

**RULE NO.: R161-16.17****NOTICE OF PROPOSED RULE****POSTING DATE: October 5, 2016**

The Director of the Department of Austin Water proposes to adopt the following rule after November 6, 2016.

Comments on the proposed rule are requested from the public. Comments should be submitted to Mr. Alberto Ramirez; Austin Water, 625 E. 10<sup>th</sup> Street, 7th Floor Suite 715, Austin, Texas 78701, 512-972-0211, or via email at [Alberto.Ramirez@austintexas.gov](mailto:Alberto.Ramirez@austintexas.gov). To be considered, comments must be submitted before November 6, 2016, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before November 6, 2016 (the 32nd day after the date of this notice) or not after January 3, 2017 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before January 3, 2017, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**TEXT OF PROPOSED RULE**

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the following locations at a cost of ten cents per page:

Austin Water, located at 625 E. 10<sup>th</sup> Street, 7th Floor Suite 715, Austin, Texas. See Mr. Alberto Ramirez and:

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

## **BRIEF EXPLANATION OF PROPOSED RULE**

R161-16.17: Proposed revision to the Utility Criteria Manual Section 2.2

- Section 2.2.1 & 2.2.4 – In multiple places we changes Austin Water Utility and utility to Austin Water. This is being done to match the new name.
- Section 2.2.2 – This is done to remove the forms from Appendix A. The Service Extension Request (SER) group requested this change. This site had old outdated forms and fees. They would rather provide the designer with the information per requests.
- Section 2.2.3.B, C & D – The April 2013 update to LDC 25-9 (Article 1, Division 2, Subpart B) eliminated 100% “cost reimbursement.” Current code only addresses “cost participation.”
- Section 2.2.5.A – This is not current practice nor supported by LDC 25-9 (Article 1, Division 2, Subpart A).
- Section 2.2.5.D – This is contradictory to LDC 25-9-39. Council action is required to extend the expiration of an SER.


## **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction requirements is established in Section 552.001 and Title 15 of the City Code.


## CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-16.17, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

### REVIEWED AND APPROVED

  
\_\_\_\_\_  
Greg Meszaros, Director  
Austin Water

Date: 10/4/2016

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

Date: 10/4/16

# Austin Water 4<sup>th</sup> Quarter 2016 Backup Material For Proposed

## Changes to Utility Criteria Manual, Section 2.2

### 2.2.0 - SERVICE EXTENSION PROCEDURE

#### 2.2.1 - General Information

This section is intended to provide information needed to obtain water and wastewater service extension approvals for future development. Refer to The Code of the City of Austin, Chapter 25-9 Article 1 Utility Service for additional information.

The service extension is not to be interpreted as a vehicle solely for the purpose of securing a ~~n~~ Austin Water (AW) utility commitment, but rather a procurement of rights to install utility AW mains, associated facilities and off-site improvements within the City of Austin's Adopted Water and Wastewater Service Area. These water and wastewater facilities are not extended through capital improvement programs or other City initiated projects.

The Water and Wastewater Service Area is the Impact Fee Boundary for the Austin Water AW Utility. It is a set of geographic boundaries within which water or wastewater service may be provided. Properties must be completely within the service area before a service extension application can be submitted.

A legal lot is an entire lot as shown in a recorded subdivision; a legal tract is a parcel of land, created by warranty deed prior to being subject to the subdivision regulations of the City of Austin that has remained in the same configuration through current ownership. Utility AW service land status determination.

Refer to the Code of the City of Austin Section 25-4-195 (Request for Utility Service) for detailed information regarding service extensions.

#### 2.2.2 - Service Extension Application Requirements

Service Extension Request Forms are utilized when requesting a service extension. Other forms may apply. Information on obtaining Service Extension Request forms is provided in Appendix A.

#### 2.2.3 - Service Extension Guidelines for Processing

- A. All properties not within the full-purpose city limits of Austin that are not within the City of Austin Certificate of Convenience and Necessity (CCN) area must request annexation. An annexation request is submitted with the service extension application.
- B. All extension requests within the full purpose City Limits not requiring City cost participation of reimbursement may be approved by the Director of AW Austin Water Utility without any further action.
- C. All extension requests within the Extra Territorial Jurisdiction and the Desired Development Zone not requiring City cost participation or reimbursement may be approved by the Director of AW Austin Water Utility without any further action.
- D. All service extensions requesting City cost participation or reimbursement must be submitted to the Water and Wastewater Commission for consideration and must be approved by the Austin City Council.

- E. Approved applications are not a reservation of capacity in the system but are an acknowledgment of the intent to serve.

#### 2.2.4 - System Capacity Determination Procedure for Reviewing Service Extensions by **AW** the Austin Water Utility

- A. **The Utility AW** will determine what existing facilities are in place and any remaining capacity after considering all existing services connected to the system.
- B. **The Utility AW** will determine the length of time after all funded projects have been constructed, based on present conditions until additional system improvements are needed.
- C. A service extension may or may not be approved depending on the time frame of approval, funding and construction of additional system improvements and related agreements and conditions.

#### 2.2.5 - Expiration of Service Extension Approvals

- ~~A. Expired service extensions may be refiled upon the expiration date, not prior.~~
- AB.** A new application packet will be required upon refileing.
- BC.** A new number will be assigned and new fees will be required.
- ~~D. In cases where approvals are contingent upon developer contracts and/or C.I.P.s, the timing for expiration begins upon completion and City acceptance of those projects, not the approval date of application.~~