purposes.
- g. Utility staff will assess the type of recycle equipment. Equipment designed only to remove solids will not be counted towards the recycle percentage unless such equipment is integral pretreatment for more advanced treatment. The final product of an approved recycle system must be suitable for actual process use.
- h. By participating in the program, customers agree to allow complete access during normal production hours to Utility employees for the purpose of inspecting equipment, water usage, and records. Water recycling records shall be verified a random by Utility staff.
- i. Participating in the recycling rebate program may be terminated under any of the following conditions: falsification of meter readings, tampering with or bypassing meters, violations of the Rules and Regulations of the Public Service Board, refusal of entry to authorized Utility personnel on official business, failure to keep adequate records, failure to properly operate and maintain equipment.

I. CITY OF EL PASO LANDSCAPE AND TURF IRRIGATION RATE

A uniform rate of \$2.20 per hundred cubic feet (Ccf) is hereby established for the City of El Paso's landscape and turf irrigation accounts.

"Landscape and turf irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's President/CEO or his designee.

Any non-irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section 1-K.

Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.

J. BRACKISH WATER RATE -Water containing 1000 mg/L or more of Total Dissolved Solids (TDS) and/or 300 mg/L or more of chlorides.

The Utility will supply brackish water at a rate of \$1.51 per Ccf (advanced secondary treatment reclaimed water rate).

K. NON-GOVERNMENT LANDSCAPE AND TURF IRRIGATION RATE

A uniform rate of \$4.73 per hundred cubic feet (Ccf) is hereby established for all non-government landscape and turf irrigation accounts.

"Landscape and turf irrigation accounts" shall mean an account established for applying water for landscaping and turf irrigation only, as determined by the PSB's President/CEO or his designee.

Non-irrigation usage will not be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

L. CONSTRUCTION METER RATES

A uniform rate equal to the rate established in Section 1-K is hereby established for all construction meter accounts. Reclaimed water used for construction purposes will be billed at the rates established in Rules and Regulations No. 6, Section X-A.

M. ANNEXATION FEES -1999

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fire line and irrigation/yard services, for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>	<u>Westside Annexation Fee</u>
Less than 1"	\$ 621	\$ 897
1"	\$ 1,553	\$ 2,243
1 ½"	\$ 3,105	\$ 4,485
2"	\$ 4,968	\$ 7,176
3"	\$ 9,936	\$ 14,352
4"	\$15,525	\$ 22,425
6"	\$31,050	\$ 44,850
8"	\$57,753	\$ 83,421
10"	\$82,593	\$119,301

Based on gallons-per-minute (gpm) water flow, El Paso Water Utilities Public Service Board Rules and Regulations No. 1, Section VII-J.

The water connection fee for the Eastside shall increase by three percent (3%) on December 1, 2000, and each year thereafter, compounded annually, rounded to the nearest dollar, in accordance with City of El Paso Ordinances 014262 and any amendments thereto.

The water connection fee for the Westside increase by three percent (3%) on September 1, 2000, and each year thereafter, in accordance with City of El Paso Ordinances 014200 and any amendments thereto. Payment of the water connection fee shall be due at the time of application for water connection to the system.

N. EASTSIDE ANNEXATION FEES- 2005

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fire line and irrigation/yard services, for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee Water</u>
Less than 1"	\$ 566
1"	\$ 1,396
1 ½"	\$ 2,830
2"	\$ 4,528
3"	\$ 9,056
4"	\$14,150
6"	\$28,300
8"	\$52,827
10"	\$75,467

The Annexation Fee shall increase by three (3) percent on March 1, 2006, and each year thereafter, compounded annually, rounded to the nearest dollar. Payment of the water connection fee shall be due at the time of application for water connection to the system.



O. CITY OF EL PASO FRANCHISE FEE

Effective September 1, 2014, City Council established a franchise fee to be paid by the El Paso Water Utilities to compensate the City of El Paso for the use of city streets and rights of way for utility lines and wear and tear on City streets in a total amount of Three Million Five Hundred Fifty Thousand and No/100 Dollars (\$3,550,000.00). Effective September 1 of 2015 and 2016, City Council approved a franchise fee to be paid by the El Paso Water Utilities in a total amount of Three Million Five Hundred Fifty Thousand and No/100 Dollars (\$3,550,000.00). Effective June 2015, the City of El Paso's franchise fee was applied to all residential, non-residential and standby fire protection accounts based on meter size as follows:

<u>Meter Size</u>	<u>Residential Monthly Fee</u>	<u>Non-Residential Monthly Fee</u>	<u>Standby Fire Protection Monthly Fee</u>
Less than 1"	\$0.77	\$0.98	N/A
1"	\$1.65	\$2.11	N/A
1 ½"	\$2.59	\$4.64	\$2.46
2"	\$3.60	\$8.98	\$5.53
2 ½"	N/A	N/A	\$6.02
3"	\$7.70	\$16.93	\$7.42
4"	\$12.84	\$28.56	\$10.89
6"	N/A	\$78.65	\$27.43
8"	N/A	\$125.84	\$42.70
10"	N/A	\$180.92	\$44.33
12"	\$110.36	\$338.21	\$46.03

- P. In the interest of transparency, the President/CEO or his designee may determine that customer bills will reflect rate components. Additionally, The President/CEO is expressly authorized to adjust the franchise fee amounts to comply with the franchise fee as the El Paso City Council may amend it from time to time.

SECTION II

There shall be collected from every user of a connection to the water system for providing Standby Fire Protection a monthly standby charge based on the size of the service as follows:

<u>Size of Service</u>	<u>Monthly Charge</u>
1 ½"	\$8.46
2"	\$11.83
2 ½"	\$12.89
3"	\$16.80
4"	\$21.82
6"	\$30.27
8"	\$50.44
10"	\$84.05

All standby fire line services require a bypass detector meter be installed. Standby fire service meter shall be accessible to El Paso Water for meter reading on a monthly basis. Non-fire related use through a standby fire line service is not permissible and shall be charged the current Block 3 water rate per ccf per Section 1B of this PSB Rules and Regulations No. 5. A Fire Line testing allowance of 1 ccf or less is considered in billing assessment. All consumption greater than 1 ccf will be billed at current Block 3 rates.

If the standby fire service is determined to have a leak, which the customer could not have reasonably detected, then the Utility shall allow relief to the customer under Section VII PSB Rules and Regulations No. 5, guidelines below.

If consumption through the standby fire service is due to an actual fire on the premises, only the fixed meter charge will be assessed to the customer, pending written confirmation from the City Fire Marshall.

### SECTION III

All of the aforementioned charges apply to water service to property within the City of El Paso. Where the water connection provides service to property outside the City Limits of El Paso, the charge for such service shall be 1.15 times the rates for similar service to customers, whose property is inside the city limits, including the monthly Water Supply Replacement Charge.

### SECTION IV

A \$20.00 trip fee is charged to customers that are flagged for disconnection for non-payment. This fee applies even if the customer pays in the field.

A \$25.00 fee is charged to customers to restore services that have been disconnected for non-payment. This fee will be applied to the next billing cycle.

A tampering fee of \$100.00 will be charged to any customer found with water service that has been restored by an unauthorized party. Only Utility representatives are authorized to restore water services. This charge may be assessed to the current account holder where the tampering occurs. Repeat occurrences of tampering may incur escalated fees up to a \$300.00 fee per incident. All fees and current past due amount must be paid prior to restoration of services.

A \$25.00 fee applies to all returned payments for insufficient funds or other returns by a financial institution. Customers with repeat returned payments might be placed on a "cash only" status at the sole discretion of El Paso Water based on the account history and credit rating.

### SECTION V

No customer or person shall use water from the City system except from a metered connection installed by the Utility. All meters are the property of the Utility and shall not be damaged, removed or altered by the customer or non-utility personnel. A charge of \$15.00 plus the cost of correcting any such damage and the estimated cost of the water used shall be paid before water is reconnected to any customer or property that has or has permitted the meter or service connection to be altered in such a way as to not accurately meter all of the water that flowed through the service connection.

### SECTION VI

The Utility shall allow an adjustment on customer leaks. The adjustment will be considered for the two (2) highest consumption billings, when the Utility at its sole discretion, determines that the loss of water could not have been reasonably detected by the customer using the service (i.e., leak beneath a cement floor and/or running commodes). All other water lost through other causes is the responsibility of the customer. Nothing herein shall relieve the customer from repairing such leaks when the customer has an obligation to do so under the Water Conservation Ordinance, Chapter 15.13 of the City code.

The Utility will bear 75% of the excess water loss if customer provides proof of repair and/or can be validated through a utility consumption history or an inspection at the sole discretion of the Utility.

The Utility will bear only 50% of the excess water lost without validated proof of repair or reduced consumption in subsequent month after alleged leak occurred.



The amount of water lost will be determined by comparing the usage when the leak occurred and the previous year's usage during the same billing cycles. If the customer does not have a previous usage history, a monthly average usage before the leak occurred will be considered in determining the adjustment.

If the Utility grants an adjustment, no additional adjustments of this nature will be made on the same property for a period of 24 months from the month in which the adjustment was granted.

The Utility may assist a customer with deferred payments for such leak on an as needed individual basis.

#### SECTION VII

These rules and regulations shall be and become effective from and after their adoption by the Board and shall remain in effect until amended or changed by the Public Service Board. Changes to any fees or rates resulting from approval of the budget are effective on the 1<sup>st</sup> day of March and shall remain in effect until amended or changed by the Public Service Board.

#### SECTION VIII

This Rule and Regulation is a part of the other Rules and Regulations of the Public Service Board and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any part of the Rules and Regulations be held void, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

PASSED, APPROVED and ADOPTED the 27<sup>th</sup> day of March, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION II REVISED, APPROVED and ADOPTED the 25<sup>th</sup> of September, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-D REVISED, APPROVED and ADOPTED the 12<sup>th</sup> of February, 1992 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-F PASSED, APPROVED and ADOPTED the 24<sup>th</sup> of February, 1993 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-A, 1-B, 1-F AND SECTION III REVISED, APPROVED and ADOPTED the 23<sup>rd</sup> of February, 1994 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION 1-F AND SECTION II REVISED, APPROVED and ADOPTED the 8<sup>th</sup> of March, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION G AND SECTION H PASSED, APPROVED and ADOPTED the 14<sup>th</sup> of June, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(C), I(D), and SECTION III REVISED, APPROVED, and ADOPTED the 28<sup>th</sup> of February, 1996, by the Public Service Board of the City of El Paso.

RULES & REGULATIONS NO.5, SECTION I PASSED, APPROVED and ADOPTED the 8<sup>th</sup> of May, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION J PASSED, APPROVED and ADOPTED the 11<sup>th</sup> of December, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION I (D) and SECTION V, REVISED, APPROVED and ADOPTED the 18<sup>th</sup> of December, 1997 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I(B), I(F), I(G), I(I), I(J), and V REVISED, APPROVED and ADOPTED the 8<sup>th</sup> of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (K) and I (L) PASSED, APPROVED and ADOPTED the 8<sup>th</sup> of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(F), I(G), I(J), and II REVISED, APPROVED and ADOPTED the 24<sup>th</sup> of January, 2001 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(D), I(F), I(G), I(J), and II REVISED, APPROVED and ADOPTED the 23<sup>rd</sup> of January, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I (L) REVISED, APPROVED and ADOPTED the 13<sup>th</sup> of February, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 8<sup>th</sup> day of January, 2003 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 14<sup>th</sup> day of January, 2004 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION VII, REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of January, 2005 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(J,K,L,M,N), REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of January, 2005 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(J,K,L,M,N), ADDED, REVISED, APPROVED and ADOPTED the 25<sup>th</sup> day of January, 2006 by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,D,F,G,J,K), SECTION II, ADDED, REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of December, 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,F,G,I,J,L) AND SECTION II, ADDED, REVISED, APPROVED and ADOPTED the 9<sup>th</sup> day of January, 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,C,D,F,G,J,& K), SECTION II, Section V and Section VI REVISED, APPROVED and ADOPTED the 14<sup>th</sup> day of December, 2011 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A,B,D,F,G,J,K,M,N), SECTION II and Section V REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of December, 2012 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(C, J, M, N) REVISED, APPROVED and ADOPTED the 11<sup>th</sup> day of December, 2013 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I(A,B,D,F,G,J,K,O,P), SECTION II, SECTIONS IV, V, VI, VII, VIII, REVISED, APPROVED and ADOPTED the 10<sup>th</sup> day of December, 2014 by the Public Service Board of the City of El Paso, Texas.


RULES & REGULATIONS NO. 5, SECTION I(A,B,D,F,G,J,K,O,P), SECTIONS IV, VII, and XI, REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of May, 2015 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I(A,B,D,F,G,H (e),(g),I,J,K,M,N,O), SECTION II, SECTION IV, SECTION VI, SECTION VII REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of January, 2016 by the Public Service Board of the City of El Paso, Texas.




RULES & REGULATIONS NO. 5, SECTION I(A,B,C,D,F,G,I,J,K,O), SECTION II, SECTION IV,  
SECTION VI REVISED, APPROVED and ADOPTED the 11<sup>th</sup> day of January, 2017 by the Public Service Board  
of the City of El Paso, Texas.


PUBLIC SERVICE BOARD:

  
Henry Gallardo, Chair

ATTEST:

  
Terri Garcia, Secretary-Treasurer

APPROVED AS TO FORM:

  
Lee Ann B. Koehler, General Counsel

## RULES AND REGULATION NO.6

### RULES AND REGULATIONS ESTABLISHING A RATE FOR THE FURNISHING OF SANITARY SEWER SERVICE BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952, NOW THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO THAT THE FOLLOWING SEWER SERVICE RATES SUPERSEDE ALL RATES HERETOFORE FIXED AND ALL ORDINANCES HERETO PASSED WITH REFERENCE TO THE FIXING OF RATES FOR THE FURNISHING OF SEWER SERVICE. (KNOWN AS RULES AND REGULATIONS NO. 6).

#### SECTION I

There shall be collected from each and every user connected to the sewer system of the El Paso Water Utilities of the City of El Paso, Texas, a sewer service charge. Said sewer service charge shall consist of a minimum monthly charge plus a commodity charge based on the water usage as measured by the water meter serving the property or as otherwise provided herein. For residential customers only, a volume of 4 hundred cubic feet (4 Ccf) will be included in the minimum charge. The following charges shall apply:

#### A. MONTHLY MINIMUM SEWER CHARGE FOR CITY WATER CUSTOMERS. BASED ON SIZE OF WATER METER

<u>Meter Size</u>	<u>Minimum Monthly BIII</u>
Less than 1"	\$14.02
1"	\$32.25
1 ½"	\$68.64
2"	\$86.36
3"	\$190.91
4"	\$294.04
6"	\$455.41
8"	\$793.57
10"	\$1,531.98

#### B. COMMODITY CHARGE

A commodity charge for sewer service that applies to all customers is \$1.77 per Ccf. The commodity charge shall be calculated at 90% of actual water \*AWC for all Ccf in excess of the volume allowance included in the minimum charge. The minimum and commodity charge will be set through the next February billing cycle.

\*Average Winter Consumption (AWC) is the average amount of water used during the most recent December, January, and February billing periods.

C. The commodity charge for new customers will be calculated using the class average AWC by meter size for their respective class until they establish an AWC base.



D. ANNEXATION FEES -1999

For property subject to annexation fees pursuant to a contract, a wastewater connection fee shall be paid at the time of application for meter installation for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>
Less than 1"	\$110
1"	\$275
1 ½"	\$550
2"	\$880
3"	\$1,760
4"	\$2,750
6"	\$5,500
8"	\$10,230
10"	\$14,630

Based on gallons per minute (gpm) water flow, El Paso Water Utilities Public Service Board Rules and Regulations No. 1, Section VII (J).

The sewer connection fee shall be increased by three percent (3%) on December 1, 2000, and each year thereafter, compounded annually, rounded to the nearest dollar, in accordance with City of El Paso Ordinances 014262, and any amendments thereto. Payment of the sewer connection fee shall be due at the time of application for sewer connection to the system.

E. EASTSIDE ANNEXATION FEE- 2005

For property subject to annexation fees pursuant to a contract, a wastewater connection fee shall be paid at the time of application for meter installation for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>
1"	\$809
1 ½"	\$1,640
2"	\$2,624
3"	\$5,248
4"	\$8,200
6"	\$16,400
8"	\$30,613
10"	\$43,733

The Annexation Fee shall be increased by three (3) percent on March 1, 2006, and each year thereafter, compounded annually, rounded to the nearest dollar. Payment of the sewer connection fee shall be due at the time of application for sewer connection to the system.

## SECTION II

Charges for services less than the normal 30-day reading cycle shall be calculated in the same manner as a full reading cycle.

## SECTION III

Sewer services to facilities where all or part of the water supply is obtained from other than the City water system shall be charged on the basis of the actual sewage volume as estimated by the utility or as measured by a meter installed at the customer's expense, except as provided herein for certain residential properties. The charge for such sewer service shall be \$19.52 per month, plus \$1.77 per hundred cubic feet of the total actual or estimated sewage volume for all users.

## SECTION IV

Where the sewer service charge is based on water consumption and the use of the water is such that a considerable portion thereof is not returned to the sanitary sewer system, the user may, at his option, install a meter for the purpose of measuring such water that does not return to the sewer or a meter to measure the amount of sewage actually entering the system, and the monthly sewer charges shall be based on the difference between the two water meters or on the reading of the sewer meter, whichever is applicable. Meter installations as described herein shall be made at the user's expense. The charge for sewer service based on actual volume of sewage shall be \$22.47 per month, plus a fixed monthly charge based on meter size and \$1.77 per hundred cubic feet of the total measured sewage volume.

## SECTION V

Sewer charges are based on the "normal" quality (or strength) of sewage. A surcharge shall be added for strengths exceeding the normal limits based upon analysis of samples taken by the Utility under provisions of the Rules and Regulations, and upon the quantities of sewage determined by the same methods used to calculate the regular sewage charge. The surcharge shall be 15.0 cents for each pound of BOD in excess of 300 parts per million (ppm), plus 14.0 cents for each pound of suspended solids in excess of 300 ppm.

Management shall review its cost structure annually and shall make such adjustments in the surcharges as may be necessary to properly reflect the cost to the Utility of treating over strength wastes or as required by the Environmental Protection Agency.

## SECTION VI

Any person who discharges into the sanitary sewer system and exceeds the normal quality or strength without paying the surcharge set forth under Section V above, shall be subject to the enforcement action provided in Section 15.12.120-2 of the El Paso Municipal Code and shall be subject to any additional enforcement action, as set forth in the Public Service Board's Rules and Regulations and the El Paso Municipal Code, as they may now read or may hereinafter be amended, including the discontinuance of service and a suit for collection of the surcharge.

## SECTION VII

Permit fees for Wastewater Discharge Permits (two types) and Waste Hauler Permits shall be as follows:

	<u>Permit Fee</u>
Categorical Industries	\$1,090 per year
Non-categorical Industries	\$218 per year
Waste Haulers	\$109 per year



Waste Haulers and categorical and non-categorical industries shall be defined as those terms are defined or used in Rules and Regulations No. 9 and under other applicable laws and regulations.

#### SECTION VIII

Payment of the monthly service charges is due 14 days after the date of billing. A termination notice will be generated on the 15th day, allowing an additional 7 days from the billing due date. Services will be scheduled for disconnection the following work day unless the billed amount has been paid.

#### SECTION IX

All of the aforementioned charges apply for sewer service to property within the city limits of El Paso. Where the sewer connection provides service to property outside the city limits of El Paso, the charge for such service shall be 1.15 times the rates for similar service to customers whose property is inside the city limits.

#### SECTION X

- A. For all reclaimed water delivered to customers, except as stated in specific contractual arrangements, the charges will be as follows:

Reclaimed Water Rate ..... \$1.51 per Ccf

- B. If a local government turf irrigation account, as defined in subsection F of Section I of Rules and Regulations No. 5, has a restroom facility, water fountains, or other plumbing fixtures which are isolated from major facilities, a flat monthly fee of \$10.06 is hereby charged for every such fixture connected to the sanitary sewer system as determined by the President/CEO or his designee.

#### SECTION XI

If a Landscape or Turf Irrigation account as defined in subsections F, I or K of Section I of Rules and Regulations No. 5, or a City of El Paso landscape and turf irrigation account, as defined in subsection I of Section I of Rules and Regulations No. 5, has a restroom facility, water fountains, or other plumbing fixtures which are isolated from major facilities, a flat monthly fee of \$10.06 is hereby charged for every such fixture connected to the sanitary sewer system as determined by the President/CEO or his designee.

#### SECTION XII

These rules and regulations shall be and become effective from and after their adoption by the Board and shall remain in effect until amended or changed by the Public Service Board. Changes to any fees or rates resulting from approval of the budget are effective on the 1<sup>st</sup> day of March and shall remain in effect until amended or changed by the Public Service Board.

#### SECTION XIII

This Rule and Regulation is a part of the other Rules and Regulations of the Public Service Board and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any part of the Rules and Regulations be held void, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

PASSED, APPROVED and ADOPTED the 27th day of March, 1991, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION I-C REVISED, APPROVED and ADOPTED the 12th of February, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION VI REVISED, APPROVED and ADOPTED the 8th of April, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION VIREVISED, APPROVED and ADOPTED the 28th of July, 1993, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION 1-A, 1-B, SECTION IX AND SECTION X REVISED, APPROVED and ADOPTED the 23rd of February, 1994, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III and SECTION IV REVISED, APPROVED and ADOPTED the 25th of May, 1994, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION X REVISED, APPROVED and ADOPTED the 27th of February, 1995, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTIONS I (A), I (B), and SECTION IV REVISED, APPROVED, and ADOPTED the 28th day of February, 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III and SECTION XI REPLACED, APPROVED and ADOPTED the 8th of May, 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION I REPLACED, APPROVED and ADOPTED the 11th of December, 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION X REPLACED, APPROVED and ADOPTED the 8th of January, 1997, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A), I(B), VIII, and X(A) REVISED, APPROVED, and ADOPTED the 8th day of December, 1999, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION I (D) ADDED, APPROVED, and ADOPTED the 8th day of December, 1999, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I(A), I(B), III, IV, X(A), X(B), and XI REVISED, APPROVED, and ADOPTED the 24th day of January, 2001, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTIONS I (A), I (B), III, IV, X (B), and XI, REVISED, APPROVED, and ADOPTED THE 23rd day of January 2002, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTIONS I(D) REVISED, APPROVED, and ADOPTED the 13th day of February, 2002, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A & B), III, IV, V, VII, X (A&B), and XI, REVISED, APPROVED and ADOPTED the 8th day of January, 2003, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTIONS I (A & B), III, IV, X (A&B), and XI, REVISED, APPROVED and ADOPTED THE 14<sup>th</sup> day of January, 2004, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION I(D), I(E) ADDED, REVISED, APPROVED and ADOPTED the 25th day of January, 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.



RULES AND REGULATIONS NO.6, SECTION I(A), I(B), SECTION III, SECTION IV, SECTION X(A) ADDED, REVISED, APPROVED and ADOPTED the 13th day of December, 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I(A)&(B), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 9th day of January, 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I(A)&(B), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 9th day of January, 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I(A)&(B), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 14th day of December, 2011, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I(A),(B),(C),(D),(E), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 12th day of December, 2012, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I(B), SECTION X(A) REVISED, APPROVED, AND ADOPTED THE 11th day of December, 2013, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III, SECTION IV, SECTION X, SECTION XI, REVISED, APPROVED AND ADOPTED THE 10<sup>TH</sup> day of December, 2014, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III, SECTION IV, SECTION X, SECTION XI, REVISED, APPROVED AND ADOPTED THE 13<sup>TH</sup> day of January, 2015, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A, B), SECTION III, SECTION IV, SECTION X (A,B), SECTION XI, REVISED, APPROVED AND ADOPTED THE 13<sup>TH</sup> day of January, 2016, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas

RULES AND REGULATIONS NO. 6, SECTION I (A, B, D), SECTION III, SECTION IV, SECTION V, SECTION X (A,B), SECTION XI REVISED, APPROVED AND ADOPTED THE 11<sup>TH</sup> day of January, 2017, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas

**PUBLIC SERVICE BOARD:**

  
Henry Gallardo, Chair

**ATTEST:**

  
Terri Garcia, Secretary-Treasurer

**APPROVED AS TO FORM:**

  
Lee Ann B. Koehler, General Counsel