

CERTIFICATE FOR ORDER

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

I, the undersigned officer of the Board of Directors of Fort Bend County Municipal Utility District No. 23, hereby certify as follows:

1.       The Board of Directors of Fort Bend County Municipal Utility District No. 23 convened in special session on August 5, 2021, and the roll was called of the members of the Board:

William Thomas	President
Anzilla R. Gilmore	Vice President
Ellen Hughes	Secretary
Chris Robinson	Assistant Vice President
Steven Gates	Assistant Secretary

and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

AMENDED RATE ORDER

was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2.       A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board’s minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code, as suspended by the Governor of the State of Texas.

SIGNED AND SEALED the 5th day of August, 2021.



(SEAL)

  
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Secretary, Board of Directors

## AMENDED RATE ORDER

WHEREAS, Fort Bend County Municipal Utility District No. 23 (the "District") operates a water, sewer, and drainage system to provide service to residential and commercial establishments within the District and is also providing garbage services to residential and commercial establishments within the District; and

WHEREAS, the Board of Directors deems it necessary to amend its Rate Order; Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 THAT:

Section 1. Definitions. The following words or phrases shall have the meanings indicated below:

- A. "Single Family Residential User" - means a user of the District's water and sewer system which consists of one residence designed for use and occupancy by a single family unit.
- B. "Irrigation User" - means a user of the District's water system whose metered water connection is authorized by the District and established solely for the purpose of providing water to an irrigation system.
- C. "Multifamily Residential User" - means any user of the District's water and sewer system which consists of apartments or multi-family dwelling units.
- D. "Non-Single Family Residential User" - means any user of the District's water and sewer system other than a Single Family Residential or Multi-Family Residential User, including, but not limited to, commercial establishments, recreational facilities, clubs, irrigation users and Non-Taxable Users.
- E. "Public Space User" - means any user of the District's System for public or homeowner association esplanades, recreational areas or green spaces ("Public Spaces").
- F. "Non-Taxable User" - means a user of the District's water and sewer system other than Single Family Residential Users, Multi-Family Residential Users, or Non-Single Family Residential Users, including, but not limited to churches and schools, that are not subject to taxation by governmental entities.
- G. "Storm Sewer User" - means a user of the District's storm drainage system, including, without limitation, construction site operators.

- H. "ESFC" or "ESFCs" - means Equivalent Single Family Residential Connection. Prior to initial connection of any user other than a Single Family Residential User, an Irrigation User, a Public Space User, and a Storm Sewer User, the District's engineer shall calculate the number of ESFCs for the first year. Following the first year of service or, the next January following initial connection, the District shall recalculate the number of ESFCs for such users based on actual usage. For purposes of this calculation, each 8,000 gallons of water used shall be considered to equal one (1) ESFC. However, the number of ESFCs will be rounded upwards to the nearest 8,000 gallons. For example, 31,000 gallons equals 4 ESFCs, or 33,000 gallons equals 5 ESFCs. ESFCs will be re-calculated by the District annually in January of each year based upon actual usage for the prior year.

Section 2. Tap and Inspection Fees.

- A. Single Family Residential User. Prior to connection to the District's water and/or sewer system, a tap fee in the amount shown in **Exhibit A** shall be paid to the District to cover the cost of making said connection and the cost of providing the water meter. Notwithstanding that the Restoration Costs are part of the tap fee, the Restoration Costs shall be billed to the User on a monthly water and sewer bill.

The District's operator will produce an estimate for such costs for approval by the Board of Directors which will be sent to the User for payment upon approval by the Board. The User shall pay such costs, plus 20%, prior to the installation of the tap. If the actual costs are greater than the estimated costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual costs are less than the estimated costs paid by the User, a refund for the difference shall be issued to the User.

Connection to the District's water system shall not be allowed prior to the sewer inspection, and all connections to the District's system shall be made by the operator for the District.

- B. Non-Single Family Residential Users. Prior to connection to the District's water and/or sewer system, a tap fee equal to three (3) times the District's actual cost for installing the tap, meter, and necessary service lines, plus any Restoration Costs, shall be paid to the District. The District's operator will produce an estimate for such costs for approval by the Board of Directors which will be sent to the User for payment upon approval by the Board. The User shall pay such costs, plus 20%, prior to the installation of the tap. If the actual costs are greater than the estimated costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual costs are less than the estimated

costs paid by the User, a refund for the difference shall be issued to the User.

Connections to the District's water system shall not be allowed prior to an approved sewer inspection, and all such connections shall be inspected by the District's operator or its subcontractor.

C. Non-Taxable Users.

(1) Non-taxable Users shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines plus (i) any Restoration Costs, and (ii) the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to the Non-Taxable User that are financed or to be fully or partially financed by the District's tax bonds (as determined by the District's consultants and approved by the Board of Directors) (collectively, the "Nontaxable Installation Costs").

(2) The District's operator will produce an estimate of the Nontaxable Installation Costs for approval by the Board of Directors which will be sent to the User for payment upon approval by the Board. The User shall pay the estimated Nontaxable Installation Costs, plus 20%, prior to installation of the tap. If the actual Nontaxable Installation Costs are greater than the estimated Nontaxable Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Nontaxable Installation Costs are less than the estimated Nontaxable Installation Costs paid by the User, a refund for the difference shall be issued to the User.

D. Public Space User. All Public Space Users shall be required to have meters installed, which shall be installed by the District's operator. A User requesting a tap for Public Spaces shall pay a tap fee equal to the District's cost to install the tap, meter and any necessary service lines, plus any Restoration Costs.

E. Sewer Connection Inspection. All connections to the District's sewer system shall be made in accordance with the provisions of the District's Plumbing Code, if any, and the District's Rules and Regulations Governing Sewer House Lines and Sewer Connections, as appropriate. All connections to the District's sewer system shall be inspected by a representative of the District prior to being covered in the ground. In the event a connection is made and covered without inspection by a representative of the District, water service at such location shall be terminated until the line is uncovered and so inspected. Water service shall not commence until the connection has been installed in accordance

with such Rules. An inspection shall be paid to the District to cover the cost of making said inspection, in the amount shown on **Exhibit A**. A fee of cost plus 15% shall be paid to the District for making an inspection of all other connections. A separate charge will be made in the event re-inspection is required.

- F. Drainage System Connection. Before any connection is made to the District's water, sewage or drainage systems, or before any reconnection is made, the person requesting such connection shall submit to the District's engineer for review and approval the drainage plans for the property for which the connection is sought. Such plans shall clearly show the estimated volume of water and the points of connection to the District's drainage system. A copy of such approved drainage plan with the engineer's approval indicated thereon shall be submitted to the District's operator. Any modification of such drainage plan shall require re-approval by the District's engineer. The District reserves the right to require removal of any connection made in violation of this Section.
- G. Pre-Facility Inspection. All property owners, builders or contractors for property owners within the District must contact the District's operator, prior to starting any construction or improvement on property within the District, to do an inspection to verify District facilities. If any District facility is either damaged or cannot be located, the District's operator will make necessary repairs or locate and make visible at the expense of the District. A copy of the inspection will be given to the property owner's, builder's or contractor's representative. After the inspection and any necessary work is completed, the property owner, builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Final Site Survey, as hereinafter defined. The cost for each inspection is shown on **Exhibit A** and is payable with the tap fee.
- H. Facility Inspection. Immediately upon completion of the installation of the initial water tap and meter, the sewer connection and inspection by the District's operator, the District's operator will conduct a facility inspection. At such inspection, the operator shall make note of the condition and location of all District facilities on the property. After construction has been completed on the property, but before service is transferred to a User, the District's operator will conduct a final site survey ("Final Site Survey") to reinspect the water tap, meter and all other District facilities on the property for a fee in the amount shown on **Exhibit A**. (This fee shall be collected at the time the tap fee is paid.) The property owner, builder or contractor will be held responsible for any damages, adjustments or relocations to District facilities and the cost of repairing, adjusting or relocating the facilities (the "Backcharges") before service shall be initiated to a User. If any re-inspections of the facilities are

required to ensure that the District's facilities are repaired, relocated or adjusted, a fee in the amount shown on **Exhibit A** shall be charged for each such re-inspection before service will be transferred to a subsequent User. Payment of the Backcharges, or any inspection or re-inspection fee, shall be made on or before the 30th day after the date of the invoice for said charges. The District may withhold the provision of service to the property or to other property owned by any User, property owner, builder or contractor who has failed to timely pay the Backcharges or any inspection or re-inspection fee, including specifically the provision of additional taps; provided, however, the District shall follow the notification procedures set forth in this Order prior to withholding the provision of service.

- I. Signage. Signage shall not be allowed on any District owned property or along District trails or parks. Further, any allowed signs shall be kept neat and tidy and shall not be blown into any District storm sewer inlet or ditch. In such event failure to pick up a blown sign shall be considered a violation of the District's Rate Order.
  
- J. Irrigation Systems. Prior to connection to the District's water system, a tap fee in the amount shown on Exhibit A be paid to the District for installation of an irrigation system that has been authorized by the District and that is to be used solely for the purpose of providing landscape irrigation. The person requesting such connection shall submit to the District's Operator for review and approval the irrigation plans for the property for which the connection is sought. Such plans shall clearly show the proposed irrigation lines, backflow prevention, and the points of connection to the water system. Any modification of such irrigation plan shall require re-approval by the District's Operator. The District reserves the right to require removal of any connection made in violation of this Section.

### Section 3. Platting and Permit Requirements.

- A. Permit Requirement. Before any connection is made to the District's water and/or sewer system, the person requesting such connection shall provide to the District a copy of: (1) any necessary development or building permit from Fort Bend County and/or the City of Houston; or (2) a waiver for any development or building permit from Fort Bend County and/or the City of Houston.
  
- B. Platting Requirement. Prior to initially connecting to the District's water and/or sewer system, a User shall submit to the District's operator or engineer proof that the User's property has been platted in accordance with the subdivision ordinances of the City of Houston. Acceptable proof of platting includes a copy of the recorded plat, or a certificate from the

City of Houston that the property has been platted or that the property is legally exempt from the platting process.

Section 4. Plumbing Material Restrictions. The use of the following plumbing materials are prohibited in any and all improvements connected to the District's water system after May 20, 1994:

- A. Any pipe or pipe fitting which contains more than a weighted average of 0.25% lead; and
- B. Any solder or flux which contains more than 0.2% lead.

Section 5. Account Transfer Fee. A fee in the amount shown on **Exhibit A** shall be charged by the District to cover the expense to the District of the transfer of water, sewer and garbage services from the builder of any housing unit to its initial occupant and to each subsequent occupant. This fee shall cover the establishment of an account to provide service to the new occupant. The transfer fee shall be billed to each new occupant as an item on that customer's first monthly bill for water, sewer, and/or garbage service.

Section 6. Plumbing Regulations; Prohibition against Cross-Connections and Unacceptable Plumbing Practices; Penalty for Violation.

Pursuant to Chapter 290 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all Users of the District's potable water distribution system.

- A. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to this Rate Order as **Exhibit D**.
- B. Plumbing Fixtures. A User is not permitted to install any plumbing fixture which is not in compliance with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located.
- C. Prohibition Against Water Contamination. No direct connection between the District's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the District's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with state plumbing codes and the plumbing code, if any, required by the city in whose jurisdiction the District is located.

- D. Backflow Prevention Assemblies. All sprinkler systems, spas and pools must have backflow prevention assemblies installed by the User at the User's sole cost and expense. In addition, the District, in its sole discretion, may require a Non-Single Family Residential User to install a backflow prevention assembly at any meter(s) servicing such a User's property. The District, in its sole discretion, also may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the District's potable water distribution system or if the User's plumbing system poses a health hazard. A health hazard is defined by the Texas Commission on Environmental Quality ("TCEQ") as a "cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." If the District determines that a User must install a backflow prevention assembly as a protection against a health hazard, the backflow prevention assembly used must comply with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located, and must be tested and certified at least annually by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the TCEQ.

The User is responsible for insuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the TCEQ. The User is solely responsible for the cost of this test. If the District requires the installation of a backflow prevention assembly in order to prevent a serious threat to the District's public water supply, then the District, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as **Exhibit E** has been provided to the District's operator.

If the District determines that a backflow prevention assembly must be installed pursuant to this Rate Order for reasons other than to eliminate a serious threat to the District's public water system, the User must install the backflow prevention assembly within five (5) working days after receipt of notice from the District that such installation is required. In addition, the User must provide the District's operator with a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as **Exhibit E** within three (3) working days of the installation of the backflow prevention assembly



and within three (3) working days of any subsequent repair, maintenance or testing of such assembly. If the User fails to provide the testing certificate within this time, the District, in its discretion, may terminate service to the User pursuant to the terms of this Rate Order. The District's operator will retain such reports for a minimum of three (3) years.

- E. Customer Service Inspections. A customer service inspection is required prior to the time the District (i) provides continuous water service to new construction, (ii) provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected, or (iii) continues service to a User when the District has reason to believe that cross-connections or other unacceptable plumbing practices exist. The District's Operator or its subcontractors shall perform the inspection with properly licensed personnel and the cost of such customer service inspection will be the sole responsibility of the User. The customer service inspection fees for District inspections are shown on **Exhibit A**. All fees relating to the customer service inspection shall be paid by the User prior to the inspection, and if the inspection is made in connection with new construction, the fee will be collected with the tap fee.

Prior to initiating service to new construction or buildings containing new plumbing fixtures, the User must provide the District's operator with a signed and dated "Customer Service Inspection Certification" in the form attached to this Rate Order as **Exhibit C**. The District's operator will retain such inspection certifications for a minimum of ten (10) years. If the District's operator does not perform the initial customer service inspection, the User will need to obtain a Customer Service Inspection Certification from the District's Operator prior to receiving service. In connection with this inspection, the User shall allow its property to be inspected by the District's operator or its subcontractors during normal business hours for possible cross-connections and other unacceptable plumbing practices which violate this Rate Order. The cost of this inspection shall be the amount shown on **Exhibit A** for single family residential Users and will be determined on an individual basis for other Users. The cost of this inspection shall be paid by the User prior to the inspection. Thereafter, the District's operator or its subcontractors may, at the discretion of the District and/or the District's operator, periodically inspect a User's plumbing system during normal business hours for the purpose of identifying possible cross-connections and other unacceptable plumbing practices which violate this Rate Order.

- F. Prohibition Against Cross-Connections. No cross-connection between the District's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such

assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the TCEQ. By accepting service from the District, all Users agree to allow such annual inspection and testing of backflow prevention assemblies to take place during normal business hours. If any User refuses to allow such annual inspection and testing, service to such User will be discontinued until such inspection and testing is completed.

No connection which allows water to be returned to the District's potable water distribution system is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the District's potable water distribution system, circulated through a User's system for condensing, cooling and heating of fluids or industrial processes, including but not limited to a heat exchange system, and routed back to the District's potable water distribution system.

- G. Notice of Unacceptable Plumbing Practices. The District shall notify the User in writing of any cross-connection or other unacceptable plumbing practice which has been identified during the customers service inspection, the final plumbing inspection, any periodic reinspection, or any other inspection. At its sole cost and expense, the User shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the District within two (2) working days of receipt of notice of the improper cross-connection. The User shall provide copies of all testing and maintenance records on such devices to the District within three (3) working days of the testing or maintenance. If the User fails to correct the noted unacceptable plumbing practice, the District may immediately terminate water service or, at the User's sole cost and expense, eliminate the cross-connection or correct the unacceptable plumbing practice.
- H. Penalty for Violation. The failure of a User to comply with the terms of this Section will be considered a violation of this Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in this Rate Order, immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this Section shall be billed to the User.

Section 7. Water Rates.

A. User Connections.

Each User (other than a Public Space User) of the District's water system shall be charged for service on a monthly basis according to the volume of water used and in accordance with the schedule attached as **Exhibit B**.

B. Public Space User. After a meter has been installed, water service will be provided to Public Spaces within the District and charged monthly in accordance with the schedule attached as **Exhibit B**.

In order to promote conservation of the District's water supply, however, Public Space Users shall pay an increased rate to be set by the District if the District determines the Public Space User's water usage is excessive, inefficient, and/or wasteful.

C. Irrigation System Fees. Irrigation Users shall be charged monthly for water usage at the rate and in the manner discussed above for Single Family Residential Users. There shall be no sewer charge for Irrigation Users.

D. Groundwater Reduction. All Users also shall pay fees to cover the District's costs related to groundwater conservation taking into consideration water loss accountability and delinquencies, and the fee shall be equal to 120% of the per 1,000 gallons of water imposed on the District by the City of Missouri City.

Section 8. Sewer Rates.

A. User Fees. After initial occupancy, each User within the District shall be charged for sewer service on a monthly basis in accordance with **Exhibit B**.

B. Occupancy. For purposes of determining the applicable monthly charge for sewer service, a multi-family residential or non-residential building will be deemed occupied at such time as the building is completed and opened for occupancy.

Section 9. Regulatory Assessment. Pursuant to the Texas Water Code, each User of the District's water and sewer system is hereby assessed a charge of one-half of one percent of the District's charge for water and sewer service. This assessment is included in the rate schedules listed above and will be forwarded to the Texas Natural Resource Conservation Commission, as required by the Texas Water Code, and used to pay costs and expenses incurred in its regulation of water districts.

Section 10. Monthly Bills and Termination.

- A. Charges for all District services shall be billed monthly. All bills shall be due on the 5th day of the month following the date of the statement for said charges (the "Due Date"). Unless payment of the monthly bill is received on or before the Due Date, or payment of any Backcharges is received on or before the 30th day after the date of the invoice, such account shall be considered delinquent and a one-time late charge equal to ten percent (10%) of the unpaid balance shall be charged. The District may, in its discretion, disconnect service for failure to pay all charges, Backcharges, including any late charges, and damages to the District's Administration Building, within 30 days of the Due Date. The District may also disconnect service if a User discards Unauthorized Material, as defined in the section entitled Drainage Facilities and Unauthorized Materials into the storm sewer system, pursuant to Texas Water Code § 49.212(c). Provided, however, that prior to disconnecting services, the District shall send written notice by United States first class mail to the User or entity at the appropriate address and provide the User or entity with an opportunity to contest, explain or correct the charges, services, or disconnection, at a meeting of the Board of Directors of the District. The written notice shall inform the User or entity of the amount of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made, the date, time and place of the next scheduled meeting of the Board of Directors, and of the opportunity to contest, explain or correct the charges, services, or disconnection, by presenting in person or in writing such matter to the Board of Directors at the next scheduled meeting as shown on the notice. The District will charge a termination letter fee in the amount shown on **Exhibit A** to each User or entity receiving a written termination notice. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the date of the scheduled meeting of the Board of Directors. A written statement by the District's operator that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. If the User or entity appears before the Board in person or in writing, the Board shall hear and consider the matter and inform the User or entity of the Board's determination by sending written notice by United States first class mail to the User or entity at the appropriate address.
- B. Any person, corporation or other entity who violates any provision of this Order, in addition to being subject to the penalties described in the section entitled Penalties for Violation shall be subject to having service terminated; provided, however, that prior to disconnecting service for such violations, the District shall give written notice by first class mail or

otherwise, to such person, corporation or other entity, of the pending disconnection, and shall give such person, corporation or other entity the opportunity to contest, explain or correct the violation of the Order at a meeting of the Board of Directors of the District. Such disconnection shall be in addition to penalties that may be imposed by the District as shown on **Exhibit A**.

- C. If service to a User is disconnected for nonpayment of charges or Backcharges or for any cause legally authorized, a disconnection fee plus a security deposit, in the amounts shown on **Exhibit A**, payable in accordance with this Order shall be paid prior to service being restored. Payment of fees and charges under this Section must be in the form of cash, cashier's check or money order.
- D. In the event that the District's operator removes a User's meter due to unauthorized reconnection of service subsequent to termination of services by the District, a reinstallation fee in the amount shown on **Exhibit A** shall be paid prior to service being restored, which fee is in addition to any other fees imposed.

Section 11. Drainage Facilities and Unauthorized Materials. For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, owns and operates a drainage ditch, detention ponds, and storm sewer system (collectively, the "Drainage Facilities"). It is essential that the District maintain the Drainage Facilities and ensure that they are kept clear of any objects or debris that may block them and interfere with their intended purpose. The District's Drainage Facilities are solely allowed to carry storm water rainfall and anything deposited into such system shall be unauthorized. Anyone who disposes, or is responsible for the disposal, of trash, household or other hazardous materials, construction materials or debris, chemicals, other debris, or grass, tree and yard clippings, or anything else prohibited under regulations implemented pursuant to the Federal Water Pollution Control Act or any state equivalent act, or that might potentially impede the free flow of storm water runoff ("Unauthorized Materials") in the Drainage Facilities or the District's Right-of-Way will be responsible for (1) removing such Unauthorized Materials and restoring the Drainage Facilities to their prior condition or (2) reimbursing the District for all costs of removal and restoration if the District opts, at its sole discretion, to perform such work. In addition to or in place of the foregoing, the District may assess a penalty against the violator or disconnect the User's water service to collect such penalty for such violation under this Section, the section entitled Monthly Bills and Termination, and the section entitled Penalties for Violation.

Section 12. Security Deposit. A one-time deposit per equivalent single family residential connection in the amount shown on **Exhibit A** shall be received from each User on or before the Due Date for the User's first monthly bill for District water and sewer service. Prior to any reconnection following termination of service pursuant to

the section entitled Monthly Bills and Termination, additional deposits in the amounts shown on **Exhibit A** per equivalent single family residential connection shall also be required. Once a User has a deposit equal to the applicable maximum deposit shown on **Exhibit A**, such User shall not be required to pay an additional deposit. A separate deposit shall be required from all Users for each account. When the User's account is final and not transferred to another location in the District, any funds remaining on deposit for such User, after payment of any amount owing on such account, shall be refunded to the User.

Section 13. Builder's Deposit. A deposit in the amount of \$500.00 shall be required of builders for each residence, commercial building, or other structure constructed within the District. The deposit shall be paid at the time a request for a water tap is made. The deposit shall be refunded within 30 days after approval by the District's Operator of the water and sewer connection; provided, however, the deposit shall be forfeited as a penalty in the event the builder violates any provision of this Order or the District's Rules and Regulations Governing Sewer Lines, Sewer Connections and Water Main Connections, as amended from time to time. Further, the deposit may be forfeited and used by the District to pay the cost of repair of any damage caused to District property by a builder or any agent or subcontractor of a builder. In the case of forfeiture of all or any part of the \$500.00 deposit, the affected builder shall have the responsibility to reinstate the original amount of the deposit prior to any further construction in the District.

The District's Operator may accept, in lieu of the individual deposits described herein, one deposit of \$2,500.00 per builder prior to making any water taps for said builder. The deposit described herein may be applied by the District to the cost of repair of any damage caused to the District property by a builder or a builder's agent or subcontractor. If such deposit drops below \$2,500.00 due to payment of any charges or backcharges to the District, it shall be the builder's responsibility to reinstate the original amount of the deposit prior to the District's Operator making any additional water taps for said builder.

Section 14. Additional Payment Options. Any User may pay the monthly water and sewer bill via the payment options provided through the District and its operator including but not limited to, online check and credit card payments, check and credit card payments processed over the telephone, and payment through various area retail locations. Certain payment options are made available through service providers who may charge Users a convenience fee in connection with some payment options. Such convenience fees are the sole responsibility of the User and are separate from any amount owed by the User to the District. Non-payment of any such convenience fee shall subject the User to termination of service in accordance with this Order. If any User payment is refused or returned by the processing financial institution, the District will charge the User a return item fee in the amount shown on **Exhibit A**. Acceptable payment methods for delinquent accounts may be restricted as specified elsewhere in this Order.

Section 15. Returned Check Fee. The District will charge a fee in the amount shown on **Exhibit A** to any customer for each check given to the District for payment that must be returned for any reason. Payments attempted to be made by a check which is returned shall be considered delinquent unless cash or certified funds are presented to the District for payment within the time period required by this Rate Order.

Section 16. Termination of Service upon Request of Consumer. Whenever a User of the District requests that water, sewer and garbage services be temporarily discontinued, such User shall notify the District's operator at least two (2) days prior to the time service is to be discontinued. Charges in the amounts shown on **Exhibit A** shall be made for discontinuing service and restoring service where such service is discontinued or restored at the request of the User. A User shall not be entitled to use this Section if payment is delinquent at the time of the request.

Section 17. Quality of Sewage.

- A. Domestic Waste. Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system shall be discharged into the District's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged into the District's sanitary sewer lines except as authorized pursuant to subsection (B) below.
- B. Commercial and Industrial Waste. All discharges other than waste described in subsection (A) are prohibited unless the User has applied to and received written authorization from the District for such discharge. The applicant must file a statement with the District containing the following information:
- (1) Name and address of applicant;
  - (2) Type of industry, business, activity, or other waste-creative process;
  - (3) Quantity of waste to be discharged;
  - (4) Typical analysis of the waste;
  - (5) Type of pretreatment proposed; and
  - (6) Such other information as the District may request in writing.

The District shall have the right to reject any application for discharge of non-domestic waste into the District's sanitary sewer lines if the District determines in its sole discretion that the proposed discharge may be harmful to the District's sanitary sewer system or the environment. The

District also shall have the right in approving any application for the discharge of non-domestic waste to impose any limitations on such discharge that the District determines in its sole discretion to be necessary to protect the District's sanitary sewer system or the environment.

- C. National Categorical Pretreatment Standard. If a User is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the Environmental Protection Agency under Section 307 of the Federal Clean Water Act, the User is prohibited from discharging pollutants into the District's sanitary sewer system in violation of applicable categorical pretreatment standards.
  
- D. District Testing; Pretreatment. The District shall have the right to sample and test any User's discharge at the discretion of the District's operator, with no limit as to the frequency of the tests, and to charge the User for the District's cost of such sampling and testing. The District also shall have the right to require pretreatment, at the User's expense, of any discharge of non-domestic waste if the District determines in its sole discretion that pretreatment of such waste is necessary to protect the District's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to subsection (C) above.
  
- E. Excluded Flow and Waste.
  - (1) No waste material which is not biologically degradable will be permitted to be discharged into the District's sanitary sewage facilities, including mud and debris accumulated during service line installation. If a resident discharges any unauthorized material, including but not limited to grass clippings, into a storm sewer, the District has the right to either fine the resident or disconnect their water service pursuant to Texas Water Code § 49.212(c) and as stated in the section entitled Penalties for Violation.
  
  - (2) No downspouts, yard or street drains, or gutters will be permitted to be connected into the District's sanitary sewer facilities.
  
  - (3) Swimming pool and spa drains, overflow piping, and filter backwash piping connections will be made to the sanitary sewer system.

#### Section 18. Discharges to the Storm Drainage System.

##### A. Construction Site Operator Responsibilities:

- (1) Compliance with TPDES General Permit No. TXR150000. The construction site operator is required to be compliant with TPDES General Permit No. TXR150000 (the "General Permit") issued by



the Texas Commission on Environmental Quality (TCEQ). A storm water pollution prevention plan (the "SWPPP") with a SWPPP narrative, a site plan, and proposed Best Management Practices ("BMPs") (as such term is defined in the General Permit) must be prepared at least seven (7) days prior to commencement of soil disturbing activities. A Notice of Intent (NOI) (as such term is defined in the General Permit) must be submitted by the Construction Site Operator to the TCEQ at least seven (7) days prior to commencement of soil disturbing activities or as required by the General Permit. The construction site operator will be responsible for General Permit required inspections by qualified personnel and the implementation and regular maintenance of all BMPs listed in the SWPPP as required under the General Permit.

- (2) Other Construction Site Operator Responsibilities. The construction site operator is responsible for the management, SWPPP compliance, and rate order compliance of all of their subcontractors, trades, suppliers, and agents.
- (3) Post-Construction Runoff. Plans for redevelopment or new development greater than or equal to one (1) acre must be approved by the District Engineer. The plans must adequately address post-construction runoff. This includes use of Structural Controls (as such term is defined in the General Permit) as well as non-structural controls.
- (4) Failure to Comply. Failure of a construction site operator to comply with these construction site operator responsibilities will be considered a violation of this Rate Order and will subject the construction site operator to penalties as outlined below:
  - (a) Failure to obtain permit coverage under TXR150000: **\$1000 Fine**
  - (b) Failure to prepare a SWPPP as required under TXR150000: **\$500 Fine**
  - (c) Notice of Violation for failure to install or maintain BMPs: **\$100 Fine per incident\***

\*The District reserves the right to charge the construction site operator for any and all expenses incurred while correcting the deficiencies listed in the Notice of Violation.

- (5) Penalty for Notice of Violation. The failure of a Construction Site Operator to comply with the terms of this section will be

considered a violation of the Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's surface waters, the District, in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in this Rate Order, immediately terminate service or, at the Construction Site Operator's sole cost and expense, install or repair the BMPs necessary to correct the cause of the Notice of Violation. If the District terminates service in order to preserve the integrity of the District's surface waters, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken and all fines/penalties have been resolved. Any and all expenses associated with the enforcement of this section shall be billed to the Construction Site Operator.

B. District Responsibilities:

- (1) Construction Site Inspection. The District may perform construction site inspections within the District's boundaries. The District may issue a notice of inspection (a "Notice of Inspection") if there are deficiencies found with any BMP described in the SWPPP. If seven (7) or more days pass and the issues noted in the Notice of Inspection have not been addressed, the District will issue a notice of violation (a "Notice of Violation") for all outstanding deficiencies. The District, at its sole option, may have the deficiencies repaired at the construction site operator's expense.
- (2) Illicit Discharge Inspection. The District will perform inspections of Storm Sewer User activity that may pose a serious threat to the integrity of the District's waters or storm drainage system. A Notice of Violation will be issued to the Storm Sewer User responsible for the illicit discharge. The District, at its sole option, may have the illicit discharge remedied at the Storm Sewer User's expense.

C. District Storm Sewer User Responsibilities:

- (1) Storm Sewer User Responsibilities. Pursuant to Title 30, Chapter 311 of the Texas Administrative Code and Title 40, Chapter 122 of the Code of Federal Regulations, the District adopts the following storm sewer regulations, which apply to all Storm Sewer Users. In addition, the regulations are included and adopted as part of the implementation of the District's Storm Water Management Plan (SWMP) and provide for detection, regulation and elimination of

illicit discharges to the small municipal storm sewer system (MS4) and compliance with TXR040000.

- (2) Illicit Discharge. Only runoff composed entirely of storm water or certain allowable non-storm water shall be discharged to the District's storm sewer system. Other discharges are not authorized. A list of allowable non-storm water discharge is as follows:
- water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
  - runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
  - discharges from potable water sources;
  - diverted stream flows;
  - rising ground waters and springs;
  - uncontaminated ground water infiltration;
  - uncontaminated pumped ground water;
  - foundation and footing drains;
  - air conditioning condensation;
  - water from crawl space pumps;
  - individual residential vehicle washing;
  - flows from wetlands and riparian habitats;
  - dechlorinated swimming pool discharges;
  - street wash water;
  - discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
  - other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1);
  - non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the General Permit; and
  - other similar occasional incidental non-storm water discharges, unless the Texas Commission on Environmental Quality develops permits or regulations addressing these discharges.
- (3) Detection and Elimination. The District's consultants may perform random testing and/or inspection when the District has reason to believe that an illicit connection to the District's storm sewer

system exists or that an illicit discharge to the District's storm sewer system is occurring. The cost of such inspection will be the sole responsibility of the Storm Sewer User. In connection with the inspection, the Storm Sewer User shall allow its property and/or the property under its control to be inspected by the District's consultants during normal business hours for possible illicit connections to the District's storm sewer system and other unacceptable discharges to the District's storm sewer system which violate this Rate Order. Thereafter, the District may, at the discretion of the District or the District's consultants, periodically inspect a Storm Sewer User's drainage system during normal business hours for the purpose of identifying possible illicit connections and other unacceptable discharges which violate this Rate Order.

- (4) Failure to Comply. The failure of a Storm Sewer User to comply with these Storm Sewer User Responsibilities will be considered a violation of this Rate Order and will subject the User to penalties as outlined below:

- (a) Notice of Violation for Illicit Discharge to District Facilities:  
**\$500 Fine per incident\***

\*The District reserves the right to charge the Storm Sewer User for any and all expenses incurred while correcting the deficiencies listed in the Notice of Violation.

- (5) Penalty for Violation. The failure of a Storm Sewer User to comply with the terms of this section will be considered a violation of the Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's waters, the District, in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in this Rate Order, immediately terminate service or, at the Storm Sewer User's sole cost and expense, install the fixtures or assemblies necessary to correct the illicit connection or unacceptable discharge. If the District terminates service in order to preserve the integrity of the District's waters, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken and all fines/penalties have been resolved. Any and all expenses associated with the enforcement of this section shall be billed to the User.

Section 19. Grease Trap Inspection. In order to protect the District's ability to properly treat the waste produced in the District, the District shall inspect all grease traps within the District. Each restaurant, fast food establishment, school cafeteria, or any other establishment within the District that engages in food preparation or service shall be required to have a grease trap that meets the City of Houston specifications. Inspection shall be performed by the District's operator monthly. If the District's operator finds a grease trap that is not being properly cleaned and monitored, the District's operator shall give written notice to the User or responsible party of failure to maintain the grease trap. If the User or responsible party has not cleaned the grease trap within 48 hours of receipt of notice from the District's operator, the District's operator may take the necessary action to clean the grease trap and shall bill the User or responsible party for the cost of such service. Charges for grease trap inspection are stated in **Exhibit A**.

Section 20. Surcharge for Service. In fairness to all Users within the District, and to honor its contractual obligations and commitments, the District has the right to monitor the use of water and the discharge of sewage to determine if Users are exceeding the amount of capacity committed to serve their land or buildings. As one method of enforcement, the District has determined to reserve the right to impose a surcharge on any User who uses water or discharges sewage in excess of the amount reserved to such User or tract. Accordingly, in addition to the other charges specified herein, the District has the right to impose an additional charge of \$0.05 per gallon of water used in excess of one hundred ten percent (110%) of the amount of capacity reserved to the tract by any utility commitment letter.

Section 21. Utility Commitment Letters. Prior to any connection being made to the District's water system and/or sewer system by a Non-Single Family Residential User (NSFRU), such User shall have complied with the requirements of this Article. Any NSFRU desiring water and sewer service or a commitment for water and sewer service shall present a written request to the Board of Directors stating the amount of capacity desired, identifying the tract for which service is desired including a scale plat thereof, describing the improvements to be constructed thereon, and shall also present schematic drawings of the proposed improvements. In addition, the party requesting the commitment shall pay the District's fees incurred by its attorney, engineer, operator and any other consultant in connection with the request. To secure payment of these fees, the requesting party shall deposit with the District the sum of \$1,500. Any deposit remaining after completion of service to the property shall be refunded, without interest. If the deposit is insufficient to pay all such fees, the District shall not allow service to the property until all such fees have been paid in full.

The Board may approve such request if it determines that allocation of the requested water and sewer capacity is in the best interests of the District, that the District has the amount of capacity requested and which is uncommitted and the allocation of such capacity will not adversely affect the District's ability to provide reasonable amounts of water and sewer capacity to other undeveloped land within the District. If the Board grants the request or a part thereof, the District's commitment

shall be reflected in a letter executed by the President or Vice-President of the Board with standard provisions, including a provision that the commitment shall be valid for no longer than one (1) year unless the NSFRU actually commences construction of substantial improvements within said one (1) year period. The letter shall describe the improvements proposed to be constructed.

The Board shall not issue a letter unless it determines that (1) the property has been or will be platted in accordance with the subdivision ordinances of the City of Houston, and (2) all District ad valorem taxes on the tract have been paid in full.

If a party who has received a commitment letter which has expired desires to obtain a new commitment letter or an extension of time, said party must repeat the entire process described herein, including the payment of fees. If a party seeks an assignment, extension or amendment of a commitment letter, said party must complete the entire process described herein, including the payment of fees.

Any NSFRU who has received a commitment letter shall submit to the District's Engineer a certificate prepared by an engineer or architect describing the proposed improvements and the estimated water and sewer capacity required for such improvements. If the District's Engineer determines that the estimated usage is reasonable, he shall issue a written certificate to that effect. If he finds that the estimate is not reasonable, he shall so state in writing.

Prior to any water tap or sewer connections being made, the District's Operator shall require:

- (1) a copy of the commitment letter issued by the Board which has not expired;
- (2) a copy of the District Engineer's Certificate stating that the estimated usage is reasonable;
- (3) that the estimated usage approved by the District's Engineer does not exceed the amount specified in the commitment letter;
- (4) a certificate from the District's Tax Assessor/ Collector that all District taxes on the property have been paid; and
- (5) a copy of the duly approved and recorded subdivision plat.

The District's Operator shall be responsible for administering the issuance of commitment letters as approved by the Board.

Section 22. Swimming Pool Inspections and Fee. Every User who plans to construct or install a swimming pool within the District shall notify the District's operator in writing prior to commencing construction of the pool. Upon notification by the User of the intention to construct or install a swimming pool, the User shall pay an

inspection fee in the amount shown on **Exhibit A**. After the notification is received, the District's operator shall ensure that all drains from the swimming pool are connected to the District's sanitary sewer system. After the drains have been installed, the User shall notify the District's operator, who shall make an inspection of all swimming pool drains to verify that the proper connection is made, before service is authorized for said swimming pool.

Section 23. Title to Meters. Title to all District facilities including water meters, water and sewer taps, and all other appurtenances, including meter boxes, shall vest in the District.

Section 24. Damage to Meters and Appurtenances. No person other than a duly authorized agent of the District shall open any meter box, repair, alter, adjust, remove, make connections or additions to or in any other way take any action which affects any meter, meter box, service line or other water and/or sewer system appurtenance. The District reserves the right to immediately and without notice remove the meter or disconnect water service to any User who has removed, tampered with or altered in any way a meter, meter box, service line or other water and/or sewer system appurtenance or who has reconnected service which was terminated by the District and to assess repair charges to the User.

Section 25. Maintenance and Repair. It shall be the responsibility of each User to maintain the water and sewer lines from the point of connection to the District's water and/or sewer system to the building served.

Section 26. Easements. If an easement does not already exist, before service is commenced to any User, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repairs as the District may, in its judgment, may deem necessary.

Section 27. No Free Service. No free service shall be provided by the District to any person, organization or institution, including charitable or eleemosynary institutions, political subdivisions, or municipal corporations.

Section 28. Required Service. No service shall be given from the District's water and sewer system unless such Users agree to take water, sewer and garbage services, except in those instances where the Board in its sole discretion determines that all such services are not necessary for the preservation of the sanitary condition of water within the District.

Section 29. Unauthorized Service. Unauthorized service from the District's water, sewer and drainage system is hereby prohibited. Any costs incurred by the District in terminating unauthorized service, including the removals of the materials used in making the unauthorized connection, will be charged to the User. In addition, the District may impose a fine under the section entitled Penalties for Violation. No service shall be provided by the District until the entire amount of the fine, legal fees

and costs incurred by the District and all regular fees for service connection are paid. Unauthorized service is that obtained without the District's prior approval, inspection or installation.

Section 30. Prohibition of Septic Tanks and Holding Tanks. No septic tanks or holding tanks shall be permitted or used within the District.

Section 31. Sale or Use of Water. It shall be an unauthorized use of District services or facilities for any person, firm or entity to sell or use water from the District's water system without having a direct connection to the District's water system, unless such sale or use of water is to or by Users having common ownership or tenancy of the land being served by the District's water system.

Section 32. Obstruction. After any District facility has been set, the customer shall at all times keep the area in, around and upon the facility and District easements and property under customer's control free from rubbish or obstructions of any kind. Failure to keep the facility and District easements and property under customer's control free from rubbish or obstructions shall result in disconnection of water services and/or the assessment of charges necessary to remove said obstructions.

Users are prohibited from introducing material into the District's sanitary sewer system which could cause obstruction of said system. In the event that an inspection by the District's operator or engineer reveals foreseeable damage to the sanitary sewer system, the District reserves the right to immediately and without notice remove the obstruction; and any District costs for removal of the obstruction plus a District administration fee of 50% of said costs, shall be assessed to the User. In addition, the District reserves the right to terminate the User's service.

Section 33. Temporary Water Service.

- A. The District's operator shall be authorized to make a temporary connection to any fire hydrant or flushing valve upon receipt of a written request for temporary water service. Such temporary service shall be supplied only through a District meter installed by the District's operator.
- B. The person applying for temporary water service shall be required to deposit \$900.00 with the District to secure the payment for water supplied by the District and the safe return of the District's meter. Upon receipt of full payment for temporary water used and return of the meter in good condition, the deposit will be returned; provided, however, any damage to the meter or unpaid balances will be paid from the deposit.
- C. The fee for temporary water service shall be \$50.00 for cost of installation plus a per gallon rate calculated according to the rates set forth in this Order.



Section 34. Pressure of Water. The District does not and will not guarantee to any User a specific quantity or pressure of water for any purpose whatsoever. The District is required only to furnish a connection to its water system and in no case shall the District be liable for the failure or refusal to furnish water or any particular amount or pressure of water.

Section 35. Garbage Service. Each User shall be charged for and receive garbage service. No exceptions shall be made.

Section 36. Volunteer Fire Department Fees. The District has agreed to serve as a collecting agent for the Volunteer Fire Department and a space for a voluntary contribution will be listed on the monthly bill. Failure to pay a voluntary contribution will not result in the termination of water or sewer services or the imposition of a late fee.

Section 37. Other Utilities. Prior to installing underground cables in the area of District water supply and sanitary sewer collection lines, representatives of utility companies shall contact the District's operator to file such companies' construction plan and schedule and to review the engineering plans illustrating the location of the District lines.

Section 38. Stormwater Quality Compliance. Consistent with the requirements set forth in the Texas Pollutant Discharge Elimination System General Permit Number TXR040000, the District has a Stormwater Management Program (SWMP) in effect. In accordance with the SWMP, the District has adopted a Stormwater Guidance Manual setting forth the rules and regulations with which all the storm sewer users of the District's stormwater system must comply.

Section 39. Penalties for Violation. Any person, corporation or other entity who:

- A. violates any section of this Order; or
- B. makes unauthorized use of District services or facilities; or
- C. causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or
- D. uses or permits the use of any septic tank or holding tank within the District; or
- E. violates the District's Industrial Waste Order, if any; or
- F. violates the District's Rules and Regulations Governing Sewer Lines and Sewer Connections; or

- G. constructs facilities or buildings which are not included in the approved plans for development under the section entitled Platting and Permit Requirements of this Order; or
- H. violates the District's Drought Contingency Plan; or
- I. disposes Unauthorized Material into the District's storm sewer system; or
- J. violates the District's Park Rules, attached hereto as **Exhibit F**; or
- K. violates the rules and regulations contained in the District's Stormwater Guidance Manual.

shall be subject to a penalty of up to \$10,000.00 and/or disconnection of water service or withholding of taps for each breach of each one of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach.

This penalty shall be in addition to the other penalties, fees and charges provided by this Order and the laws of the State of Texas and to any other legal rights and remedies of the District as may be allowed by law.

Section 40. Administrative Building: The District is the owner of an administrative building and surrounding land (the "Administrative Building") serving the residents of the District, Users may utilize the Administrative Building for private functions pursuant to the terms of the M.R. Massey Administration Building Reservation and Use Policies and Procedures. In the event of any damages to the Administrative Building or any of the fixtures related thereto during the use of Administrative Building for a private function, the User agrees to pay for any damages upon presentation of an invoice and/or agrees to a lien in the amount of the damages to be placed against the User's property. Additionally, if the User does not pay the invoice related to damages, the District may, at its sole discretion terminate service to the User, pursuant to the section entitled Monthly Bills and Termination.

Section 41. Future Adjustments. The District reserves the right to increase rates and fees from time to time when, in the opinion of the Board of Directors, such increases are required to cover the costs of administration, efficient operation and adequate maintenance of the District's water, sewer and garbage collection system.

Section 42. Application of this Order. This Order and all of the provisions herein apply only to utility service to land within the District. The Board of Directors shall determine whether to provide any utility service to areas outside of the District and the terms and conditions for such service.

Section 43. Superseding Orders. This Order supersedes all prior orders, resolutions and other actions of the Board concerning fees and charges for water, sewer or garbage services and is adopted on August 5, 2021, and effective as of October 1, 2021.

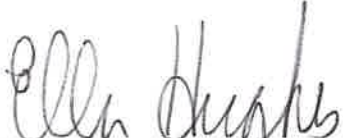
[EXECUTION PAGE FOLLOWS]

ADOPTED on the 5th day of August, 2021.



President, Board of Directors

ATTEST:



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Secretary, Board of Directors

(SEAL)



CERTIFICATION

I, the undersigned officer of the Board of Directors of Fort Bend County Municipal Utility District No. 23, do hereby certify that the foregoing is a true and correct copy of the Amend Rate Order approved by the Board of Directors of said District on the 5th day of August, 2021.

Witness my hand and seal of the District on the 5th day of August, 2021.

  
\_\_\_\_\_  
Secretary, Board of Directors

(SEAL)



## LIST OF EXHIBITS

- Exhibit A - Fees
- Exhibit B - Rates
- Exhibit C - Customer Service Inspection Certification
- Exhibit D - Service Agreement
- Exhibit E - Backflow Prevention Assembly Test and Maintenance Report
- Exhibit F - District Park Rules

EXHIBIT A

FEES

TAP FEES

Single Family Residential Users

In the case of a 5/8-inch water meter, the tap fee shall be:	\$1,550
In the case of a 3/4-inch water meter, the tap fee shall be:	\$1,700
In the case of a 1-inch water meter, the tap fee shall be:	\$1,925

In the case of a water meter larger than 1 inch, a tap fee equal to three (3) times the District's actual cost of installing the tap meter, and necessary service lines shall be paid to the District.

Non-Single Family Residential User

User shall pay a tap fee equal to three (3) times the District's actual cost of installing the tap, meter, and necessary service lines, and repairing or restoring any yards, landscaping, property, sidewalks, streets or other improvements affected by the installation shall be paid to the District (the "Installation Costs"). The District's operator will produce an estimate for the Installation Costs, which will be sent to the User. The User shall pay the Installation Costs, plus 20%, prior to the installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund or credit for the difference shall be issued to the User.

Irrigation User

In the case of a 5/8" water meter, the tap fee shall be:	\$650
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Non-Taxable Users

Non-Taxable Users shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, landscape, property, streets or other improvements affected by the installation (as determined by the District's operator) plus the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to the Non-Taxable User that are financed or to be fully or partially financed by the District's tax bonds (as determined by the District's consultants and approved by the Board of Directors) (the "Installation Costs").

The District's operator will produce an estimate of the Installation Costs, which will then be approved by the Board of Directors and be sent to the User. The User shall pay the estimated Installation Costs, plus 20% prior to installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.

Homeowner Associations

Public Space Users shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, landscape, property, streets or other improvements affected by the installation, as determined by the District's operator.

**SEWER CONNECTION INSPECTION FEE (also called Sewer Tap Inspection)**

Single Family Residential connection:	\$ 55.00
Non-Single Family Residential connection:	cost + 15%

**PRE-FACILITY INSPECTION FEE (also called Builder Initial Lot Inspection)** \$ 55.00

**FACILITY INSPECTION FEE (also called Builder Final Inspection)** \$ 55.00

Reinspection fee	\$ 55.00
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**CUSTOMER SERVICE INSPECTION FEE**

Single-Family Residential connection:	\$ 65.00
Non-Single Family Residential connection:	per Quote

**GREASE TRAP INSPECTION FEE**

Monthly Rate	\$ 55.00
Reinspection Rate	\$ 55.00

**SWIMMING POOL INSPECTION FEE** \$ 50.00

**FEE TO MAIL NOTICE OF DELINQUENCY TO USER** \$ 10.00

**SECURITY DEPOSIT**

Each new User requesting service from the District shall place with the District a \$100.00 deposit no later than the Due Date for the User's first monthly bill. If service is terminated pursuant to



Section 10 of the District's Rate Order, such User shall pay an additional deposit of \$100.00 following the first termination of service, and an additional \$100.000 deposit for each termination thereafter until the total amount of the deposit being held is \$600.00 for Single-Family Residential connections and an amount equal to three months of usage for Non-Single Family Residential connections.

<u>DISCONNECTION FEE</u>	\$ 50.00
<u>METER REINSTALLATION FEE</u>	\$ 30.00
<u>FEE FOR RETURNED CHECK</u>	\$ 30.00
<u>TRANSFER FEE</u>	\$ 35.00
<u>DISCONNECTION/RECONNECTION AT CUSTOMER'S REQUEST</u>	\$ 25.00

## EXHIBIT B

### RATES

1. Water Service (other than Public Space Users). During construction and prior to initial occupancy, builders shall be charged monthly for water at the rates set forth below. After the meter is installed, each User shall be charged monthly for water for each ESFC (as determined by the District's engineer or operator) in accordance with the following schedule:

<u>Amount of Payment</u>	<u>Water Usage</u>
\$20.75 (minimum)	First 5,000 gals.
\$1.00 per 1,000 gals.	5,001 to 10,000 gals.
\$1.50 per 1,000 gals.	10,001 to 15,000 gals.
\$2.00 per 1,000 gals.	15,001 gals. to 20,000 gals.
\$2.50 per 1,000 gals.	20,001 gals. to 25,000 gals.
\$3.00 per 1,000 gals.	25,001 gals. to 30,000 gals.
\$4.00 per 1,000 gals.	30,001 gals. to 50,000 gals.
\$4.50 per 1,000 gals.	More than 50,000 gals.

2. Water Service for Public Space Users. After a meter has been installed, water service will be provided to Public Spaces within the District and charged monthly in accordance with the following schedule:

<u>Amount of Payment</u>	<u>Water Usage</u>
\$20.75 (minimum)	First 5,000 gals.
\$0.75 per 1,000 gals.	More than 5,000 gals.

3. Irrigation System Fees. Irrigation Users shall be charged monthly for water usage at the rate and in the manner discussed above for Single Family Residential Users. There shall be no sewer charge for Irrigation Users.

4. Sewer Service. Each User within the District shall be charged for sewer service on a monthly basis in accordance with the following schedule.

<u>User</u>	<u>Amount of Payment</u>
Single Family Residential	\$27.00 flat rate per month per connection
Multi-Family Residential	\$27.00 per month per unit plus \$1.50 per 1,000 gallons water consumption in excess of 5,000 gallons per unit per month
Non-Single Family Residential And Non-Taxable	\$27.00 per month per single family equivalent connection (as determined by the District's engineer) plus \$1.50 per 1,000 gallon water consumption in excess of 5,000 gallons per ESFC per month

## EXHIBIT C

### Texas Commission on Environmental Quality

#### Customer Service Inspection Certificate

#### Form TCEQ-20699 - Instructions



#### General Instructions:

The purpose of form TCEQ-20699 is to certify the identification and prevention of cross connections, potential contaminant hazards, and illegal lead materials as per *Title 30 of the Texas Administrative Code(30 TAC) 290.46(j)(4)*. The form can be completed one of two ways:

1. The form can be printed and completed manually, or;
2. The form can be completed electronically through an electronic medium (tablet, laptop computer, etc.). The yellow areas on the form can be completed electronically.

**NOTE:** *The form is intended to be completed on-site while the inspection is occurring. If the form is completed electronically, the electronic device must also be on-site for proper use of this form.*

The form must be printed and signed by the Inspector that performed the work. The hardcopy original or a copy must be provided to the Public Water System (PWS) for record keeping purposes as specified in *30 TAC 290.46(f)(3)(E)(iv)*.

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#### Specific Instructions:

Please follow these instructions when completing Form TCEQ-20699:

1. Check boxes: If completing the form electronically, all check boxes are highlighted in yellow and can be selected to make the desired indication. Selecting a box will insert an "X" in the box.
2. Remarks: The "Remarks" section of the form is expandable, which means your final report can be more than one page. Make sure to include all pages when submitting to the local water purveyor.

Texas Commission on Environmental  
Quality  
**Customer Service Inspection  
Certificate**

Name of PWS:	
PWS ID #:	
Location of Service:	

Reason for Inspection:    New construction .....

Existing service where contaminant hazards are suspected  
.....

Major renovation or expansion of distribution facilities  
.....

I \_\_\_\_\_, upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge:

Compliance	Non-Compliance		
<input type="checkbox"/>	<input type="checkbox"/>	(1)	No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission
<input type="checkbox"/>	<input type="checkbox"/>	(2)	No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure principle backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention assembly tester.
† <input type="checkbox"/>	<input type="checkbox"/>	(3)	No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.
<input type="checkbox"/>	<input type="checkbox"/>	(4)	No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988 and prior to January 4, 2014.
<input type="checkbox"/>	<input type="checkbox"/>	(5)	Plumbing installed after January 4, 2014 bears the expected labeling indicating ≤0.25% lead content. If not properly labeled, please provide written comment.
<input type="checkbox"/>	<input type="checkbox"/>	(6)	No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.

I further certify that the following materials were used in the installation of the private water distribution facilities:

Service lines;    Lead       Copper       PVC       Other     
 Solder;            Lead       Lead Free       Solvent Weld       Other  

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

Remarks:	

Signature of Inspector:		Registration Number:	
Title:		Type of Registration:	
Date:			

## EXHIBIT D

### SERVICE AGREEMENT

- I. PURPOSE. Fort Bend County Municipal Utility District No. 23 (the "District") is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices. The purpose of this service agreement is to notify each customer of the plumbing restrictions which are in place to provide this protection. The District enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the District will begin service. In addition, when service to an existing connection has been suspended or terminated, the District will not re-establish service unless it has a signed copy of this agreement.
- II. PLUMBING RESTRICTIONS. The following unacceptable plumbing practices are prohibited by State regulations.
- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - C. No connection which allows water to be returned to the public drinking water supply is permitted.
  - D. No pipe or pipe fitting which contains more than a weighted average of 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
  - E. No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- III. SERVICE AGREEMENT. The following are the terms of the service agreement between Fort Bend County Municipal Utility District No. 23 (the "District") and \_\_\_\_\_ (the "Customer").

- A. The District will maintain a copy of this agreement as long as Customer and/or the premises is connected to the District's water system.
  - B. Customer shall allow his/her property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any major changes to the private plumbing facilities. The inspections shall be conducted during the District's normal business hours.
  - C. The District shall notify Customer in writing of any cross-connection or other unacceptable plumbing practice which has been identified during the initial inspection or the periodic reinspection.
  - D. Customer shall immediately correct any unacceptable plumbing practice on his/her premises.
  - E. Customer shall, at his/her expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District.
  - F. Customer understands and agrees that the District does not guarantee any specific quantity or pressure of water for any purpose whatsoever and that the District is not liable to customer for failure or refusal to furnish any particular amount or pressure of water to Customer at any time.
- IV. ENFORCEMENT. If Customer fails to comply with the terms of the Service Agreement, the District shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Service Agreement shall be billed to Customer.

CUSTOMER'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

## EXHIBIT E

### Texas Commission on Environmental Quality BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping purposes.

NAME OF PWS:	
PWS ID#:	
PWS MAILING ADDRESS:	
PWS CONTACT PERSON:	
ADDRESS OF SERVICE:	

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):			
<input type="checkbox"/>	Reduced Pressure Principle (RPBA)	<input type="checkbox"/>	Reduced Pressure Principle-Detector (RPBA-D)
<input type="checkbox"/>	Double Check Valve (DCVA)	<input type="checkbox"/>	Double Check-Detector (DCVA-D)
<input type="checkbox"/>	Pressure Vacuum Breaker (PVB)	<input type="checkbox"/>	Spill-Resistant Pressure Vacuum Breaker (SVB)

Manufacturer:		Size:	
Model Number:		BPA Location:	
Serial Number:		BPA Serves:	

Reason for test:	New <input type="checkbox"/>	Existing <input type="checkbox"/>	Replacement <input type="checkbox"/>	Old Model/Serial #
Is the assembly installed in accordance with manufacturer recommendations and/or local codes?				<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the assembly installed on a non-potable water supply (auxiliary)?				<input type="checkbox"/> Yes <input type="checkbox"/> No

	Reduced Pressure Principle Assembly (RPBA)			PVB & SVB	
	DCVA		Relief Valve	Air Inlet	Check Valve
	1 <sup>st</sup> Check	2 <sup>nd</sup> Check***			
<b>Initial Test</b> Date: Time:	Held at ___ psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Held at ___ psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at ___ psid Did not open <input type="checkbox"/>	Opened at ___ psid Did not open <input type="checkbox"/>  Did it fully open (Yes <input type="checkbox"/> /No <input type="checkbox"/>	Held at ___ psid Leaked <input type="checkbox"/>
<b>Repairs and Materials Used**</b>					
<b>Test After Repair</b> Date: Time:	Held at ___ psid Closed Tight <input type="checkbox"/>	Held at ___ psid Closed Tight <input type="checkbox"/>	Opened at ___ psid	Opened at ___ psid	Held at ___ psid

\*\*\* 2<sup>nd</sup> check: numeric reading required for DCVA only

Differential pressure gauge used:	Potable: <input type="checkbox"/>	Non-Potable: <input type="checkbox"/>
Make/Model:	SN:	Date tested for accuracy :

Remarks:	

Company Name:		Licensed Tester Name (Print/Type):	
Company Address:		Licensed Tester Name (Signature):	
Company Phone #:		BPAT License #	
		License Expiration Date:	

**The above is certified to be true at the time of testing.**  
 \* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]  
 \*\* USE ONLY MANUFACTURER'S REPLACEMENT PARTS

TEST RESULT
PASS <input type="checkbox"/>
FAIL <input type="checkbox"/>



## EXHIBIT F

### PARK GENERAL USE GUIDELINES AND RULES

(Amended September 22, 2016)

Within any of the District's recreational facilities; it shall be unlawful for any person to do any of the following acts, except as may be otherwise provided:

1. Use motorized vehicles or water craft.
2. Carry or discharge any firecrackers, rockets, torpedoes, other fireworks, air guns, bows, arrows, blowguns, darts or slingshots.
3. Display or discharge a firearm in a District recreational facility unless the person is licensed to possess and carry a firearm under Government Code, Chapter 411, Subchapter H, and is in possession of and/or carrying the firearm in compliance with applicable law, including, but not limited to, applicable regulations adopted pursuant to Government Code, Chapter 411, Subchapter H.
4. Catch and release fishing is permitted from the banks, however, wade fishing is prohibited. Any fish caught must be immediately released back into the lake, pond or creek.
5. Swim, wade, float, or bath in a District recreational facility.
6. Hitch, fasten, lead, drive or let loose any kind of animal or fowl; provided that this shall not apply to dogs or house cats when led by cord or chain not more than six feet long.
7. Owners not picking up animal waste.
8. Damage, cut, break, injure, deface or disturb any tree, shrub, plant, rock, monument, fence, bench, picnic table or other structure, apparatus or property.
9. Cut or remove any wood, turf, grass, soil, rock, sand, gravel, landscape material or fertilizer.
10. Bring in and or dispose of outside garbage.
11. Leave garbage, cans, bottles, papers or other refuse within the recreational facilities in places other than in trash receptacles provided therefore.
12. Execute burning of any kind.
13. Carry glass bottles of any type.

14. Carry and/or consuming alcoholic beverages of any type.
15. Sell or offer for sale any food, drinks, confections, merchandise or services unless such person has a written agreement or permit issued by the District.
16. Camp overnight or use the recreation trail after dark.
17. Play or bet at or against any game that is played, conducted, dealt or carried on with cards, dice or other device, for money, chips, shells, credit or any other representative of value, or maintain or exhibit any gambling table or other instrument of gambling or gaming.
18. Use any threatening, abusive or insulting language or language otherwise constituting "fighting words."
19. Commit any obscene, lewd or indecent act or create a nuisance of any kind.
20. Disturb in any manner any picnic, meeting, service, concert, exercise or exhibition.
21. Distribute, post, place or erect any advertising, handbill, circular, bill, notice, paper, sign, banner, flag or other advertising device.
22. Practice, carry on, conduct or solicit for any trade, occupation, business or profession.
23. Transmit any amplified sound through music, vibration, or speech projected by electronic equipment, including amplifiers or other devices in a manner that would disturb the peace, quiet, comfort or enjoyment of persons within any District recreational facility.
24. Participate in any activity when the District believes such activity may create a danger to the public or may be considered a public nuisance. The Board of Directors of the District may designate particular locations within park areas for specific activities. Certain facilities may require District permission or reservations.
25. Participate in any disorderly conduct, in any of the District's recreational facilities, as defined by Texas Penal Code, Section 42.01(2016), including but not limited to the use of any abusive, indecent, profane, or vulgar language or gestures that tend to incite an immediate breach of the peace; creating, by chemical means, a noxious and unreasonable odor; committing any lewd, indecent, or obscene act; or making unreasonable noise in a public place or in or near a private residence that you have no right to occupy.
26. Horseback ride through any District recreational facility.

27. Use District facilities outside of the permitted hours. Permitted hours are from dawn to dusk unless otherwise designated by sign or written District permission.

Any person, corporation or other entity violating these guidelines and rules may be subject to a fine of up to \$10,000 per violation or criminal penalties, including imprisonment, or both.