

ORDINANCE NO. 2022-003

AN ORDINANCE OF THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT, COLLIN COUNTY, TEXAS, AMENDING AND RESTATING SECTION 2.07 OF THE RATE ORDER RELATED TO COMPLY WITH NEW LEGISLATION MAKING CUSTOMER RECORDS AUTOMATICALLY CONFIDENTIAL; AMENDING AND RESTATING SECTIONS 5.13(c) AND 5.15 OF THE RATE ORDER TO ADD ELECTRONIC CHECKS TO THE DELINQUENT PAYMENT AND RETURNED CHECK POLICIES; AMENDING AND RESTATING SECTION 7.07 OF THE RATE ORDER TO INCREASE THE WATER USAGE AND LEAK ADJUSTMENT RATES; REPEALING ORDINANCE NO. 2019-004; PROVIDING FOR A SAVINGS/REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Wylie Northeast Special Utility District (the "District") is a political subdivision of the State of Texas created under the authority of Section 59, Article XVI, Texas Constitution, and operating pursuant to Chapters 49 and 65, Texas Water Code; and

WHEREAS, the Board of Directors of the District adopted a comprehensively revised and restated Rate Order pursuant to Ordinance No. 2015-004 establishing service policies and rates for water and sewer services provided by the District to the public; and

WHEREAS, the District entered into a wholesale supply contract with the North Texas Municipal Water District ("NTMWD") for the District's entire water supply; and

WHEREAS, on September 10, 2019, the Board adopted Ordinance No. 2019-004 amending and restating Section 7.07 of the District's Rate Order to increase the water gallonage rates (now called "water usage rates"), leak adjustment rate, and the monthly base rate for sewer service; and

WHEREAS, due to rampant inflation and a thirteen percent rate increase imposed on the District by the NTMWD, the Board finds it necessary to increase certain rates and fees as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT THAT:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance by reference for all purposes.

SECTION 2. Amending and Restating Section 2.07 of the Rate Order. Section 2.07 of the Rate Order is hereby amended and restated in its entirety to read as follows:

2.07 Confidential Customer Records. *Except as provided by Section 182.054 of the Texas Utilities Code, the district may not disclose personal*

information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, unless the customer requests that the government-operated utility disclose the information. Upursuant to Section 182.054, the district is not prohibited from disclosing personal information in a customer's account record to: (i) an official or employee of the state, a political subdivision of the state, or the federal government acting in an official capacity; (ii) an employee of a utility acting in connection with the employee's duties; (iii) a consumer reporting agency; (iv) a contractor or subcontractor approved by and providing services to the utility or to the state, a political subdivision of the state, the federal government, or an agency of the state or federal government; (v) a person for whom the customer has contractually waived confidentiality for personal information; or (vi) another entity that provided water, wastewater, sewer, gas, electricity, or drainage service for compensation.

SECTION 3. Amending and Restating Section 5.13(c) of the Rate Order. Section 5.13(c) of the Rate Order is hereby amended and restated in its entirety to read as follows:

(c) Payment of a water bill by check, electronic check (a/k/a eCheck), or money order that has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued will be deemed delinquent, as if no payment was received, and the meter is subject to disconnection with notice on the regular disconnection day.

SECTION 4. Amending and Restating Section 5.15 of the Rate Order. Section 5.15 of the Rate Order is hereby amended and restated in its entirety to read as follows:

5.15 *Returned Check Policy.* *Payment by a check or electronic check (a/k/a eChecks) that has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued is not deemed to be payment to the district. The district shall mail, via the U.S. Postal Service, notice that the rejected check or electronic check must be redeemed and an additional returned check fee paid at the district office within ten (10) days of the date of the notice. Redemption of the rejected check or electronic check and payment of the returned check fee must be made by cash, money order, or certified check. Failure to meet these terms shall result in disconnection of service. A customer shall be considered a bad credit risk for having a check or electronic check rejected as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period, and may be placed on a "cash-only" basis for a 12-month period during which the district will only accept payment by means of a certified check, money order, or cash.*

SECTION 5. Amending and Restating Section 7.07 of the Rate Order. Section 7.07 of the

Rate Order is hereby amended and restated in its entirety to read as follows:

7.07 Monthly Service Charges.

(a) Water Service. The District shall assess monthly charges for water service at the following rates:

(1) Base Rate. The base rate is that portion of a customer's monthly bill which is paid for the opportunity of receiving utility service, excluding standby fees which does not vary due to changes in service consumption. The standard service unit is a 5/8" x 3/4" meter (as per AWWA maximum continuous flow specifications), which is used as a base multiplier for the monthly base rate amount. Therefore, a customer's water service base rate charge is based on the number of 5/8" x 3/4" meters equivalent to the size of that customer's meter. The district's monthly base rates for water service and meter size equivalents are as follows:

METER SIZE	5/8" x 3/4" METER EQUIVALENTS	MONTHLY RATE
5/8" x 3/4"	1.0	\$ 30.00
3/4" x 3/4"	1.5	45.00
1"	2.5	75.00
1 1/2"	5.0	150.00
2"	8.0	240.00
3" DISP.	9.0	270.00
3" CMPD.	16.0	480.00
3" TURB.	17.5	525.00
4" CMPD.	25.0	750.00
4" TURB.	30.0	900.00
6" CMPD.	50.0	1,500.00
6" TURB.	62.5	1,875.50
8" CMPD.	80.0	2,400.00

(2) Water Usage Rates. In addition to the base rate, customers shall be assessed water usage charges at the following rates for water metered during a single billing period:

0 to 5,000 gallons	\$7.46 per 1,000 gallons
5,001 to 10,000 gallons	\$8.44 per 1,000 gallons
10,001 to 15,000 gallons	\$9.57 per 1,000 gallons
15,001 to 20,000 gallons	\$10.63 per 1,000 gallons
>20,000 gallons	\$11.68 per 1,000 gallons

(3) Leak Adjustment Rate. Leak adjustments under Section 5.23 will be billed at the rate of \$4.25 per 1,000 gallons.

(b) Wastewater Service. The District shall assess monthly charges for wastewater service at the following rates:

(1) Base Rate. The district's monthly base rate for wastewater service is \$36.00. Similar to Section 7.07(a)(1) above, a customer's wastewater service base rate charge is based on the number of standard service units equivalent to the size of that customer's particular meter. [Example: George W. Bush Elementary has a 3" meter, which is equivalent to 9 standard 5/8" x 3/4" meters, so the monthly sewer service base rate for George W. Bush Elementary is calculated as follows: \$36 x 9 = \$324 per month]

(2) Sewer Usage Rate. In addition to the base rate, customers shall be assessed a sewer usage charge for water metered during a single billing period at the following rate: \$2.00 per 1,000 gallons.

(c) Regulatory Assessment. In accordance with TCEQ regulations, the district shall collect from each customer a regulatory assessment equal to 0.5% of the monthly charges collected by the district for water and sewer service. [See 16 TAC § 24.76 and Water Code § 5.701(n)]. State agencies, wholesale customers and purchasers of non-potable water are exempt from the regulatory assessment. [See TCEQ Publ. RG-199].

SECTION 6. Repealing Ordinance. Ordinance No. 2019-004 is hereby repealed.

SECTION 7. Savings/Conflicts. Ordinance No. 2015-004 shall remain in full force and effect save and except as amended by this Ordinance or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed and any remaining portions of such ordinance shall remain in full force and effect.

SECTION 8. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The District hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9. Effective Date. This Ordinance shall become effective from and after its adoption by the Board.

ADOPTED on the 17th day of October, 2022, by the Board of Directors of Wylie Northeast Special Utility District.



ATTEST:

A handwritten signature in blue ink, appearing to read "Lance Ainsworth", is written over a horizontal line.

Lance Ainsworth, Secretary,
or Amanda Horst, Assistant Secretary

A handwritten signature in blue ink, appearing to read "Jimmy C. Beach", is written over a horizontal line.

Jimmy C. Beach, President

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "James W. Wilson", is written over a horizontal line.

James W. Wilson, Attorney