



Control Number: 44892



Item Number: 7

Addendum StartPage: 0



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER  
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Docket Number: 44892

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, shall be filed with

Public Utility Commission of Texas  
Attention: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

2015 AUG 24 AM 9:43  
FILING CLERK

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

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## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

### Purpose of Application

<input type="checkbox"/> Obtain	<input type="checkbox"/> New Water CCN	<input type="checkbox"/> New Sewer CCN
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Water CCN# (s)	<u>10627</u>
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Sewer CCN#(s)	<u>10627</u>

### 1. Applicant Information

#### Applicant

Utility name: City of Lubbock

Certificate number: 10627

Street address (City/ST/ZIP/Code): Lubbock/402 Municipal Drive/79457

Mailing address(City/ST/ZIP/Code): Lubbock/PO Box 2000/79457

Utility Phone Number and Fax: (806) 775-2852

#### Contact information

Please provide information about the person(s) to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name: Malcolm Laing

Title: Water Resources Manager

Mailing address: PO Box 2000 Lubbock Texas 79457

Email: mlaing@mylubbock.us

Phone and Fax: (806) 775-3513

List all counties in which service is proposed:

Lubbock

A. Check the appropriate box and provide information regarding the legal status of the applicant:

- ☐ Investor Owned Utility      ☐ Individual      ☐ Partnership
- ☐ Home or Property Owners Association      ☐ For-profit Corporation
- ☐ Non-profit, member-owned, member-controlled cooperative corporation  
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)
- ☒ Municipality      ☐ District      ☐ Other - Please explain:

B. If the applicant is a For-Profit business or corporation, please include the following information:

- i. A copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State: \_\_\_\_\_
- iii. A listing of all stockholders and their respective percentages of ownership.
- iv. A copy of the company's organizational chart, if available.
- v. A list of all directors and disclose the title of each individual.
- vi. A list of all affiliated organizations (if any) and explain the affiliate's business relationship with the applicant.

C. If the applicant is a Texas Water Code (TWC) Chapter 67 water supply or sewer service corporation please provide:

- i. A copy of the Articles of Incorporation and By-Laws.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State.
- iii. Identification of all board members including name, address, title, and telephone number.
- iv. A copy of the corporation's *Certificate of Account Status* from the Texas Comptroller of Public Accounts.

## 2. Location Information

- A. Are there people already living in the proposed area?      ☒ Yes      ☐ No
- If YES, are any currently receiving utility service?      ☒ Yes      ☐ No
- If YES, from WHOM? City of Lubbock

**B. Demonstrate the Need for Service by providing the following:**

Have you received any requests for service in the requested service area?

☐ Yes    ☐ No

If YES, provide the following:

- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
- ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
- iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
- iv. Provide copies of any written application(s) or request(s) for service in the requested area; and/or
- v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing.

Note: Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

**C. Is any portion of the proposed service area inside an incorporated city or district?**

☒ Yes    ☐ No

If YES, within the corporate limits of: City of Lubbock

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

Expanding CCN to include all annexed areas within the city limits of Lubbock and contiguous city owned or controlled properties. Area for the most part already has water and sewer service. Most recent annexed area has services under construction.

**D. Is any portion of the proposed service area inside another utility's CCN area?**

☐ Yes    ☒ No

If YES, has the current CCN holder agreed to decertify the proposed area?

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest:

Certification for both Lubbock's water and wastewater CCN is requested.

### 3. Map Requirements

Attach the following hard copy maps with each copy of the application:

- A. A location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
- B. A map showing only the proposed area by:
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
  - iii. following verifiable natural and man-made landmarks; or
  - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area.
- D. Provide separate and additional maps of the proposed area(s) to show the following:
  - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).

**Note:** Failure to provide adequate mapping information may result in the delay or possible denial of your application.

Digital data submitted in a format other than ArcView shape file or Arc/Info E00 file may result in the delay or inability to review applicant's mapping information.

For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.

### 4. New System Information or Utilities Requesting a CCN for the First Time

- A. Please provide the following information:
  - i. a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;
  - ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in a. 1 above or documentation that it is not economically feasible to obtain service from each entity;
  - iii. copies of written responses from each system or evidence that they did not reply; and
  - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied? ☐ Yes ☐ No



W	Q	1	0	3	5	3	-	0	0	2	;
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- iii. Date of last TCEQ water and/or sewer system inspection(s): 7/23/2014
- iv. Attach a copy of the most recent TCEQ water and/or sewer inspection report letter(s).
- v. For each system deficiency listed in the TCEQ inspection report letter; attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

B. Provide the following information about the utility's certified water and/or sewer operators

Name	Classes	License Number
See attached lists		

- Attach additional sheet(s) if necessary -

- C. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?

- ☐ Yes  
☒ No

Attach a copy of the 85% rule compliance document filed with the TCEQ if the system is operating at 85% or greater of the TCEQ's minimum standard capacity requirements.

- D. In the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan or financial **documentation** and reflect the number of service requests identified in Question 2.b in the application.

TCEQ Water System			TCEQ Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	48,747		Residential	70,569	
1" meter or larger	33,425		Commercial	6,529	
Non-Metered	0		Industrial	14	



TCEQ Water System			TCEQ Sewer System		
Other:			Other:	181	
Total Water	82,172		Total Sewer	77,293	

E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

N/A

F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

N/A

G. Effect of Granting a Certificate Amendment.

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- i. the applicant,
- ii. any retail public utility of the same kind already serving the proximate area; and
- iii. any landowner(s) in the requested area.

H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

i. ☐ No, (skip the rest of this question and go to #6)

ii. ☒ Yes, Water

Purchased on a ☒ Regular ☐ Seasonal ☐ Emergency basis?

Water Source	% of Total Treatment
CRMWA Purchased	58.00%

Water Source	% of Total Treatment
City of Lubbock	42.00%
	0.00%

iii. ☐ Yes, Sewer treatment capacity

Purchased on a

☐ Regular

☐ Seasonal

☐ Emergency basis?

Sewer Source	% of Total Treatment
	0.00%
	0.00%
	0.00%

iv. Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract.

I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density; and
- ii. the land use of the requested area.

J. Effect on the Land. Explain the effect on the land to be included in the certificated area.

Most of the area within the requested CCN amended area is already served by both the water and waste water utilities and has been developed as normal housing and small business. The areas most recently annexed will be developed in the same fashion.

## 6. Financial Information

- A. For new water and/or sewer systems and for applicants with existing CCNs who are constructing a new stand-alone water and/or sewer system:
  - i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing retail water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
  - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates

should correlate to the projected growth in connections, shown on the projected profit and loss statement.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.

B. For existing water and/or sewer systems:

- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
- ii. Attach a proposed rate schedule or tariff.

❖ **Note: An existing water and/or sewer system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application**

C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.

D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

❖ **Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.**

## 7. Notice Requirements

- A. All proposed notice forms must be completed and submitted with the application. Do not mail or publish the notices until you receive written approval from the commission to do so.
- B. The commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of notice requirements for CCN applicants.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application for use in preparing proposed notices. (Notice forms are available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully before providing the notice.
- F. Notice For Publication:  
The applicant shall publish the notice in a newspaper with general circulation in the county(ies) where a CCN is being requested. The notice must be published once each week for two consecutive weeks beginning with the week after the notice is received from the commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. Notice To Neighboring Utilities:
  - i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area.
  - ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.

- iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers:  
Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application.
- I. The commission may require the applicant to deliver notice to other affected persons or agencies.

**Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the commission. Wait until you receive written authorization to do so. Authorization occurs after the commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.**

# OATH

STATE OF Texas  
COUNTY OF Lubbock

I, Aubrey Spear, being duly sworn, file this application as Director of Water Utilities (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form.

**I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.**

Aubrey A. Spear  
AFFIANT  
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas,  
This day 20th of August 20 15

SEAL

Maricruz Mecalco  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS



Maricruz Mecalco  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 8/2/2016

**City of Lubbock, Texas**  
**Statement of Revenues, Expenses and Changes in Fund Net Position**  
**Proprietary Funds**  
**For The Year Ended September 30, 2014**

	<b>Enterprise Funds</b>			
	<b>LP&amp;L</b>	<b>Water</b>	<b>Wastewater</b>	<b>WTMPA</b>
<b>OPERATING REVENUES</b>				
Charges for services (net)	<u>\$ 227,244,632</u>	<u>\$ 78,027,115</u>	<u>\$ 33,703,945</u>	<u>\$ 159,996,588</u>
Total operating revenues	<u>227,244,632</u>	<u>78,027,115</u>	<u>33,703,945</u>	<u>159,996,588</u>
<b>OPERATING EXPENSES</b>				
Personal services	20,958,925	9,381,550	4,772,846	-
Insurance and claims	-	-	-	-
Supplies	1,278,463	1,634,488	840,080	-
Materials	-	-	-	-
Maintenance	2,644,851	2,699,609	1,111,414	-
Purchase of fuel and power	153,230,408	-	-	159,929,346
Billing office expense	-	1,884,393	1,884,393	-
Other services and charges	7,908,213	11,516,298	6,098,695	507,940
Depreciation and amortization	19,284,465	15,882,250	7,258,311	-
Total operating expenses	<u>205,305,325</u>	<u>42,998,588</u>	<u>21,965,739</u>	<u>160,437,286</u>
Operating income (loss)	<u>21,939,307</u>	<u>35,028,527</u>	<u>11,738,206</u>	<u>(440,698)</u>
<b>NONOPERATING REVENUES (EXPENSES)</b>				
Interest earnings	159,777	311,558	145,272	138
Passenger facility charges/Federal grants	-	-	461,166	-
Disposition of assets	104,950	30,273	161,006	-
Miscellaneous	696,253	335,100	87,185	-
IRS Build America Bond Subsidy	9,941	1,480,215	47,827	-
Interest expense	(4,281,770)	(14,369,800)	(4,802,791)	-
Net nonoperating revenues (expenses)	<u>(3,310,849)</u>	<u>(12,212,654)</u>	<u>(3,900,335)</u>	<u>138</u>
Income (loss) before contributions and transfers	18,628,458	22,815,873	7,837,871	(440,560)
Capital contributions grants	9,222	4,792,486	3,079,260	-
Transfers in	299,111	-	78,870	387,407
Transfers out	(14,480,390)	(10,042,485)	(12,593,666)	-
Change in net position	<u>4,456,401</u>	<u>17,565,874</u>	<u>(1,597,665)</u>	<u>(53,153)</u>
Total net position - beginning of year	<u>171,536,303</u>	<u>229,445,972</u>	<u>125,152,613</u>	<u>1,876,933</u>
Total net position - end of year	<u>\$ 175,992,704</u>	<u>\$ 247,011,846</u>	<u>\$ 123,554,948</u>	<u>\$ 1,823,780</u>

See accompanying Notes to Basic Financial Statements



Executive Director  
Texas Commission on Environmental Quality

Dear Sir:

I am the Chief Financial Officer of the City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457. This letter is in support of this local government's use of the financial test to demonstrate financial assurance, as specified in 30 Texas Administrative Code (TAC) Chapter 37.271.

1. This local government is the owner or operator of the following facilities for which financial assurance for closure, post-closure or corrective action is demonstrated through the financial test specified in 30 TAC Sec. 37.271 (1)(B) and (1)(C). The current cost estimates covered by the test are shown for each unit or facility:

Permit/ Registration Number	Facility		Cost Estimates		
	Name	Address	Current Closure	Post-Closure Care	Corrective
69	City of Lubbock	8425 N. Ave. P Lubbock, Texas	\$ 740,694	\$ 3,922,511	None
2252	City of Lubbock	17304 FM 2528 Abernathy, Texas	13,118,747	6,998,243	None
40176	City Of Lubbock Citizen Collection/ Transfer Station	8425 N. Ave. P Lubbock, Texas	<u>36.873</u>	<u>None</u>	<u>None</u>
			\$ 13,896,314	\$ 10,920,754	None

Underground Storage Tank ID Number	Facility		Cost Estimates		
	Name	Address	Current Closure	Post-Closure Care	Corrective
12649	Citibus	801 Texas Ave Lubbock, TX	None	None	None
61054	Lubbock International Airport Maintenance	2403 Independence Lubbock, TX	None	None	None
30251	South Fuel Site	1631 84 <sup>th</sup> Lubbock, TX	None	None	None
6835	Airport Shelter Park	4410 N. MLK Blvd Lubbock, TX	None	None	None
62576	Municipal Hill Fuel Site	310 Massengale Dr Lubbock, TX	<u>None</u>	<u>None</u>	<u>None</u>
			None	None	None

2. This local government guarantees, through the guarantee specified in 30 TAC Sec. 37.281, the current closure, post-closure, or corrective action cost estimates of the following facilities owned or operated by entities other than the City of Lubbock. The current cost estimates so guaranteed are shown for each facility: NONE

The fiscal year of this local government ends on September 30, 2014. The figures for the following items marked with an asterisk are derived from this local government's independently audited, year-end financial statements for the latest completed fiscal year, ended September 30, 2014.

#### **Bond Rating Indicator of Financial Strength**

1. Sum of current closure, post-closure care, and/or corrective action cost estimates:

<u>Year of Cost Estimate</u>	<u>Estimated Total Current Closure &amp; Post-Closure Costs</u>
2014	\$24,817,068

2. Current bond ratings of the most recent issuance and name of the rating service:

a. **\$16,245,000-Electric Light and Power System Revenue Bonds, Series 2014**

Moody's: A1  
Standard and Poors: AA-  
Fitch: A+

Date of issuance of bond: May 1, 2014

Date of maturity of bond: April 15, 2034

b. **\$44,920,000-GO Refunding Bonds, Series 2014**

Moody's: Aa2  
Standard and Poors: AA+  
Fitch: AA+

Date of issuance of bond: May 1, 2014

Date of maturity of bond: February 15, 2026



c. **\$62,900,000-Tax and Waterworks System CO's, Series 2014**

Moody's: Aa2  
Standard and Poors: AA+  
Fitch: AA+

Date of issuance of bond: May 1, 2014

Date of maturity of bond: February 15, 2034

3. Environmental obligations assured by a financial test to demonstrate financial assurance in the following amount under commission regulations and the Code of Federal Regulations (CFR) or state equivalent rules:

a. Municipal Solid Waste under 30 TAC Chapter 330 and 40 CFR Part 258:

\$ 24,817,068

b. Hazardous waste treatment, storage and disposal facilities under 30 TAC Chapter 335 and 40 CFR Parts 264 and 265:

\$ 152,000

c. Petroleum underground storage tanks under 30 TAC Chapter 334 and 40 CFR Part 280:

\$ 1,000,000

d. Underground Injection Control System facilities under 30 TAC Chapter 331 and 40 CFR Part 144:

None

e. PCB commercial storage facilities under 40 CFR Part 761:

None

f. Additional environmental obligations not shown above:

\$7,398

Total a-f: \$ 25,976,466

\*4. Total Annual Revenue: \$ 727,103,272

5. Is line 3 divided by line 4 less than or equal to 0.43? Yes

I hereby certify that the wording of this letter is identical to the wording specified in 30 TAC Section 37.371 as such regulations were constituted on the date shown immediately below. I further certify the following: that the local government's financial statements are prepared in conformity with Generally Accepted Accounting Principles for governments, including conformance with Governmental Accounting Standards Board Statement 18, and its financial statements have been audited by an independent Certified Public Accountant (CPA); that the local government has not operated at a deficit equal to 5% or more of total annual revenue in each of the past two fiscal years; that the local government is not in default on any outstanding general obligations bonds; that the local government does not have outstanding general obligations rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poors; and that the local government has not received an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent CPA.



Pamela Moon  
Executive Director of Finance  
March 20, 2015

91 7199 9991 7035 5993 7529

PLACE STAMP HERE TO PREPARE FOR DELIVERY TO THE ADDRESSEE  
OF THE FOLLOWING MAIL FILE AND RETURN NO

CERTIFIED MAIL



91 7199 9991 7035 5993 7529



City of Cambridge, MA  
Comprehensive Annual Financial Report  
Fiscal Year ended  
September 30, 2014

## Independent Accountants' Report on Application of Agreed-upon Procedures

The Honorable Mayor, City Council and City Manager  
City of Lubbock, Texas

Texas Commission on Environmental Quality:

We have performed the procedures enumerated below, which were agreed to by management of the City of Lubbock, Texas (the City), solely to assist you with respect to the "Letter from the Chief Financial Officer," City of Lubbock, Texas (the Letter), dated March 20, 2015, and addressed to the Texas Commission on Environmental Quality (TCEQ). The Letter, which is attached to this report, is a required communication to TCEQ to support the Local Government Financial Assurance Test. The management of the City is responsible for the financial assurances. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the City and TCEQ. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and the associated findings are as follows:

1. We compared the amount presented as Closure (\$13,896,314), Post-Closure (\$10,920,754) and Total (\$24,817,068) in the Letter to *Note III.Q.* in the audited basic financial statements of the City as of and for the year ended September 30, 2014.

We found the amounts not to be in agreement. The amount presented in *Note III.Q.* of the audited basic financial statements for total closure and post-closure was (\$24,605,363). The difference between the amounts in the letter and the amount in the financial statements is caused by three factors. GASB Statement No. 18 requires that closure and post-closure care cost be recognized as an expense and a liability, in each period the solid waste landfill accepts waste, based upon estimates. Actual spending related to closure and post-closure care reduces the established liability in the City's general ledger. A timing difference is created when the annual inflationary factor is available. The new factor is available at the time we conduct the Local Government Financial Assurance Test, but not when the audited basic financial statements are prepared. To date, the City has expended \$2,707,629. The TCEQ requires that the total estimated expenses be increased by an inflation factor each year, which does not take into account money spent reducing the total liability. These factors cause a \$211,705 difference between the amount reported to TCEQ and the amount presented in the City's September 30, 2014 Comprehensive Annual Financial Report (CAFR).

2. We calculated the amount of total annual revenue, from amounts included in the basic financial statements to be \$727,103,272 in accordance with the definition of total annual revenue as defined by the TCEQ. We compared the calculated amount to the amount in the Letter. We found no exceptions.
3. We computed the ratio of total assured environmental costs (\$25,976,466) as defined by the TCEQ, which includes \$1,000,000 for petroleum underground storage tanks, \$152,000 for hazardous waste treatment and \$7,398 for additional environmental obligations. Storage and disposal facilities to Total Annual Revenues of (\$727,103,272) as defined by the TCEQ and determined the amount to be less than or equal to 0.43.
4. We obtained a copy of the City's independent auditor's report included in the CAFR to determine whether the financial statements as of and for the year ended September 30, 2014, were prepared in accordance with accounting principles generally accepted in the United States of America and that an unqualified opinion was issued. We found no exceptions.
5. We recalculated the computation of excess revenues over expenditures for the years ending September 30, 2014 and 2013, as required by Texas Administrative Code, Title 30, Part 1, Chapter 37, Subchapter C, Rule 37.271 (1)(C)(ii) and determined the City had not operated at a deficit equal to 5.0% or more of the total annual revenue for each of those periods. In addition, we clerically tested the amounts that comprise the total annual revenue and expenditures and compared them to the related amounts in the CAFR of the City for the years ended September 30, 2014 and 2013. We found no exceptions.

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on the specified elements, accounts or items included in the "Letter from the Chief Financial Officer" on the Local Government Financial Assurance Test. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City and its management, and the Texas Commission on Environmental Quality and is not intended to be an should not be used by anyone other than these specified parties.

**BKD, LLP**

March 20, 2015

(Ordinance 444, sec 27, adopted 6/27/1929, 1959 Code, sec 34-49, 1983 Code, sec 28-43, Ordinance 9411, secs 5, 7, adopted 2/14/1991, Ordinance 2010-00049, sec 12, adopted 6/24/2010)

**Secs. 22.03.023–22.03.080 Reserved**

**Division 2: Rates and Charges**

**Sec. 22.03.081 Power of city manager to fix**

The city manager shall have authority to decide any question which may arise and which is not fully covered by any of the provisions of this article and he shall have the right to fix and determine any water rate not provided for in this article and his decision in such cases shall be final, subject to modification by the mayor and city council (Ordinance 348, sec 13, adopted 8/5/1926, 1959 Code, sec 34-13, 1983 Code, sec 28-51)

**Sec. 22.03.082 Reading of meters; notice to consumers**

Meters shall be read monthly, and the consumer notified in writing in the form of a bill, statement, letter or otherwise, and proof of this notice may be made by a utility billing report showing that a statement was sent to the last-known address of such consumer, of the amount due from the customer to the city. Payment by the customer shall be due and payable upon receipt of the notice, and shall be considered late if not paid by the date specified in the notice as provided for by city ordinance. Payment shall be made at the address listed on the written notice or at other locations that may be authorized by the city for the payment of utility bills (Ordinance 444, sec 5, adopted 6/27/1929, 1959 Code, sec 34-22, 1983 Code, sec 28-23, Ordinance 2010-00049, sec 5, adopted 6/24/2010)

**Sec. 22.03.083 Deposit not required; exceptions**

(a) The city shall not require a deposit from any consumer of the city's water system in order to obtain water service, except as provided in subsection (b) below. Any deposits previously collected by the water department shall be refunded to the depositor thereof within two (2) years of the enactment of this section. Any deposits abandoned or left unclaimed shall be subject to chapters 72 and 76 of the Texas Property Code or any other state law pertaining to abandoned or unclaimed property.

(b) The city shall require a deposit for portable meter accounts and related backflow prevention assembly used to obtain water from fire hydrants. If the meter and backflow prevention assembly are not returned in working order, or are otherwise damaged, or if the fire hydrant or water supply line to the fire hydrant are damaged, the customer shall pay for the cost of repair. If the customer does not pay for the cost of repair, the city shall use the deposit to pay for the cost of repair. Any portion of the deposit so used must be repaid to city by the customer before the customer can continue using water through the portable meter account. Deposits for portable meter accounts shall be as follows:

- (1) The deposit for portable meter account and related backflow prevention assembly shall be \$1,545.00
- (2) The deposit for a special event for a nonprofit, community or other non-construction and non-utility entity shall be \$50.00 per day with a minimum of \$150.00 for a small hose-end meter assembly
- (3) No deposit fee shall be required by other city departments

(Ordinance 444, sec 7, adopted 6/27/1929, 1959 Code, sec 34-25, Ordinance 3052 adopted 2/25/1960, Ordinance 3587, sec 2, adopted 9/14/1961, 1983 Code, sec 28-26, Ordinance 2000-00068, sec 1, adopted 3/22/2001, Ordinance 2010-00049, sec 7, adopted 6/24/2010)

**Sec. 22.03.084 Water base charge**

Effective December 1, 2014, the city, through the city manager, shall charge and collect from every customer and every customer shall pay a monthly base charge for water which shall be billed to all customers based upon the water meter size as follows:

<u>Meter Size</u>	<u>Water Base Charge</u>
Three-quarter inch (3/4") meter	\$18.00
One inch (1") meter	\$30.05
One and a half inch (1 1/2") meter	\$59.91
Two inch (2") meter	\$96.30
Three inch (3") meter	\$191.97
Four inch (4") meter	\$299.91
Six inch (6") meter	\$599.65
Eight inch (8") meter	\$959.47
Ten inch (10") meter	\$1,379.38

(Ordinance 1241, sec 3, adopted 6/26/1952, Ordinance 1882, sec 1, adopted 4/26/1956, 1959 Code, sec 34-11, Ordinance 4229, sec 1, adopted 10/24/1963, Ordinance 5694, sec 1, adopted 7/2/1969, Ordinance 7488, sec 1, adopted 7/14/1977, Ordinance 8046, sec 2, adopted 5/22/1980, Ordinance 8082, sec 2, adopted 8/28/1980, 1983 Code, sec 28-52, Ordinance 8454, sec 1, adopted 6/23/1983, Ordinance 9102, sec 2(1), adopted 8/27/1987, Ordinance 9301, sec 7, adopted 8/10/1989, Ordinance 9551, sec 1, adopted 9/10/1992, Ordinance 10183, sec 1, adopted 8/26/1999, Ordinance 2001-00078, sec 1, adopted 9/13/2001, Ordinance 2002-00097, sec 1, adopted 9/17/2002, Ordinance 2005-00113, sec 1, adopted 10/13/2005, Ordinance 2006-00097, sec 1, adopted 9/13/2006, Ordinance 2007-00010, secs 1, 3, adopted 2/22/2007, Ordinance 2008-00018, secs 1, 3, adopted 2/28/2008, Ordinance 2009-00018, sec 1, adopted 3/9/2009, Ordinance 2010-00070, sec 16, adopted 9/16/2010, Ordinance 2011-00080, sec 16, adopted 9/8/2011, Ordinance 2012-00100, sec 19, adopted 9/13/2012, Ordinance 2013-00087, sec 16, adopted 9/10/2013, Ordinance 2014-00155, sec 1, adopted 11/20/2014)

**Sec. 22.03.085 Water volume rate generally**

In addition to the base charge, the city, through the city manager, shall determine the amount of water used by each customer through monthly meter readings and shall charge to and collect from every customer and every customer shall pay for water furnished by the city to the customer. The water furnished by the city shall be measured on a per one thousand (1,000) gallons basis and billed as follows (effective December 1, 2014):

Block 1      \$4.53 per 1,000 gallons

Block 2      \$6 18 per 1,000 gallons

Block 3      \$7 41 per 1,000 gallons

- (1) Single-family residential The block 1 volume is the amount of water used up to 100% of the average winter consumption (AWC) of each respective customer's premises, the AWC being the average volume of water used as measured by the non-irrigation meter readings for the months of September, October, November, December, January and February, and updated in March of each respective year, the block 2 volume is the amount of water used in addition to the block 1 volume up to an additional 40,000 gallons, and the block 3 volume is the volume of water used in excess of the block 1 and block 2 volumes. For new customers that do not have an AWC calculated for their service, an AWC of seven thousand (7,000) gallons shall be used for block 1 volume purposes
- (2) Single-family residential irrigation Does not include a block 1 volume, the block 2 volume of water is from 1,000 gallons used up to 40,000 gallons, and the block 3 volume is the amount of water used in excess of the block 2 volume
- (3) Multifamily residential, commercial and public The block 1 volume is the amount of water used up to 100% of the average winter consumption (AWC) of each multifamily residential, commercial and public premises, respectively, the AWC being the average volume of water used as measured by the non-irrigation meter readings for the months of September, October, November, December, January and February, and updated in March of each respective year, the block 2 volume is the amount of water used in addition to the block 1 volume up to an additional 50% of the AWC (total of block 1 and block 2 is equal to 150% of the AWC), and the block 3 volume is the amount of water used in excess of the block 1 and block 2 volumes
- (4) Nonresidential irrigation Does not include a block 1 volume, the block 2 volume of water shall be the average monthly use by all nonresidential irrigation users by meter size for nonresidential irrigation services. The block 3 volume is the volume of water used in excess of block 2 volume
- (5) Schools All water used will be charged at a block 1 rate
- (6) Wholesale
- (A) The following water volume rate shall be applicable for those federal, state or local governments, governmental agencies or governmental subdivisions that are authorized to purchase water by city ordinance and enter into contracts with the city for wholesale purchases. The block 1 volume is the amount of water used up to 100% of the average winter consumption ("AWC") of the wholesale customer, the AWC being the average volume of water used as measured by the meter reading for the months of September, October, November, December, January and February, and updated in March of each respective year; the block 2 volume is the volume of water used in excess of the block 1 volume up to an additional 200% of the AWC (total of block 1 and block 2 is equal to 300% of the AWC), and the block 3 volume is the amount of water used in excess of the block 1 and block 2 volumes. For wholesale customers that do not have an AWC calculated for their service, the AWC shall be established by contract based upon the average volume of water authorized in the contract for delivery in the months of September, October, November, December, January and February. Thereafter, an AWC shall be calculated based upon the volume of water actually used as provided for in this section. Solely for the purposes of wholesale customers, the water volume rate shall be 1.5 times the water volume rate for all other customers as set forth above, as applicable to each block.
- (B) Nothing contained herein, absent agreement otherwise by the wholesale customer, shall affect existing valid and subsisting wholesale contracts by and between the city and wholesale customers. Any renewal or extension of such contract, other than renewals and extensions that may be exercised unilaterally by the wholesale customer, shall provide for the rates prescribed in this section.
- (C) The rates prescribed herein for wholesale customers reflect the increased cost of service by the city for such customers, including without limitation, costs related to water distribution infrastructure and remote metering and service issues, standby water demands, and the impact of advancing the timing of water supply projects to meet additional water supply demands for wholesale customers.
- (7) Fire hydrant All non-fire use of water from a fire hydrant, including construction use, will be charged at a block 2 rate as established by this section
- (8) Affordable or average billing Affordable or average billing may be offered to certain customers by policy approved by the city manager or his designee. The policy shall provide for an averaging methodology that ensures the city shall receive the total amount due over the course of a year, and that has a sign-up period between September and December of each year.

(Ordinance 1241, sec 1, adopted 6/26/1952, Ordinance 1882, sec 1, adopted 4/26/1956, 1959 Code, sec 34-10, Ordinance 4229, sec 1, adopted 10/24/1963, Ordinance 5694, sec 1, adopted 7/24/1969, Ordinance 7488, sec 1, adopted 7/14/1977, Ordinance 8046, sec 1, adopted 5/22/1980, Ordinance 8082, sec 1, adopted 8/28/1980, 1983 Code, sec 28-53, Ordinance 8454, sec 2, adopted 6/23/1983, Ordinance 9102, sec 2(2), adopted 8/27/1987, Ordinance 9301, sec 8, adopted 8/10/1989, Ordinance 9551, sec 2, adopted 9/10/1992, Ordinance 10183, sec 2, adopted 8/26/1999, Ordinance 2001-00078, sec 1, adopted 9/13/2001, Ordinance 2002-00097, sec 2, adopted 9/17/2002, Ordinance 2005-00113, sec 2, adopted 10/13/2005, Ordinance 2006-00097, sec 2, adopted 9/13/2006, Ordinance 2007-00010, secs 2, 3, adopted 2/22/2007, Ordinance 2008-00018, secs 2, 3, adopted 2/28/2008, Ordinance 2009-00018, sec 3, adopted 3/9/2009, Ordinance 2010-00049, sec 14, adopted 6/24/2010, Ordinance 2010-00070, sec 17, adopted 9/16/2010, Ordinance 2012-00100, secs 20-21, adopted 9/13/2012, Ordinance 2013-00028, sec 1, adopted 3/14/2013, Ordinance 2013-00087, sec 18, adopted 9/10/2013, Ordinance 2014-00122, secs 18-19, adopted 9/11/2014, Ordinance 2014-00155, sec 2, adopted 11/20/2014)

#### ● Sec. 22.03.086 Texas Tech University

The rate for water supplied to Texas Tech University shall be the same rate as established for and applicable to schools in sections 22.03.084 and 22.03.085 of this division (Ordinance 1241, sec 5, adopted 6/26/1952, Ordinance 1258 adopted 8/4/1952, Ordinance 1882, sec 1, adopted 4/26/1956, 1959 Code, sec 34-12, Ordinance 4229, sec 1, adopted 10/24/1963, Ordinance 5035, sec 1, adopted 6/23/1966, Ordinance 7488, sec 1, adopted 7/14/1977, Ordinance 8046, sec 3, adopted 5/22/1980, Ordinance 8082, sec 3, adopted 8/28/1980, 1983 Code, sec 28-54, Ordinance 8454, sec 3, adopted 6/23/1983, Ordinance 9551, sec 3, adopted 9/10/1992)

#### ● Sec. 22.03.087 Lubbock Christian University

The rate for water supplied to Lubbock Christian University shall be the same rate as established for and applicable to schools in sections 22.03.084 and 22.03.085 of this division (1959 Code, sec 34-12 2, Ordinance 5558, sec 1, adopted 10/24/1968, 1983 Code, sec 28-55, Ordinance 9551, sec 4, adopted 9/10/1992)

#### ● Sec. 22.03.088 Buckner Baptist Home

The rates for water supplied to the Buckner Baptist Home shall be the same rate as established for and applicable to multiple-family in sections 22.03.084 and 22.03.085 of this division (1959 Code, sec 34 12 1, Ordinance 5255 adopted 5/25/1967, 1983 Code, sec 28-56, Ordinance 9551, sec 5, adopted 9/10/1992)

#### ● Sec. 22.03.089 When bills due and payable

(a) All bills for water consumed shall be due and payable twenty-one (21) days after issuance. Simple interest of five (5) percent shall be charged to the consumer if the consumer pays his bill after twenty-one (21) days from issuance. The five-percent interest on late payments shall apply to all classes of consumers served. Provided, however, that this section shall be subject to chapter 182, subchapter A, of the Texas Utilities Code, "Payment of Utility Bill for Elderly Individual."



(b) As used in this section, date of issuance shall mean the date when a bill is placed in the United States mail, properly addressed to the consumer

(Ordinance 1241, sec 2, adopted 6/26/1952, 1959 Code, sec 34-14, 1983 Code, sec 28-57, Ordinance 8389, sec 1, adopted 1/27/1983, Ordinance 2001-00044, sec 2, adopted 6/26/2001)

**Sec. 22.03.090 Water service (water tap) connections**

(a) The following fees shall be charged on all water installations requiring the following sizes of service connections

- (1) For service connections of one inch and smaller \$400 00
- (2) For service connections of one and one-half inches. \$725 00
- (3) For service connections of two inches \$800 00

(b) For each item listed above an additional charge will be added to cover paving repair costs. Paving repair costs shall be estimated by the City of Lubbock Water Utilities Engineering Department with the cost thereof to be based on current prices of labor, equipment and materials established by the City of Lubbock Street Engineering Department. These prices shall be reviewed annually to ensure the adequacy of the prices to cover the total cost of construction of the water and sanitary sewer utility and will be adjusted as the director of water utilities deems necessary.

(Ordinance 1005, sec 1, adopted 7/27/1950, Ordinance 1960, sec 1, adopted 7/12/1956, 1959 Code, sec 34-15, Ordinance 4705, sec 1, adopted 5/27/1965, Ordinance 5743, sec 1, adopted 9/11/1969, Ordinance 7506, sec 1, adopted 8/11/1977, Ordinance 8059, sec 1, adopted 6/26/1980, 1983 Code, sec 28-58, Ordinance 9411, sec 8, adopted 2/14/1991, Ordinance 9725, sec 1, adopted 9/8/1994, Ordinance 2010-00049, sec 15, adopted 6/24/2010)

**Sec. 22.03.091 Wholesale water service to specified areas outside city; conditions, rates**

(a) The city council reaffirms its prior policy adopted March 8, 1984, to prohibit the sale of water to individuals, businesses, agencies or organizations that lie outside the corporate limits of the City of Lubbock.

(b) In order to compromise and settle protests and threatened litigation regarding the disposal of treated municipal effluent by city, the city council authorizes the city's water department to extend the city's water distribution facilities outside the corporate limits and to offer to sell water (1) to the Town of Ransom Canyon for resale (A) within its corporate limits as of January 1, 1988, (B) in any area included within the authorized service area of its Certificate of Convenience and Necessity, as issued by the Texas Commission on Environmental Quality, or successor agency, and (C) to the Roosevelt Independent School District, and (2) to Lubbock County Water Control and Improvement District No 1 for resale within the corporate limits of the Village of Buffalo Springs as those limits existed as of January 1, 1988, provided the offer to sell water and the sale of water shall be subject to the conditions and limitations specified in the provisions of this section, the applicable provisions of City Code, chapter 22, where such provisions are not inconsistent with this section, and the agreements approved and accepted by the city council. By adopting and implementing section 22.03.091 of the Code of Ordinances of the City of Lubbock, it is not the intention of the city to offer to sell water to persons located outside the corporate limits other than the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1.

(c) The authority to extend city's water distribution system outside the corporate limits and to offer to sell water to the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 shall be subject to the conditions and limitations, as follows:

(1) In order to accept the city's offer to sell water, the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1, each shall request service and each shall enter into a written contract approved and accepted and signed by the mayor on behalf of the city.

(2) As a part of the written contract for water service, the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 shall agree to limit the volume of water delivered, pursuant to such contract, to each entity respectively, during any twenty-four (24) consecutive hours, and any three hundred sixty-five (365) consecutive days. The volume limitation for each value shall be agreed to between the city and the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1, but in no event shall such volume exceed that which is necessary to allow complete service (A) by the Town of Ransom Canyon (i) within the corporate limits of the Town of Ransom Canyon as such limits exist as of January 1, 1988, (ii) within any area included within the authorized service area of its Certificate of Convenience and Necessity, as issued by the Texas Commission on Environmental Quality, or successor agency, or (iii) to Roosevelt Independent School District, or (B) by the Lubbock Water Control and Improvement District No 1, within the service area of the Lubbock County Water Control and Improvement District No 1 actively being served by such district in the corporate limits of the Village of Buffalo Springs as such limits existed on January 1, 1988.

(3) As part of the application, the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 shall each agree to provide retail service only and to limit service to consumers located within their respective service area, as described in section 22.03.091(c)(2) of the Code of Ordinances of the City of Lubbock.

(4) As part of the application and agreement, the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 shall each agree to pay for water delivered by city at the rate established from time to time by the city council. The city, acting through the city council, reserves the right to adjust the rate from time to time based upon the methodology recommended by the city's consultants.

(5) As part of the resolution approving the agreements between this city and the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1, the city council shall expressly find that there is adequate untreated water supply and water treatment capacity and treated water storage, pumping, and distribution capacity within the city's water system to satisfy the demands of the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 to the extent described in their respective agreements, together with all other service commitments of the city that are existing or anticipated at the time the wholesale customer applies for service.

(6) The water department of the City of Lubbock is hereby authorized to adopt policies and procedures, not inconsistent with the terms of this section, as may be necessary to implement the provisions for the intent of the city council herein expressed.

(d) The city council approves and accepts the methodology of determining the city's cost of providing services to the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 as described in the report prepared by Freese & Nichols, the city's consulting engineers, dated June, 1988, and based upon the methodology set forth in such report the city council adopts the initial rates for providing services to the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No 1 as follows:

Eighty-one and seventeen-hundredths (81 17) percent of the rate established for "commercial" as set forth in section 22.03.085 of the Code of Ordinances of the City of Lubbock. In addition, there shall be added to such rate the proportionate costs of installing capital improvements necessary to furnish such water which shall be repaid over a period of thirty (30) years on either an annual or monthly basis at six and one-half (6-1/2) percent simple interest.

From and after August 19, 2008, rates for the Town of Ransom Canyon and/or Lubbock County Water Control and Improvement District No 1 shall be eighty-one and seventeen-hundredths (81 17) percent of the rate established for either (1) multifamily residential, commercial and public customers, or (2) wholesale customers, as set forth in section 22.03.085 of the Code of Ordinances of the City of Lubbock, as same may be amended from time to time.

(e) The authority granted to the water department to offer the sale of water to the Town of Ransom Canyon and Lubbock County Water Control and Improvement District No. 1 and any offer made by the water department pursuant to this authority, shall cease at midnight, February 15, 1989, unless the offer is accepted. Any offer shall be accepted by delivery to city of a contract acceptable to the city, signed by the authorized representatives of the prospective customer. Acceptance of the offer by one of the two (2) prospective customers shall not extend the authority or the offer to sell water to the other prospective customer.

(f) The prior policy adopted March 5, 1984, and this section shall not be construed to prohibit the sale of water to federal, state or local governments, governmental agencies or governmental subdivisions pursuant to appropriate intergovernmental contracts.

(g) The prior policy adopted March 5, 1984, and this section shall not be construed to prohibit water service to city-owned property and/or facilities located thereon regardless of whether such facilities are located inside or outside of the boundaries of the City of Lubbock.

(h) Solely for the purposes of Lubbock Reese Redevelopment Authority, the water volume rate shall be equal to the water volume rate for all other commercial customers as set forth in section 22.03.085 of this division as applicable to each block. All other provisions as set forth in section 22.03.085(6)(A) regarding wholesale water customers shall continue to apply to the Lubbock Reese Redevelopment Authority.

(1983 Code, sec. 28-59, Ordinance 9249, sec. 1, adopted 1/12/1989, Ordinance 9551, sec. 6, adopted 9/10/1992, Ordinance 9648, sec. 1, adopted 9/23/1993, Ordinance 2008-00073, sec. 1, adopted 8/19/2008, Ordinance 2013-00051, sec. 1, adopted 5/23/2013)

#### **Sec. 22.03.092 Average charge upon failure of meter to register correctly**

Should any meter fail to register correctly the amount of water used by a consumer since the previous reading, the right shall exist on the part of the water department to estimate the consumption on previous usage. (Ordinance 444, sec. 4, adopted 6/27/1929, 1959 Code, sec. 34-20, 1983 Code, sec. 28-21)

#### **Sec. 22.03.093 Liability for charges—Premises and owner; contract with tenant**

All charges for water service shall be charged against the premises for which service was installed and against the owner thereof and such premises and such owner shall be liable for the payment of any and all water furnished. Provided, however, it shall be lawful for any owner to contract with his tenant, in addition to the regular rent to be paid, for the payment of such water rent and it shall be lawful for the tenant to pay the water rents, but such contract shall not relieve the owner or his property from liability for such rent. (Ordinance 348, sec. 7, adopted 8/5/1926, 1959 Code, sec. 34-26, 1983 Code, sec. 28-27)

#### **Sec. 22.03.094 Combined and separate service**

##### **(a) Duplexes, townhouses and condominiums**

(1) All duplexes, townhouses, condominiums, apartments and rental units of less than four units in the complex constructed on or after the effective date of this ordinance shall be required to be designed and constructed in such a manner as to provide separate water service for each living unit within the complex. Separate service is defined as a separate plumbing system for water service, a separate water service connection to the city water system, and a separate water meter for each living unit within the structure.

(2) The consumer or user for each living unit in a duplex, townhouse, condominium, apartment and rental unit that has separate service shall be responsible for payments for service and for any full delinquent amount due as provided for by this chapter.

(3) The owner or owners, whether an individual, group or corporation, of any duplex, townhouse or condominium that does not have separate service for each living unit shall be responsible for payments for service and for any full delinquent amount due as provided for by this chapter. Partial payments for any particular living unit within the complex will not be applied to that particular living unit, but any payments made shall be applied to the account of the entire building complex.

##### **(b) Strip centers or shopping centers**

(1) The consumer or user for each business unit in a strip center or shopping center that has separate service shall be responsible for payments for service and for any full delinquent amount due as provided for by this chapter. Separate service is defined as a separate plumbing system for water service, a separate water service connection to the city water system, and a separate water meter for each business unit within the strip or shopping center.

(2) The owner or owners, whether an individual, group or corporation of any strip or shopping center that does not have separate service for each business unit shall be responsible for payments for service and for any full delinquent amount due as provided for by this chapter. Partial payments for any particular commercial unit within the complex will not be applied to that particular commercial unit, but any payments made shall be applied to the account of the entire building complex.

(1959 Code, sec. 34-26; Ordinance 5694, sec. 1, adopted 7/24/1969, 1983 Code, sec. 28-28, Ordinance 2010-00049, sec. 8, adopted 6/24/2010)

#### **Sec. 22.03.095 Discontinuance, suspension, refusal of service, and restoration of service**

(a) The City of Lubbock Water Utilities may discontinue, suspend, disconnect or refuse to supply water to any consumer who fails to comply with section 22.03.089 of this chapter and/or section 28.10.053 of this code. Such water service shall also be disconnected when a consumer fails to pay for other utility services rendered by the city.

(b) Every consumer of the city's water utility system shall pay charges for water consumption as provided in section 22.03.089 of this chapter. Notice and opportunity for hearing pursuant to this chapter will be given persons disputing the amount of such charges. In the event same are not so paid, the city shall disconnect water service unless said user or consumer has appeared and shown substantial reason why such action should not be taken.

(c) Whenever the amount past due and delinquent is paid by such consumer, water service may be restored, but there shall be charged and collected a reconnection charge of fifty-five dollars (\$55.00) for reconnection during normal working hours and eighty-seven dollars (\$87.00) for reconnection outside normal working hours. Normal working hours are from 8:00 a.m. to 5:00 p.m. on weekdays, excluding city holidays. Water service shall also be disconnected when a user or consumer fails to pay for other city utility services rendered by or through the authority of the city.

(d) If water service is disconnected or cut off due to nonpayment for any of the city utility services furnished, the water department shall not permit water service to be restored and turned on again for the consumer at the same premises, or to the consumer at any other premises within the city, until the full delinquent amount shall have been paid. The full delinquent amount shall be defined as payment for both services rendered as required by ordinance and for any additional charges authorized by ordinance in order to re-establish service including but not limited to equipment, labor and charges related to the repair of meters, curb stops, damaged boxes, and cutting at the corporation, street or alley repairs, or any other repairs and charges made necessary by the user's delinquency or tampering.

(e) If water service is disconnected or cut off by the city at the corporation, the corporation being defined as the connection to the city main, the consumer will be charged three hundred dollars (\$300.00) for the disconnection, and the consumer shall be charged an additional three hundred dollars (\$300.00) for reconnection of service.

(Ordinance 375 adopted 5/12/1927, Ordinance 444, sec 5, adopted 6/27/1929, 1959 Code, sec 34-23, Ordinance 6472, sec 1, adopted 10/12/1972, Ordinance 7811, sec 1, adopted 3/8/1978, 1983 Code, sec 28-24, Ordinance 2001-O0044, sec 1, adopted 6/26/2001, Ordinance 2010-O0049, sec 6, adopted 6/24/2010)

**Sec. 22.03.096 Variance and appeal**

- (a) The water board of appeals, as established in article 2.03, division 11 of this code, may grant in writing a temporary variance determining the average winter consumption (AWC) of a customer as prescribed in section 22.03.085 of this article, or the history based consumption (HBC) as prescribed in section 22.04.041 of this article, in the event that it is determined by the water board of appeals that failure to grant such variance would cause an emergency condition adversely affecting the health or sanitation, or would work an unnecessary hardship due to fundamental unfairness of the application of the AWC or HBC to the customer requesting the variance
- (b) Customers that have no billing history or only a partial billing history for the entire calculation period may request an AWC default value pursuant to section 22.03.085 of this article, or an HBC default value pursuant to section 22.04.041 of this article, as the case may be. Customers may appeal the AWC or HBC default value so determined by filing a petition for variance with the water board of appeals. The water board of appeals may consider water use during the months used to calculate the AWC or HBC in approving an adjustment thereof. The water board of appeals may also consider water use by previous occupants or comparable customer use in approving an adjustment to the AWC or HBC. Adjustments will become effective prospectively upon approval, and no retroactive adjustments shall be approved
- (c) Customers requesting a modification from the computation of the AWC as set forth in section 22.03.085 of this article, or from the computation of the HBC as set forth in section 22.04.041 of this article, shall file a petition for variance with the water board of appeals. All petitions for variances shall be reviewed by the water board of appeals and shall include, in addition to the information provided in article 2.03, division 11 of this code, the following
- (1) Detailed statement as to how the city's computation of the AWC, or HBC as the case may be, would cause an emergency condition adversely affecting the petitioner or fundamentally unfair to the petitioner
  - (2) Description of the relief requested
  - (3) Period of time for which the variance is sought
  - (4) Other pertinent information
- (d) Variances granted by the water board of appeals shall be subject to the following conditions
- (1) The variance granted shall not be retroactive, but shall be effective for all utility account billings dated on or after the date the variance is granted until the variance shall expire
  - (2) Variances granted shall expire on the later to occur of
    - (A) The last day of the last month utilized to compute the AWC or HBC, or
    - (B) The implementation of the AWC or HBC, next following the granting of the variance by the water board of appeals
    - (C) Once a variance has been granted, no additional variances will be considered or granted until after the next scheduled recalculation of the AWC or HBC, as the case may be
- (e) In the event that a customer disputes the accuracy of the city's billing for water, the customer may appeal such billing in accordance with the internal administrative procedures prescribed by the city manager and/or his/her designee. The disputes shall be limited to situations or occurrences wherein actual inaccuracies in the quantity of water consumed by the customer and/or inaccuracies or errors in rates or fees billed for water are asserted. The appeal must be made in writing to the city by the customer within six months of the date on the bill that is being appealed. Examples of appeals include
- (1) Inaccurate meter readings,
  - (2) Inaccurate rates and/or fees applied to such customer, and
  - (3) Inaccurate volumes of water due to leaks
- (f) In the event that a customer desires to appeal the decision of the internal administrative process, the customer may appeal to the water board of appeals, by making application within five (5) business days of the denial of the internal administrative appeal described in subsection (b) of this section
- (1983 Code, sec 28-61, Ordinance 2007-O0010, sec 4, adopted 2/22/2007, Ordinance 2010-O0049, sec 16, adopted 6/24/2010, Ordinance 2014-O0151, sec 1, adopted 11/6/2014)

**Sec. 22.03.097 Affordability reduction in meter charges for residential customers**

- (a) The city manager shall formulate and implement an affordability program whereby certain residential customers who meet the income requirements of the program, and whose annual adjusted gross household income does not exceed \$22,000 00, may be eligible to receive assistance from the City of Lubbock in the form of a reduction in the monthly water meter charge otherwise applicable
- (b) To apply for a reduction under the affordability program, a person must make written application with the City of Lubbock in prescribed form, and with complete and accurate documentation
- (c) In no case shall an applicant's discount under the affordability program exceed an amount equal to a thirty percent (30%) reduction in the applicable base monthly fee for water service provided by a three-quarter inch (3/4") meter
- (d) Aggregate annual discount amounts for all eligible applicants shall be less than one percent (1%) of the budgeted water fund revenue adopted by ordinance for current fiscal year, and all costs associated with the affordability program shall be borne by the City of Lubbock's General Fund as provided herein
- (e) Each meter subject to the water base charge imposed by ordinance shall be eligible for one (1) discount only under the affordability program, and no discount shall be applied to charges in connection with residential meters larger than one inch (1") in size
- (f) The city manager shall determine and formulate all policies, discount qualifications, and procedures necessary to implement the affordability program established hereby, and a forty-five (45) day enrollment period for the affordability program shall begin no later than May 1, 2009
- (g) Customer eligibility for the affordability program shall be determined based upon the following criteria, in addition to income guidelines

(1) At least one permanent resident of the applicant's residence must be

- (A) Sixty-five (65) years of age or older, or
- (B) Mentally or physically disabled according to state or federal rule or law, or
- (C) The primary caretaker of at least one (1) dependent child under the age of 18 years

(h) The City of Lubbock's water department shall report the total discounted amounts under the affordability program to the city manager and the city council on a monthly basis, and the general fund shall promptly reimburse the water fund in an amount equal to the amounts discounted under the affordability program.

(i) The affordability program established hereby shall expire on June 16, 2011, or on the date upon which the water base rates as set forth in section 22.03.084 shall have been updated subsequent to the effective date of this provision, whichever shall be the earlier to occur

(1983 Code, sec 28-52.1, Ordinance 2009-00018, sec 2, adopted 3/9/2009, Ordinance 2010-00045, sec 1, adopted 6/10/2010)

## Secs. 22.03.098--22.03.130 Reserved

## Division 3. Irrigation Systems<sup>\*</sup>

### Sec. 22.03.131 Definitions

For the purposes of this division, the following definitions shall apply

Golf course An irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf

Handheld hose A hose attended by one person, fitted with a manual or automatic shutoff nozzle

Hose-end sprinkler A sprinkler that applies water to landscape plants that is piped through a flexible, movable hose

Impervious surface area Any structure or any street, driveway, sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving, tile, or other material preventing water from penetrating the ground.

Irrigation device Any manually operated or automated sprinkler head, hose, faucet, hose-end sprinkler, or a soaker hose, or combination thereof, that sprays water in the air or any other device capable of irrigating, in whole or in part, landscape lawns or landscape plants

Irrigation system Also referred to as an in-ground or permanent irrigation system, a system with fixed pipes and emitters or heads that apply water to landscape plants

Landscape irrigation or landscape irrigation use Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf course greens, tees, and fairways, parks, athletic fields, street or alley rights-of-way and medians

Landscape plant Any member of the Kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species, that grows or has been planted out-of-doors

New landscape plant or new landscape material Any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth

Park A tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or of public recreation

Pervious surface Any ground surface which can absorb water or other liquids

Soaker hose Plastic or flexible hose that weeps water across the entire length, based on water pressure, directly to the plants' roots. Connects directly to a flexible hose or spigot.

Sprinkler or sprinkler head An emitter that applies water to the landscape plants in a stream that travels through the air. Sprinkler irrigation can be applied by an irrigation system or hose-end sprayer or a soaker hose that sprays water in the air

Turf A surface layer of earth containing maintained grass with roots

Zonal irrigation system An irrigation system which segregates by stations, areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements

(1983 Code, sec 28-46, Ordinance 2006-00123, sec 2, adopted 12/7/2006)

### Sec. 22.03.132 Landscaping irrigation systems

(a) Subsections (a)(1) through (4) set forth below shall be applicable to landscape irrigation systems installed pursuant to a permit prescribed by article 28.10 of this Code of Ordinances, issued after May 1, 2004, and before October 1, 2006

(1) Any landscape irrigation system installed pursuant to a permit prescribed by article 28.10 of this Code of Ordinances, City of Lubbock, Texas, issued on or after May 1, 2004, shall be designed and installed in a manner that prevents the following:

- (A) System operation during periods of weather, as described in subsection (a)(4), or in a manner to create a hazard to vehicular or pedestrian traffic,
- (B) Use of spray or rotary sprinkler heads within landscaped areas of 4 feet in width or less, when adjacent to public rights-of-way, or impervious areas that drain to public rights-of-way, and
- (C) System operation outside of the manufacturer's recommended pressure range
- (D) Intentional sprinkler head/emitter discharge or overspray onto nonlandscaped or nonturf areas, including, without limitation, public streets, alleys or other impervious areas that drain onto public streets or alleys

before excavation can begin.

(e) The sewer tap repair or replacement may include the tapping saddle, riser, and elbow. In areas with cul-de-sacs where the city's sewer service is in the street, the city has the option to replace only those parts that are required to restore the customer's sewer service.

(f) The request for the repair of an existing sewer wye, tee or tapping saddle, or for the replacement of the lateral service line in the city's right-of-way or easement, shall be made directly to the water utility department by a licensed plumber. The plumber must mark the location of the sewer connection and/or lateral service line with paint or pin flags.

(g) An emergency repair request is one where the customer does not have sewer service and the lack of wastewater disposal creates a potential health concern.

(h) A routine repair request is one where there is service, but the tap is in need of repair. The tap repair will be scheduled and placed on the repair priority list based upon whether the service is an emergency or routine repair. City personnel, or its contractors using current published standards and specifications, will perform all paving and concrete repair.

(Ordinance 2010-00049, sec. 13, adopted 6/24/2010)

Secs. 22.04.010–22.04.040 Reserved

## Division 4. Sewer Service and Charges

### Sec. 22.04.041 Rates charged for sewer service

(a) The city, through the city manager, shall charge and collect from every customer and every customer shall pay a monthly base charge for wastewater service which shall be billed to all customers based upon the water meter size as follows:

<u>Meter Size</u>	<u>Base Charge</u>
No meter	\$53.00
Three-quarter inch (3/4") meter	\$14.00
One inch (1") meter	\$17.06
One and a half inch (1.5") meter	\$24.66
Two inch (2") meter	\$33.81
Three inch (3") meter	\$55.19
Four inch (4") meter	\$85.68
Six inch (6") meter	\$161.94
Eight inch (8") meter	\$253.43
Ten inch (10") meter	\$360.21

(b) In addition to the base charge, the city, through the city manager, shall determine the volume of wastewater flow produced by each customer as described herein and each customer shall pay the wastewater volume rate per one thousand (1,000) gallons, which shall be as follows:

Flow rate: \$2.45

The volume of wastewater flow produced by a single-family residential customer and customers not required to meter as provided in section 22.04.042 of the Code of Ordinances of the city shall be determined by calculating the average water volume used as measured by the non-irrigation meter readings for the months of November, December, January and February. This volume shall be defined as the history based consumption (HBC), and it shall be updated for billing purposes in March of each year. In the event a residential customer or premises (i.e., a new premises) does not have a water consumption history for such months, a water volume of 7,000 gallons per month shall be utilized as the HBC by default. If the volume of water used drops below the HBC volume, the lesser volume shall be used for determining the volume used for single-family residential customers in the calculation of the monthly bill for services rendered. If the volume of water used exceeds the HBC volume, the HBC volume shall be used for determining the volume used for single-family residential customers in the calculation of the monthly bill for services rendered. The volume of wastewater flow produced by other customers shall be determined as provided for in section 22.04.042 of the Code of Ordinances of the city.

(c) Surcharge. Sewer customers or others discharging wastes to the sanitary sewer system which do not exceed the limits established in section 22.04.084 and which do not exhibit any of the characteristics of wastes prohibited by sections 22.04.083 and 22.04.085 but have concentration(s) in excess of "normal domestic sewage," shall pretreat the wastes to meet the concentrations of "normal domestic sewage," however, such excessive BOD and TSS wastes may be accepted for treatment if all of the following requirements are met:

- (1) The wastes will not cause damage to the wastewater collection system,
- (2) The wastes will not impair the city's treatment process,
- (3) The wastes will not cause contamination of POTW sludges thus limiting sludge disposal options or practices,
- (4) The person(s) or owner(s) responsible for the wastes pays a surcharge, in addition to the regular water and sewer rates, in accordance with the following cost factors and formula:

V = Volume reported in millions of gallons (MG)

BOD = Biochemical oxygen demand analyzed in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," or the latest EPA-approved method, and reported in units of milligrams per liter (mg/l)

TSS = Total suspended solids analyzed in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," or the latest EPA-approved method, and reported in units of milligrams per liter (mg/l)

Cost Factor BOD = 55% of the total budgeted costs for operating and maintaining the wastewater treatment facilities divided by total pounds BOD treated.

Cost Factor TSS = 45% of the total budgeted costs for operating and maintaining the wastewater treatment facilities divided by total pounds TSS treated.

Surcharge = Surcharge computed in dollars as follows

BOD Surcharge =  $V \times (B - C) \times 8.34 \times \text{Cost Factor BOD}$

TSS Surcharge =  $V \times (B - C) \times 8.34 \times \text{Cost Factor TSS}$

Where

B = Total contribution from user (mg/l)

C = Normal domestic sewage strength (two hundred fifty (250) mg/l)

8.34 = Pounds per gallon of water (conversion)

(d) The surcharge rate for sewer service as shown in subsection (c) shall be determined each year following city council approval of the annual operations budget. The surcharge rate shall be examined by the city manager, or his designee, and such adjustments shall be made to the sewer surcharge rate on October 1 of each year.

(1983 Code, sec. 28-86, Ordinance 9294, sec. 1, adopted 8/10/1989, Ordinance 9473, sec. 1, adopted 8/22/1991, Ordinance 9733, sec. 1, adopted 9/8/1994, Ordinance 9802, sec. 7, adopted 5/11/1995, Ordinance 9932, sec. 1, adopted 8/22/1996, Ordinance 10182, sec. 1, adopted 8/26/1999, Ordinance 2001-O0077, sec. 1, adopted 9/13/2001, Ordinance 2002-O0098, sec. 1, adopted 9/17/2002, Ordinance 2005-O0114, sec. 1, adopted 10/13/2005, Ordinance 2007-O0011, sec. 1, adopted 1/25/2007, Ordinance 2008-O0019, sec. 1, adopted 2/28/2008, Ordinance 2009-O0019, sec. 1, adopted 3/9/2009, Ordinance 2009-O0027, sec. 2, adopted 4/9/2009, Ordinance 2010-O0070, sec. 19, adopted 9/16/2010, Ordinance 2011-O0080, sec. 18, adopted 9/8/2011, Ordinance 2012-O0100, sec. 17, adopted 9/13/2012, Ordinance 2014-O0151, sec. 3, adopted 11/6/2014)

#### **Sec. 22.04.042 Measurement of wastewater flow of commercial or industrial users**

It shall be the responsibility of all the commercial or industrial users to provide an approved metering device for the sewage flow or metering for the private water supplier to determine the quantity discharged. In the event the metering measurement is not provided, sewer service shall be determined and assessed by the city until such a measuring device is provided. Measuring devices shall be installed by the user within ninety (90) days of official notice from the city (1983 Code, sec. 28-87, Ordinance 9294, sec. 1, adopted 8/10/1989).

#### **Sec. 22.04.043 Measurement of wastewater flow of commercial or industrial users with in-plant, in-process or in-product water losses**

It shall be the responsibility of all the commercial and/or industrial users with in-plant, in-process, or in-product water losses to provide an approved metering device to determine the quantity of sewage discharged. Such metering devices, quantities, and exemptions claimed shall be approved by the director of water utilities prior to incorporation into the billing process. In the event the metering measurement is not provided, the service charge shall be determined and assessed by the city until such a measuring device is provided. Measuring devices shall be installed by the user, and at the user's expense, within ninety (90) days of official notice from the city (1983 Code, sec. 28-88, Ordinance 9294, sec. 1, adopted 8/10/1989, Ordinance 2014-O0151, sec. 4, adopted 11/6/2014).

#### **Sec. 22.04.044 Disconnection for nonpayment for service**

In the event any person, firm or institution presently connected with city water and or sewer service fails or refuses to pay the assessed sewer charge, which shall include, without limitation, those charges prescribed in section 22.04.046 and section 22.04.047 of this article, within fifteen (15) days after due date, water and sewer service shall be discontinued at the premises assessed and not be renewed until payment of the assessed charges plus the conditions and charges for reestablishment of water service as provided in section 22.03.095 of this chapter is made (1983 Code, sec. 28-89, Ordinance 9294, sec. 1, adopted 8/10/1989, Ordinance 2014-O0151, sec. 5, adopted 11/6/2014).

#### **Sec. 22.04.045 Fee for sewer service connections**

(a) The following fees shall be charged on all sewer installations (other than new construction) requiring service connections

- (1) For service connections 0 to 5 feet deep \$400.00
- (2) For service connections 5 feet to 8 feet deep, for each additional foot \$35.00
- (3) For service connections 8 feet and deeper, for each additional foot \$55.00
- (4) For each foot of additional sewer pipeline laid, in excess of 15 linear feet \$11.50

(b) These prices shall be reviewed annually to ensure the adequacy of the prices to cover the total cost of construction of the water and sanitary sewer utility, and will be adjusted as the chief water engineer deems necessary.

(1983 Code, sec. 28-90, Ordinance 9411, sec. 9, adopted 2/14/1991, Ordinance 9725, sec. 2, adopted 9/8/1994, Ordinance 2010-O0049, sec. 19, adopted 6/24/2010)

#### **Sec. 22.04.046 Payment for sanitary sewer line blockages**

(a) In the event any person, firm, or institution connected to the city sanitary sewer system is determined to be the cause of obstruction of the city's sanitary sewer line, the person, firm, or institution responsible shall be assessed a charge no less than the sum of the costs of the personnel and equipment used to unblock the sewer line, and the cost of the personnel to clean the sanitary sewer line. Nonpayment of these charges may result in discontinuance of water and/or sewer service as per section 22.03.095 and section 22.04.044 of this article.

(b) Any person, firm, or institution deemed to have violated this provision shall be provided notice at the address to which the monthly sewer charge is billed, informing the addressee of the violation and the charge associated with such violation, and providing the addressee not less than ten (10) days opportunity to contest the validity of such charge. In the event the validity of the charge is not contested by the addressee, or it is determined by the director of water utilities that such charge is valid, such charge shall become part of the "assessed sewer charge" as per section 22.04.044 of this article. Any charges assessed under subsection (a) above may be contested by the person, firm, or institution assessed the charges within ten (10) days of the assessment.

(1983 Code, sec 28-91, Ordinance 9411, sec 10, adopted 2/14/1991, Ordinance 9802, sec 8, adopted 5/11/1995, Ordinance 2014-00151, sec 6, adopted 11/6/2014)

**Sec. 22.04.047 Payment for treatment of wastewater spillage**

(a) In the event that any person, firm or institution causes wastewater to be spilled into any storm sewer or natural water outlet, the person, firm or institution responsible shall be assessed a charge no less than the sum of the costs of the city's personnel responding to the spill and coordinating clean-up efforts, and the equipment, personnel and chemicals necessary to clean the wastewater spillage. Nonpayment of these charges may result in discontinuance of water and/or sewer service as per section 22.03.095 and section 22.04.044 of this article.

(b) Any person, firm, or institution deemed to have violated this provision shall be provided notice at the address to which the monthly sewer charge is billed, informing the addressee of the violation and the charge associated with such violation, and providing the addressee not less than ten (10) days opportunity to contest the validity of such charge. In the event the validity of the charge is not contested by the addressee, or it is determined by the director of water utilities that such charge is valid, such charge shall become part of the "assessed sewer charge" as per section 22.04.044 of this article. Any charges assessed under subsection (a) above may be contested by the person, firm, or institution assessed the charges within ten (10) days of the assessment.

(1983 Code, sec 28-92, Ordinance 9411, sec 11, adopted 2/14/1991, Ordinance 9802, sec 9, adopted 5/11/1995, Ordinance 2014-00151, sec 7, adopted 11/6/2014)

**Sec. 22.04.048 When bills due and payable**

(a) All bills for sewer service shall be due and payable fifteen (15) days after issuance. A penalty of five (5) percent shall be charged to any person, firm or institution that fails to pay his bill after fifteen (15) days from issuance. The five-percent late payment penalty shall apply to all classes of consumers served.

(b) As used in this section, date of issuance shall mean the date when a bill is placed in the United States mail, properly addressed to the person, firm or institution.

(1983 Code, sec 28-93, Ordinance 2000-00066, sec 1, adopted 4/12/2001)

**Secs. 22.04.049–22.04.080 Reserved**

**Division 3. Discharge Regulations**

**Sec. 22.04.081 Manner of discharging stormwater, etc.**

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted industrial process waters into any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or into a natural outlet approved by the director of water utilities. Unpolluted process waters may be discharged, upon approval of the Texas Water Commission, into a storm sewer or natural outlet.

(1983 Code, sec 28-96, Ordinance 9294, sec 1, adopted 8/10/1989)

**Sec. 22.04.082 Discharge of polluted waters into natural outlets**

It shall be unlawful for any person to discharge into any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article, and a permit to discharge such has been obtained from the Texas Water Commission. (1983 Code, sec 28-97, Ordinance 9294, sec 1, adopted 8/10/1989)

**Sec. 22.04.083 General discharge prohibitions**

(a) A user may not introduce into a POTW any pollutant(s) which cause(s) pass through or interference. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (1) Any wastewater or vapor having a temperature greater than one hundred fifty (150) degrees Fahrenheit, or which inhibits biological activity in the treatment plant resulting in interference. Wastewater discharged shall not cause the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit.
- (2) Any water or waste which may contain more than two hundred fifty (250) mg/l by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solid or gas.
- (4) Any garbage that has not been ground or shredded to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sanitary sewers, with no particles greater than one-fourth inch in any dimension.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime residues, slops, chemical residues, paint residues, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters or wastes having a pH lower than five point zero (5.0) or higher than ten point zero (10.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater system.
- (7) Any waters or wastes containing a toxic or poisonous substance (including but not limited to herbicides, pesticides, fungicides, and other organic and inorganic pollutants) which could injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create any hazard in the receiving water of the POTW.
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

# OPERATIONS

7/15/2015

NAME	TITLE	LICENSE #	CURRENT CERTIFICATE GRADE	EXPIRATION DATE
Bedford, Johnny	Shift Leader	WS0006858	B Surface Water	6/16/2017
Blalack, Bruce	Superintendent	WO0001679	A Water	11/21/2017
Hardaway, Dana S.	Shift Leader	WS0009658	B Surface Water	12/29/2017
Kerley, Matthew B.	Water System Supervisor	WO0008816	A Water	8/16/2015
Kinder, Chad	Shift Leader	WS0010489	C Surface Water	8/12/2017
Lowe, Mike	Water System Manager	WO0015859	A Water	6/8/2016
Marques, Andres	Operator	Pending		
McKnight, Cliff	Shift Leader	WS0003612	B Surface Water	12/6/2017
Mendez, Luis	Operator	WS0034268	D Surface Water	1/3/2017
Neely, Matthew	Shift Leader	WS0010710	C Surface Water	4/11/2018
Newman, Stuart	Operator	WS0000197	C Surface Water	11/14/2017
Smith, Keith Brian	Shift Leader	WS0008180	A Water	10/13/2015
Travis Turner	Shift Leader	WS0011500	C Surface Water	1/6/2017



# ELECTRICAL

7/15/2015

NAME	TITLE	LICENSE #	CURRENT CERTIFICATE GRADE	EXPIRATION DATE
Boyce, Darrell	Electrician	WS0011095	C Surface Water	8/22/2016
Brown, Tanya	Electrician	WS0011496	C Surface Water	5/2/2017
Daily, Shannon	Electrical Foreman	WS0011096	C Surface Water	8/22/2016
Ehrlich, Richard	Electrician Assistant	WS0009352	C Surface Water	12/9/2017
Garcia, Raul	Electrician	WS0011795	C Surface Water	8/27/2017
Garrett, Kent	Electrician	WS0011098	C Surface Water	8/22/2016
Jones, John	Electrician	WS0011497	C Surface Water	8/27/2017
Selby, Scott	SCADA System Specialist	WS0009360	C Surface Water	12/9/2017

## GW PRODUCTION

NAME	TITLE	LICENSE #	CURRENT CERTIFICATE GRADE	EXPIRATION DATE
Carrion, Jesse	Shift Leader	WG0003872	C Ground Water	12/16/2015
Cisneros, Steve	GW Production Supervisor	WG0000134	B Ground Water	1/7/2016
Estrada, Rolando	GW Treatment Operator	WG0008618	C Ground Water	12/16/2015
McDole, Curtis	Water Supply Supervisor	WO0021534	A Water Certificate	12/5/2016

7/15/2015

# MAINTENANCE

7/15/2015

NAME	TITLE	LICENSE #	CURRENT CERTIFICATE GRADE	EXPIRATION DATE
Barbee, Ellis	Mechanic	WS0004900	C Surface Water	11/28/2015
Miller, Steve	Mechanic	WS0011498	C Surface Water	8/28/2017
Plymell, O.L.	WU Maintenance Foreman	WS0005626	B Surface Water	9/23/2016
Privitt, Jonathan	Mechanic	WS0010182	C Surface Water	12/6/2016
Torres, Santiago P&C -Mechanic	Mechanic	WS0004740	C surface Water	11/4/2017

**7/15/2015**

[illegible]

City of Lubbock		
Southeast Water Reclamation Plant Facility Operators		
<u>Employee Name</u>	<u>Title</u>	<u>TCEQ Certification</u>
Charles Baldwin	Contracts Consultant	Class "A" Wastewater
Bill Boyd	Environmental Compliance Specialist I	Class "A" Wastewater
Miguel Cantu	Operator	Class "C" Wastewater
Donny Carrasco	Environmental Compliance Specialist II	Class "B" Wastewater
Felix Castro	Shift Leader	Class "B" Wastewater
Juan Caudillo	Shift Leader (Part Time)	Class "B" Wastewater
James Dell	Shift Leader	Class "B" Wastewater
Christi Felice	Chemist	Class "A" Laboratory Analyst
		Certificate Class "C" Wastewater
Daniel Ford	Shift Leader	Class "B" Wastewater
Douglas Frishe	Sampling Technician	Class "B" Wastewater
Mary Gonzales	Wastewater Plant Superintendent	Class "A" Wastewater
Lonnie Harvey	Operator	Class "D" Wastewater
Craig Henderson	Wastewater System Supervisor	Class "A" Wastewater
Rusty Hunt	Mechanic	Class "C" Wastewater
Cande Hurn	Wastewater Laboratory Coordinator	Class "A" Laboratory Analyst Certificate
Connie Johnson	Environmental Compliance Specialist II	Class "A" Wastewater
Fernando Lopez	Electrician	Class "B" Wastewater
Isaias Martinez	Shift Leader	Class "B" Wastewater
Kyle McCoy	Operations Coordinator	Class "B" Wastewater
Woodie Morris	Operator	Class "B" Wastewater
	Environmental Compliance Specialist I	
Russ Ropes	(Part Time)	Class "B" Wastewater
Jessie Saddler	Shift Leader (Part Time)	Class "A" Wastewater
Neal Stone	Environmental Compliance Specialist I	Class "C" Wastewater
Roger Thetford	Electrician	Class "D" Wastewater
Ernest Villarreal	Environmental Compliance Specialist I	Class "C" Wastewater
Harold Wright	Operator	Class "C" Wastewater

*Section G - Effect of Granting a Certificate Amendment*

The City of Lubbock has been constantly expanding the city limits to accommodate new growth and development. As part of the expansion, the City of Lubbock, has been and will continue to extend its “soft and hard” services to the new customers.

The Certificate Amendment would reflect the current water and sewer service area. The expanded CCN will ensure a safe, constant, and reliable supply of water and sewer services to the current and future customers in the area.

The availability of safe, constant, and reliable water and sewer serves will help economic growth as the area transitions from farmland to residential and commercial developments.

First Reading

July 9, 2015

Item No. 7.1

Second Reading

July 23, 2015

Item No. 7.4

ORDINANCE NO. 2015-00071

AN ORDINANCE ANNEXING AN AREA OF SPARSELY OCCUPIED LAND TO THE CITY OF LUBBOCK, TEXAS, UPON PETITION OF AREA LANDOWNERS, WHICH AREA IS DESCRIBED HEREIN AND IS LESS THAN ONE-HALF MILE IN WIDTH, CONTAINS FEWER THAN THREE QUALIFIED VOTERS, AND IS CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF LUBBOCK, TEXAS; PROVIDING FOR CORRECTION OF THE CITY MAP TO INCLUDE THIS ANNEXED AREA; ADOPTING A SERVICE PLAN; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock on April 9, 2015, conducted a public hearing at which the petition for annexation and arguments for and against the annexation were heard by the City Council as required by Section 43.028, Texas Local Government Code; and

WHEREAS, the City Council of the City of Lubbock deemed it to be in the best interest of the citizens of the City of Lubbock to grant said petition for annexation; and

WHEREAS, the City Council of the City of Lubbock conducted two public hearings as required by Section 43.063, Texas Local Government Code on June 9, 2015 at 3:00 p.m. and June 11, 2015; at 5:30 p.m.; and

WHEREAS, the City Council of the City of Lubbock hereby annexes said sparsely occupied area into the City of Lubbock as requested by the land owners of said area; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the area of land hereinafter described containing approximately 157.57 acres and as further described on the petition, including a metes and bounds description and map, attached hereto as Exhibit "A", which said exhibit is made a part hereof for all intents and purposes, which is contiguous to the existing corporate limits of the City of Lubbock, Texas, less than one-half mile in width and which contains fewer than three qualified voters BE and the same is hereby ANNEXED to and included within the corporate limits of the City of Lubbock, Texas, as requested by the petition of the owners of said area of land.

DESCRIPTION OF ANNEXED AREA

A 157.57 acre tract of land located in the Northwest Quarter (NW/4) of Section 16, Block E, G.C. & S.F. RR. Co. Survey, Abstract No. 664, Lubbock County, Texas, being further described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

SECTION 2. THAT the City Engineer is hereby authorized and directed to immediately correct the map of the City of Lubbock by adding thereto the additional territory



ORD  
16 PGS

2015026134

annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City of Lubbock showing the boundaries of the municipal corporation, including this annexation.

SECTION 3. THAT the service plan attached hereto as Exhibit "B" and incorporated herein by reference for all purposes was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this Ordinance.

SECTION 4. THAT this Ordinance shall be effective thirty (30) days after final passage by the City Council.

SECTION 5. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

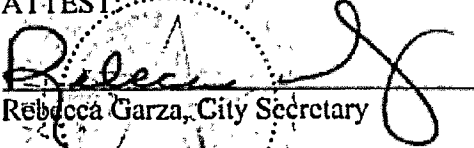
AND IT IS SO ORDERED.

Passed by the City Council on first reading on July 9, 2015.

Passed by the City Council on second reading on July 23, 2015.

  
\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

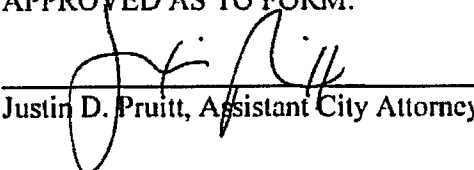
ATTEST:

  
\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

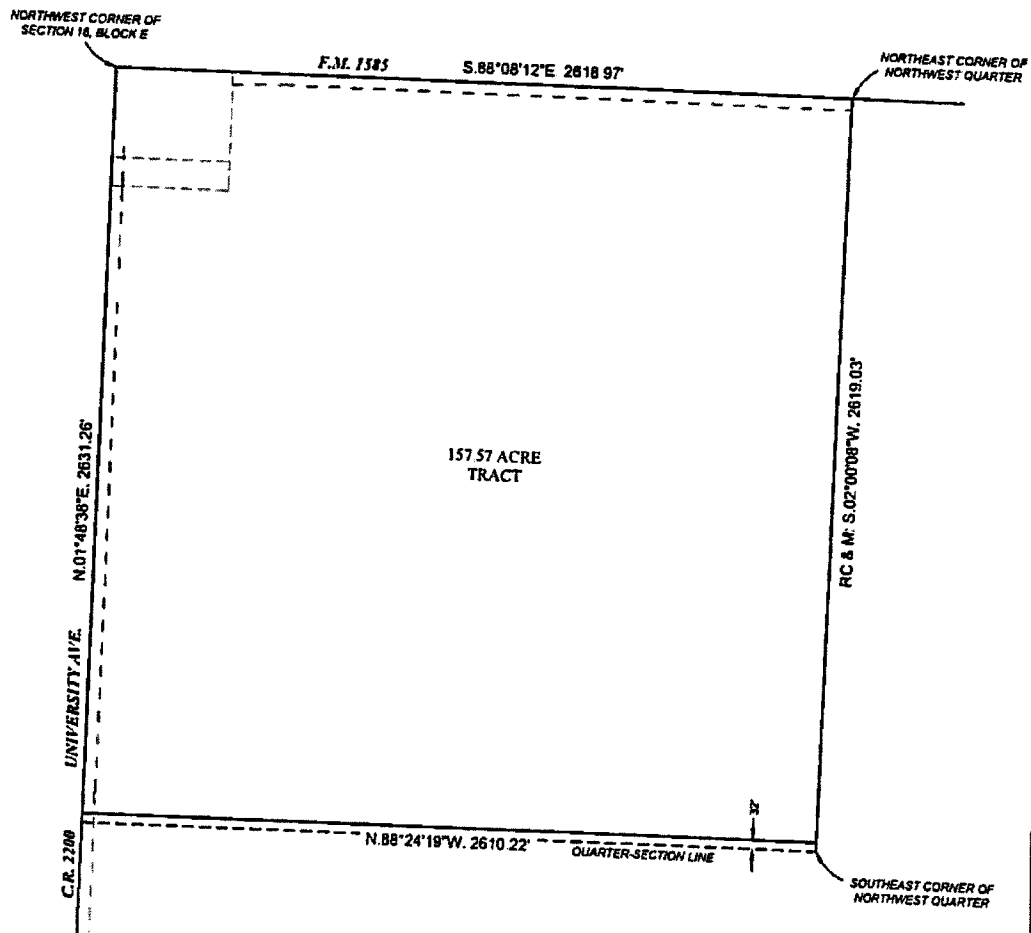
  
\_\_\_\_\_  
Justin D. Pruitt, Assistant City Attorney

vw:ccdocs/Ord Annex-130<sup>th</sup> & University  
June 3, 2015



FOR ANNEXATION  
A 157.57 ACRE TRACT LOCATED IN  
THE NORTHWEST QUARTER OF  
SECTION 16, BLOCK E,  
G.C. & S.F. RR. CO. SURVEY, ABST NO. 664  
LUBBOCK COUNTY, TEXAS

Exhibit A



DESCRIPTION, FOR ANNEXATION:

A 157.57 ACRE TRACT LOCATED IN THE NORTHWEST QUARTER (NW¼) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY TEXAS, BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 16 FOR THE NORTHWEST CORNER OF THIS TRACT SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, NAD83;

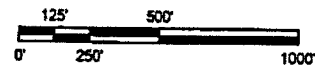
THENCE S. 88° 08' 12\" E. ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 2618.97 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 16 FOR THE NORTHEAST CORNER OF THIS TRACT. WHENCE A RAILROAD SPIKE FOUND NEAR THE CENTERLINE OF F.M. HWY 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12\" E. A DISTANCE OF 2618.97 FEET

THENCE S. 02° 00' 08\" W A DISTANCE OF 2619.03 FEET TO THE SOUTHEAST CORNER OF THIS TRACT WHENCE A 34\" IRON PIPE FOUND AT THE CENTER QUARTER CORNER OF SAID SECTION 16 BEARS S. 02° 00' 08\" W A DISTANCE OF 32.00 FEET. SAID QUARTER CORNER HAVING COORDINATES OF NORTHING: 7,233,786.86 AND EASTING: 943,544.87, TEXAS COORDINATE SYSTEM TEXAS NORTH CENTRAL ZONE, NAD83;

THENCE N. 86° 24' 19\" W A DISTANCE OF 2610.22 FEET TO THE SOUTHWEST CORNER OF THIS TRACT. WHENCE THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW¼) OF SECTION 16 BEARS S. 01° 48' 36\" W A DISTANCE OF 32.00 FEET AND A RAILROAD SPIKE FOUND AT THE EAST QUARTER CORNER OF SECTION 1 BLOCK AK, E.L. & R.R. RR. CO. SURVEY, ABSTRACT NO. 180, LUBBOCK COUNTY TEXAS, BEARS S. 01° 48' 36\" W. A DISTANCE OF 41.29 FEET

THENCE N. 01° 48' 36\" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2631.26 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM TEXAS NORTH CENTRAL ZONE, NAD83. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14\" DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET.

THIS DOCUMENT PREPARED FOR ANNEXATION PURPOSES ONLY AND DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY.



LEGEND:

SCALE: 1\" = 500'  
HEAVY LINES INDICATE LIMITS OF SURVEY

**STEVENS SURVEYING CO., LLC.**  
6318 GENDRA AVE SUITE A  
LUBBOCK, TX 79424  
806-407-1159  
TEXAS FIRM NO. 18087386  
PREPARED FOR: REAL PROPERTY RESOURCES, INC.  
JOB#: 150218 © 2015 ALL RIGHTS RESERVED

## **MUNICIPAL SERVICE PLAN**

### **FIRE**

*Existing Services:* None

*Services to be Provided:* Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No.14, located at 2402 96<sup>th</sup> St. Station 14 is approximately 2.5 miles from the intersection of University Ave and FM 1585. First-in response time into this development could be in the 5-6 minute range. Fire suppression activities can be afforded to the annexed area within current budget appropriation with a less than desirable response time. As these areas are developed to the south, an additional fire station(s) to cover these areas should be considered. Fire prevention activities will be provided by the Fire Marshal's office as needed.

### **POLICE**

*Existing Services:* None

*Services to be Provided:* Currently, the area is under the jurisdiction of the Lubbock County Sheriff's Office. However, upon annexation, the City of Lubbock Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

### **EMS**

*Existing Services:* None

*Services to be Provided:* the City of Lubbock does not provide Emergency Medical Services; such services are provided by Lubbock County Hospital District and private providers.

## **BUILDING INSPECTION**

*Existing Services:* None

*Services to be Provided:* The Building Inspection Department will provide construction code enforcement services upon annexation. This includes construction plan review and field inspection services and the issuance of building, electrical and plumbing/mechanical permits for any new construction and remodeling, as well as enforcement of all other applicable codes which regulate building construction within the City of Lubbock.

It is anticipated that such services can be provided with current personnel and within the current budget appropriation. As land is developed, the need for additional personnel and budget appropriations will be dependent upon the type, intensity and rate of development within the annexed area as well as areas that compete for those resources.

## **PLANNING AND ZONING**

*Existing Services:* None

*Services to be Provided:* The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Lubbock Zoning Ordinance will extend to this area upon the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Lubbock Subdivision Ordinance. It is anticipated that these services can be provided within the department's current budget.

## **GIS AND DATA SERVICES**

*Existing Services:* None

*Services to be Provided:* GIS and Data Services will update all city-wide GIS data sets to include the newly annexed areas. This will include support to the Office of City Secretary for elections requirements, to Building Inspection, Streets and Traffic Engineering for addresses, street names and street signs, and to Police and Fire for updated information for 911 Dispatch. The updated information will be reflected on the GIS website for use by the public.

## **LIBRARY**

*Existing services:* Free library use privileges are currently available to anyone residing in this area, as part of an agreement with Lubbock County.

*Services to be Provided:* These services will continue to be provided upon annexation.

## **CODE ADMINISTRATION/ENVIRONMENTAL HEALTH DEPARTMENTS**

*Existing Services:* None

*Services to be Provided:* The City of Lubbock's Code Administration/Environmental Health Departments will implement the enforcement of local ordinances and regulations on the effective date of the annexation. Such services can be provided with current Code Administration/Health Department Personnel and within the current budget appropriation. As land is developed, increases in personnel and budget will be needed in order to provide the same level of customer service.

## **ANIMAL SERVICES**

*Existing Services: None*

*Services to be Provided:* Animal control services will be provided to the area as needed. The City of Lubbock Animal Services Department will implement the enforcement of the City of Lubbock's animal control ordinances and regulations upon the effective date of the annexation. It is anticipated that such services can be provided with current personnel and budget appropriation.

## **STREET**

*Existing Services:* Lubbock County Public Works

*Services to be Provided: Maintenance* to the street facilities will be provided by the City of Lubbock upon the effective date of the annexation. It is anticipated that this service can be provided within the current budget appropriation.

## **STREET LIGHTING**

*Existing Services: None*

*Services to be Provided:* The City of Lubbock will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

## **TRAFFIC ENGINEERING**

*Existing Services: None*

*Services to be Provided:* Upon annexation and in conjunction with the platting process, Traffic Engineering will identify and install required traffic signs to be installed at the developer's expense. Other regulatory traffic control devices will be provided after appropriate studies indicate the data meets the minimum requirements as set forth in the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and as budget permits.

## **STORM WATER MANAGEMENT**

*Existing Services:* City maintains jurisdiction of playa lakes within the ETJ.

*Services to be Provided:* Developers will provide storm water drainage and drainage analyses based on current policies at their own expense. Any improvements or

analyses will be reviewed and inspected by city engineers at time of submission or completions. The City will then enforce the drainage policies upon approval.

## **WATER and SANITARY SEWER SERVICE**

*Existing Services: None*

*Services to be Provided:* Water and Sewer infrastructure is currently adjacent to this area within the existing City Limits. Availability of water and sewer is at the request and expense of the user, and shall be provided within current policies and ordinances of the City (note below for an explanation of pro-rata charges). Water and sewer for domestic and commercial use, when installed, will be available at approved City rates. Water for fire protection will be available through lines only after service lines are installed by the developer.

### **Pro-Rata Charges**

Chapter 22, City Code establishes the charges or the actual cost of construction due on all property to which water and/or sewer lines are extended. The charge is generally known as "pro-rata" and is due and payable before service is provided. The pro-rata charge represents a portion of the costs of providing water and/or sewer facilities to serve the property on which the pro-rata is paid.

When a person desires water and/or sewer service to property that requires an extension of existing facilities to provide service adjacent to the property or when the service connection will be made to a line constructed after April 1, 1952, the person desiring service shall pay non-refundable charge called pro-rata. 2005 pro-rata charges include \$15.00 per front foot of lot or tract to be serviced for sewer and \$12.00 for water, unless the actual extension cost is greater, then the charge is per actual cost.

When an extension of water/sewer facilities exceeds the above costs, the person(s) desiring service shall pay the entire cost and later be refunded that amount above pro-rata when other persons tie onto service and pay their pro-rata. Ordinance 8017 specifies other items including:

- a. pro-rata on property already platted, and extension of services.
- b. pro-rata and extensions to property being platted,
- c. sizes of lines and meter sizes,
- d. location for service connection,
- e. deposits, charges, refunds,
- f. cost of large mains may be partially paid by City, and other considerations,
- g. when the City Council can declare a health hazard and install mains at public expense.

## **SOLID WASTE SERVICES**

*Existing Services: None*

*Services to be Provided:* Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City of Lubbock policies, beginning with occupancy of structures. Additional driver and equipment (1/2 route) can be projected with over 500 homes estimated to be built within this proposed annexation. The landfill will be able to handle this request. The only impact would be that the City could be required to develop the next landfill cell sooner.

#### **MISCELLANEOUS**

All other applicable municipal services will be provided to the area in accordance with the City of Lubbock's established policies governing extension of municipal services to newly annexed areas. This includes parks and other publicly owned facilities.

**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS**

**TO THE MAYOR OF THE GOVERNING BODY OF LUBBOCK, TEXAS:**

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.035, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Lubbock, Texas, the following described territory, to wit:

Legal Description Attached "Exhibit A"

We certify that the above described tract of land is contiguous and adjacent to the City of Lubbock, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Trantham and Rich, LLC

Signed: \_\_\_\_\_  
Larry Trantham, Managing Member

CNS Realty, L.C.

Signed: \_\_\_\_\_  
John Zias, President

Signed: \_\_\_\_\_  
Gary Bell

Signed: \_\_\_\_\_  
Cynthia Bell

THE STATE OF TEXAS

COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared Larry Trantham, Managing Member of Trantham and Rich, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2015.

\_\_\_\_\_  
Notary Public in and for  
Lubbock County, Texas.

COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared John Zias, President of CNS Realty, L.C., known to me to be the person whose name is subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2015.

Kalee Rich  
\_\_\_\_\_  
Notary Public in and for  
Lubbock County, Texas.



COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared Gary and Cynthia Bell known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2014.

Kalee Rich  
\_\_\_\_\_  
Notary Public in and for  
Lubbock County, Texas.





**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS**

**TO THE MAYOR OF THE GOVERNING BODY OF LUBBOCK, TEXAS:**

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**Trantham and Rich, LLC**

Signed: \_\_\_\_\_

  
Larry Trantham, Managing Member

**CNS Realty, L.C.**

Signed: \_\_\_\_\_

John Zias, President

Signed: \_\_\_\_\_

Gary Bell

Signed: \_\_\_\_\_

Cynthia Bell

THE STATE OF TEXAS

COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared Larry Trantham, Managing Member of Trantham and Rich, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2015.



COUNTY OF LUBBOCK

*Rebecca Michelle Orta*

Notary Public in and for  
Lubbock County, Texas.

BEFORE ME, the undersigned authority, on this day personally appeared John Zias, President of CNS Realty, L.C., known to me to be the person whose name is subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2015.

\_\_\_\_\_  
Notary Public in and for  
Lubbock County, Texas.

COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared Gary and Cynthia Bell known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 11th day of March, 2014.

\_\_\_\_\_  
Notary Public in and for  
Lubbock County, Texas.