

NOV 28 2016 AM 10:59

RULE NO.: R161-16.17

NOTICE OF RULE ADOPTION

ADOPTION DATE: NOVEMBER 28, 2016

By: Greg Meszaros, Director
Austin Water

The Director of the Austin Water has adopted the following rule. Notice of the proposed rule was posted on October 5, 2016. Public comment on the proposed rule was solicited in the October 5, 2016 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted 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. 10th 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.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on November 28, 2016.

TEXT OF ADOPTED RULE

The adopted rule contains no changes from the proposed rule.

R161-16.17: Revisions 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 This site had old outdated forms and fees.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.

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SUMMARY OF COMMENTS

The Austin Water did not receive comments regarding the rule adopted in this notice.

AUTHORITY FOR ADOPTION OF 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 the installation of water and wastewater facilities is established in the Texas Local Government Code Section 552.001 and Title 15 of the City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.


Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY


By signing this Notice of Rule Adoption R161-16.17, the City Attorney certifies that 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: 11/17/16



Anne L. Morgan
City Attorney

Date: 11/22/16

Austin Water 4th 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 or 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 these projects, not the approval date of application.~~