

BRUSHY CREEK MUNICIPAL UTILITY DISTRICT
ORDER 18-0125-_____
ORDER ADOPTING
DISTRICT FEES, RATES, PENALTIES, AND CHARGES

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

WHEREAS, Brushy Creek Municipal Utility District (District) is a duly created and existing political subdivision of the State of Texas operating in accordance with Chapters 49 and 54, Texas Water Code; and

WHEREAS, Section 49.212 of the Texas Water Code authorizes a district to adopt and enforce all necessary charges, fees, or rentals, in addition to taxes, for providing or making available any district facility or service; and

WHEREAS, Section 49.004 of the Texas Water Code authorizes a water district to set reasonable civil penalties for the breach of any rule of the district; and

WHEREAS, the Board of Directors of the District finds and determines that it is to the best interest of the District to amend its current schedule of rates, fees, and charges for the availability of certain District facilities and services, and penalties for the violation of certain District rules. In particular, the Board of Directors desires to approve and implement a seven percent (7%) increase in the following fees and rates applicable to retail water service: (i) the Base Monthly Water Service Fee; and (ii) volumetric rates; and

WHEREAS, the Board of Directors finds and declares that the foregoing change in fees and rates shall be implemented in two phases with no further action required by the Board of Directors, with the first change to be applicable to bills rendered to customers in March 2018 (for the February 2018 billing cycle); and the second change to be applicable in bills rendered to customers in March 2020 (for the February 2020 billing cycle).

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT THAT:

1. The facts and recitations found in the preamble of this Order are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.
2. The revised Schedule of Rates, Fees, Charges and Penalties set forth on **Exhibit "A"** attached hereto is adopted for all purposes.
3. The revised rates and fees set forth on the schedule attached hereto shall be effective immediately upon adoption of this Order or as otherwise set forth in the attached **Exhibit "A"**.
4. This Order shall supercede all prior Orders or Resolutions adopted by the Board of Directors with respect to those rates, fees, charges, and penalties referenced on **Exhibit "A"**.
5. The President and Secretary of the Board are hereby authorized and directed to execute this Order. After this Order is executed, an original Order shall be filed in the permanent records of the District.

PASSED AND APPROVED this the 25th day of January, 2018.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

(DISTRICT SEAL)

Exhibit "A"

Brushy Creek MUD Schedule of Rates, Charges, Fees and Penalties

1) Water Rates-

For Consumption Prior to February 2018 Billing Cycle:

a) In-District Water Rates:

(1) Base Monthly Water Service Fee- \$14.00 per LUE

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) - \$2.75 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.10 per 1,000 gallons.

b) Out-of-District Water Rates:

(1) Base Monthly Water Service Fee - \$37.42 per LUE.

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) = \$2.75 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.10 per 1,000 gallons.

Effective March 2018 Bills (February 2018 Billing Cycle):

a) In-District Water Rates:

(1) Base Monthly Water Service Fee- \$14.50 per LUE

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) - \$2.85 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.17 per 1,000 gallons.

b) Out-of-District Water Rates:

(1) Base Monthly Water Service Fee - \$39.14 per LUE.

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) = \$2.85 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.17 per 1,000 gallons.

Effective March 2020 Bills (February 2020 Billing Cycle):

a) In-District Water Rates:

(1) Base Monthly Water Service Fee- \$15.00 per LUE

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) - \$2.95 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.25 per 1,000 gallons.

b) Out-of-District Water Rates:

(1) Base Monthly Water Service Fee - \$39.14 per LUE.

(2) Volumetric Rates-

(a) Peak Season Volumetric Rates (June-Sept) = \$2.95 per 1,000 gallons.

(b) Off Peak Season Volumetric Rates (Oct-May) - \$2.25 per 1,000 gallons.

2) Wastewater Rates-

a) In-District Wastewater Service Rates:

(1) Base Monthly Wastewater Fee - \$6.00 per LUE.

(2) Volumetric Rate- \$2.70 per 1,000 gallons, prorated to the nearest 10 gallons, for consumption calculated to be the average monthly flows on or about December 13 of one year and on or about January 13, February 13 and March 13 of the succeeding year, using 7,000 gallons as the initial average for new customers until a history is established.

c) Out-of-District Wastewater Service Rate:

(1) Base Monthly Wastewater Fee - \$12.00 per LUE.

(2) Volumetric Rate - \$10.80 per 1,000 gallons, prorated to the nearest 10 gallons.

3) Regulatory Compliance Fee - \$1.50 per month, per water LUE, per in-district water customer.

4) Base Connect-Disconnect Fee - \$30.00.

5) Late Payment and Administrative Fee – 10% of total past due bill. Due dates will occur 21 days after the billing date each month.

6) Disconnect Fee for Non-Payment - \$30.00 – Disconnects for non-payment will occur on the fifth business day of each month following the initial bill.

7) Meter Deposits-

a) Single family base Meter Deposit - \$100.00 per LUE.

- b) Commercial or irrigation Meter Deposit - \$200 per LUE.
 - c) Temporary Meter Deposit (fire hydrant) - \$1000.
- 8) Returned Check or Direct Draft Fee - \$30.00 per occurrence.
 - 9) Service Commitment Fee - \$150.00
 - 10) Plan Review Fee: \$2,250.00 plan review fee, excluding single family residences. (Includes up to 25 pages of plans. The fee for review of each additional page of plans shall be \$90 per additional page.)
 - 11) System and Drainage Facility Inspection Fee (Applicable to inspection of facilities to be conveyed to the District)-

The developer shall be billed one (1) percent of the construction cost of such facility based on the contract price provided in the bid, paid in equal monthly payments based on the contract time, with payments automatically accelerated and due in full if unpaid prior to the request for approval of such facilities.
 - 12) Bacteriological Sampling Fee - \$75.00 per sample.
 - 13) Residential and commercial Plumbing Inspection Fee - \$65.00 per inspection.
 - 14) Hot Water Heater installation Fee - \$50.00 per inspection
 - 15) New Facility Plumbing Inspection Fee - Series of five inspections (rough-in, service lines, copper, top out and final). The fee for single family residences shall be \$325 for the five inspections. The fee for additional inspections, re-inspections, and any other inspections required to determine compliance with the Uniform Plumbing Code adopted by the Board of Directors shall be \$65.00 per inspection.
 - 16) Building Permit Fee - \$50.00.

NOTE: NO NEW BUILDING PERMITS SHALL BE ISSUED TO ANY BUILDER WHO OWES THE DISTRICT ANY OUTSTANDING FEE OR CHARGE ASSESSED BY THE DISTRICT.
 - 17) Security Device (Water) Replacement Fee - \$150.00 per occurrence.
 - 18) Parks and Recreation Fee - \$801.30 per LUE. (Increases 3% each April.)
 - 19) Unapproved Facilities Operations Charge - \$250.00 per occurrence.
 - 20) District Water System Connection Fee (Includes meter installation and inspection) - \$220.00 per LUE, or the cost of the meter and the meter box, whichever is greater.
 - 21) Out-of-District Water System Connection Fee (Includes meter installation and inspection) - \$2089.00 per LUE
 - 22) Wastewater System Connection Fee - \$60.00 per LUE
 - 23) Water tap installation involving excavation of the water main shall be reviewed and performed by the District on a case by case basis at cost

24) Wastewater tap installation involving excavation of the wastewater main shall be reviewed and performed by the District on a case by case basis at cost.

25) Water Capital Recovery Fee - \$2095.00 per LUE.

26) Wastewater Capital Recovery Fee - \$1804.00 per LUE.

27) Sprinkler System Permit Fee - \$25.00.

28) Erosion Control

a) Violation fee for failure to provide Erosion Control Plan: \$250.00 per day until the plan is filed.

b) Initial violation fee for beginning construction without approved Erosion Control: \$500.00 plus \$500.00 per day fee until Erosion Control facilities are in place.

c) Erosion Control Inspection Fee - initial inspection fee, no charge,

d) Erosion Control Re-inspection Fee - \$50.00 per inspection

e) Failure to repair or replace erosion control devices within 48 hours from notification, the Builder shall be fined an initial \$500.00 plus \$250.00 per day thereafter until corrected.

29) Backflow Test- \$65.00

30) Request for sewer line clean out installation - \$50.00

31) Water Softener Permit Fee - \$25.00

32) Swimming Pool with auto-filling device Installation Permit Fee - \$50.00.

33) Swimming Pool with heater Installation Permit Fee - \$50.00

34) Charges for damage to District water or wastewater Facilities-

The charge for damage to district water or wastewater facilities shall be the cost of parts, equipment, and district personnel. The equipment cost shall be \$125.00 per hour. Personnel cost shall be \$35.00 per hour, per employee.

35) Fine for refuse receptacles and debris removal violations - \$500.00

36) Charges for Public Information-

All charges for public information shall be determined in accordance with the Public Information Act and rules adopted by the office of the Texas Attorney General.

37) Solid Waste Fees-

a) The District shall collect the following fees for solid waste collection and administration for Single Family Residences and Duplex Family Residences with water service at the same address:

i) \$21 for solid waste services (1 garbage cart and 1 recycling cart)

- ii) \$5.00 for additional garbage or recycling cart

CALCULATION OF LIVING UNIT EQUIVALENTS:

For purposes of this Rate and Fee Schedule, the calculation of LUEs shall be determined as follows:

1. Definition: A living unit equivalent (LUE is defined as the typical flow that would be produced by a single family residence (SFR) located in a typical subdivision. For water, this includes consumptive uses such as lawn watering and evaporative coolers. The wastewater system does not receive all of these flows, so the expected flows per LUE differ for water and wastewater. The number of LUE's for a project is constant even though the expected water and wastewater flows differ.

ONE LUE produces: 2.2 gallons per minute (GPM) in a Peak Hour of water flow
 1.0 GPM in a Peak Day of water flow
 0.33 GPM on an average basis year round
 270 GPD average dry weather wastewater flow.

2. LUE Conversion Factors.

RESIDENTIAL	NUMBER OF LUE'S
Single family detached	1.0 per unit
Duplex	0.9 per unit
Triplex, Four-plex, and Multi-Family	0.7 per unit
Hotel-Motel (Rooms only)	0.5 per unit

COMMERCIAL	NUMBER OF LUE'S
Office	1 LUE/3,000 sq. ft. of floor space
Office Warehouse	1 LUE/4,000 sq. ft. of floor space
Retail: Shopping Center	1 LUE/1,660 sq. ft. of floor space
Restaurant or Cafeteria	1 LUE/200 sq. ft. of floor space
Hospital (Includes Cafeteria)	3 LUE/Bed
Rest Home (Includes Cafeteria)	1 LUE/Bed
Church Building (Worship Services Only)	1 LUE/70 Seats
School (Includes Gym and Cafeteria)	1 LUE/15 Students
Facilities not distinctly covered in	Will be based preliminarily on estimates

one of the categories above.	of peak hour, peak day, and average day usage. The preliminary LUE will be based on the calculation among these three parameters resulting in the highest calculation. This preliminary calculation may be adjusted either upward or downward based upon the first six months of truly representative water usage.
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3. LUE equivalents for meters larger than 5/8-inch shall be determined in accordance with the following AWWA meter equivalent recommendations as follows:

Meter Type	Meter Size	Continuous Duty Maximum Rate (gpm)	Ratio to 5/8" Meter
			AWWA Standards C700, C701, C702, C703
Simple	5/8" x 3/4"	10	1.0
Simple	3/4"	15	1.5
Simple	1"	25	2.5
Simple	1 -1/2"	50	5.0
Simple	2"	80	8.0
Compound	2"	80	8.0
Turbine	2"	100	10.0
Compound	3"	160	16.0
Turbine	3"	240	24.0
Compound	4"	250	25.0
Turbine	4"	420	42.0
Compound	6"	500	50.0
Turbine	6"	920	92.0
Compound	8"	800	80
Turbine	8"	1600	160.0

Compound	10"	1150	115.0
Turbine	10"	2500	250.0
Turbine	12"	3300	330.0

Amended: 04-11-13
Amended: 09-26-13
Amended: 04-09-15
Amended: 06-11-15
Amended: 10-27-16
Amended: 06-08-17
Amended: 01-25-18