

# EXHIBIT B

## CITY OF SAN ANTONIO SERVICE PLAN FOR THE NEAL ROAD ANNEXATION AREA

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### Introduction

The City ("City") of San Antonio, Texas, is making this Service Plan ("Plan") available pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of an "Annexation Area" known as the Neal Road Annexation Area, consisting of approximately 5.9 square miles in south Bexar County, generally located north of South Loop 1604 East, east of Applewhite Road, west of Pleasanton Road, and south of Mauermann Road.

### Effective Term

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time. Residents of the Annexation Area may request extension of the service plan, and the plan may be extended upon the mutual agreement of the City and the residents.

### Intent

It is the intent of the City that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code. The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

### Service Components

In general this Plan includes three service components: **(1) Annexation Service Requirements, (2) Additional Services and (3) a Capital Improvement Program.** As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public and private non-profit service organizations to provide such services by contract in whole or in part. It may also include separate agreements with associations or similar entities. Services are provided and fees are assessed in accordance with City of San Antonio Municipal Code, as may be amended.

**1. ANNEXATION SERVICE REQUIREMENTS** – The following will be provided in the Annexation Area commencing on the effective date of the annexation for full purposes, unless otherwise noted.

**A. Police Protection** The San Antonio Police Department (SAPD) will provide protection and law enforcement services in the newly annexed area upon the effective date of annexation. These services include:

- Routine patrols and responses;
- Handling of complaints and incident reports;
- Special units, such as traffic enforcement, criminal investigations, covert operations, K-9 Unit, Family Assistance Crisis Teams, Bomb Squad, and Special Weapons and Tactics Team (SWAT); and
- Any other services or programs provided to the citizens of San Antonio at the time of annexation.

The newly annexed area will either become a new patrol district or part of an existing one based upon factors such as the size of the area, population, and the expected number of calls for service. These factors will also determine the need for hiring additional patrol officers to ensure all patrol districts are adequately staffed 24 hours a day, seven days a week, and to maintain an average response time comparable to other areas of the city. SAPD San Antonio Fear Free Environment Unit (SAFFE) officers will be available to meet with residents as requested to discuss police issues in the neighborhoods.

The City currently has six Police Substations. Each Substation is responsible for a Patrol "Service Area," under the command of a Captain. These Service Areas are divided into Patrol Sections. The Patrol Sections, with supervisory responsibilities assigned to Sergeants, are divided into "Patrol Districts." The "Patrol Districts" are geographically defined areas established for several reasons, including but not limited to:

- Serving as a manpower distribution tool based on call volume, population, area size, and geographic variables;

- Providing a means of establishing primary responsibility to individual officers, during their tour of duty, for various activities within a specific geographic area; and
- Providing an efficient and effective means of assigning, identifying, and locating officers, within a generalized area, using currently available technology.

The Annexation Area will be served by the South Patrol Substation, located at 711 Mayfield Boulevard. Currently 20 Patrol Districts serve the service area. This Substation currently has 180 Patrol Officers, nine Property Crimes Detectives and 17 SAFFE Officers assigned to the service area. The Annexation Area will become part of patrol district #6160. There is no specific number of officers that can be assigned to a patrol district. Patrol districts are staffed with at least one officer, 24 hours a day, 7 days a week. Many times multiple officers are assigned to single districts.

Police services are initiated by on-sight officer activity, citizen requests, and any other means available. The most common means by which officers receive their assignments is through direct supervisory command and radio/computer transmissions by police dispatchers.

**B. Fire Protection and Emergency Medical Service (EMS)** – The San Antonio Fire Department (SAFD) will provide fire and medical emergency services to the Annexation Area consistent with the provision of services in like areas of San Antonio. Service will be provided through the use of 53 Engines, 20 ladder trucks, 34 full-time and up to 8 peak period EMS ambulances, 4 Medical Officers and 9 Chief Officers. These resources result in a minimum of 382 on duty personnel 24 hours a day throughout the City. SAFD will be providing fire protection and EMS from Fire Station 50 located at 15000 Applewhite Road and Fire Station 22 at 1100 March Drive.

**C. Solid Waste Collection Services** – The San Antonio Solid Waste Management Department will provide residential solid waste collection services in the newly annexed area. Collection services will be provided by City personnel or by solid waste service providers under contract with the City. Services provided will be at a level equivalent to those provided to residents within the current City limits. Services are provided and fees are assessed in accordance with Chapter 14 of the City Municipal Code, as may be amended. Fees for services are assessed monthly on CPS Energy Utility bills.

Upon annexation, residents may choose to either retain their present private service provider or use City-provided service for a period of two years. If residents elect to retain private service, City solid waste service fees will not be assessed. Two years after the effective date of annexation, all residents, except those living on a property with private streets as outlined below, must use and will be billed for City-provided service.

Residents living within gated communities or on properties with private streets, without public road access, may elect to either contract with private service providers or use City-provided services. If private collection services are used, the City solid waste fees will not be assessed at these locations. If City-provided collection services are desired, the private street community or property must consent to an indemnity agreement allowing the City or its contractor entry onto private streets and exempting the City from liability. In addition, the pavement condition of the privately owned street, road or driveway must safely support collection trucks.

*Residential Solid Waste Services* – Garbage, recycling and organics collection is provided once per week using an automated collection system. All materials must be inside the container for collection. The City retains ownership of the containers. Customers are required to safeguard the containers and to maintain them in a sanitary condition. For an additional monthly fee, additional garbage containers can be requested.

*Garbage Collection* – Each residential unit is provided one (brown) garbage container. Monthly fees will be assessed in accordance with the garbage container size. Residents will have the option to select a small, medium or large size container for garbage. [See Table I for “Pay-as-You-Throw” fees.]

*Recycling Collection* – Each residential unit is provided with one (blue) container in which to place specified items defined as recyclable materials. Acceptable recyclable materials shall be designated by the city and include: newspaper, mixed office paper, magazines, corrugated cardboard, paper bags, aluminum and tin cans, steel aerosol cans, plastic bottles, tops and containers, glass bottles and jars; and single-use plastic bags bundled (soccer ball-size).

*Organics Collection* – Each residential unit is provided one (green) organics collection container to place specific items defined as organic materials. Acceptable green container materials shall be designated by the city and include the following: leaves, tree trimmings (no taller than height of cart), yard trimmings, small branches, food

scraps, food-soiled paper and cardboard, and other organic materials may be added to the program at the discretion of the director or his designee.

*Bagged Leaf Collection* – Residential customers may request up to two free special collections of grass clippings, leaves, and weeds, per fiscal year. Each collection request should not exceed eight cubic yards and fifty paper bags /cardboard boxes. Additionally, bags and boxes should not exceed 0.16 cubic yards. Each bag or box must not weigh more than forty (40) pounds. Paper bags must be composed of two-ply Kraft/sack paper capable of containing the contents when handled. Cardboard boxes must be made of brown bio-degradable cardboard that contains no deleterious substances.

*Brush and Bulky Item Collection* is provided in accordance with an annual schedule. Residents receive a notice prior to each collection cycle. For an additional fee, residents may schedule special collections.

*Dead Animal Collection* within the City's right-of-way is available, upon request.

*Drop-off Sites* are available for brush recycling, bulky trash and household hazardous waste. Special collection events, such as Free Disposal Days and Dial-A-Trailer neighborhood cleanups are available to all Solid Waste ratepayers.

*Commercial Solid Waste Services*– Commercial garbage collection is available for qualifying businesses in a manner similar to residential services. Bulky item, brush and bagged leaf collections are not provided to businesses. If City-provided commercial service is not desired, businesses may utilize private service providers.

*Monthly Solid Waste Fees* are set annually by City Council as described below:

*Environmental Services Fee* – All residential and non-residential properties shall be assessed a monthly Environmental Service Fee of \$3.24 per unit. The Environmental Fee is comprised of a \$2.24 Solid Waste Environmental Fee and a \$1.00 Parks Environmental Fee. This fee is intended to defray municipal expenses necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills, providing environmental services to the City's park system, and equitably sharing costs for neighborhood clean-ups benefiting residents and businesses that do not pay a monthly solid waste processing fee.

*Solid Waste Service Fees* – Residents (*single-or multi-family residential units*) will be assessed monthly fees on their CPS Energy utility statement. Pay-as-You-Throw is a volume-based program wherein residents may choose the size brown garbage container based on the amount of garbage thrown away. Fees are assessed in accordance with the size selected. Commercial/Non-residential Solid Waste Service Fees are the same as the residential monthly fees but only garbage and recycling collection services are provided. *Miscellaneous one-time fees* may be assessed for damaged containers, exchanges for larger size garbage containers and special collections. The current monthly fees are:

**Table1: Pay- as-You-Throw Solid Waste Containers and Fees**

<b>The Pay-as-You-Throw Garbage Container Sizes</b>	<b>Fees per Month (without the Environmental Fee)</b>
Small (48 gallon) container	\$18.19
Medium (64 gallon) container	\$18.69
Large (96 gallon) container	\$19.94

**D. Operation and Maintenance of Water and Wastewater Facilities** – San Antonio Water System (SAWS) will maintain and operate the public water and wastewater facilities that are within its certified service area. Routine standard maintenance of the facilities is performed on a scheduled basis. Emergency maintenance and repairs receive immediate attention, and are available 24 hours a day, 7 days a week. The facilities will be maintained and operated in accordance with standard SAWS policies and procedures, and under the provisions of the SAWS Utility Service Regulations for the extension of facilities.

*SAWS Monthly Rates* – The average residential customer's bill for water, wastewater, and water supply fee is \$62.24 (Inside City Limits) and \$73.82 (Outside City Limits) (based on a winter average consumption of 7,092 gallons of water per month, and 5,668 gallons of sewer use per month). The SAWS rate structure is designed to provide balance between residential and business rates and to encourage conservation with rates that increase at higher levels of consumption. The current rates were approved by City Council to be effective as of the beginning of January 2017. SAWS customers, after annexation, will pay the lower Inside City Limit rate as opposed to the

Outside City Limit rate. For the average residential customer, this will amount a cost reduction in combined monthly water/sewer charges of 15.7%. The rates are set by City Council and can be amended in the future.

*SAWS Water Conservation Programs & Rebates* –SAWS water conservation education programs and rebates are available to SAWS residential and commercial customers. SAWS residential customers can access other water saving programs including WaterSaver Landscape Coupons to replace lawn-dominated landscape areas with attractive drought tolerant garden beds and or permeable patio). Educational resources regarding drought-tolerant plants are available at [www.GardenStyleSA.com](http://www.GardenStyleSA.com).

With commercial customers accounting for 6.0% of the customer base and 35.1% of SAWS' annual water sales, there is great potential for water savings through commercial conservation programs. Commercial customers also have access to water conservation education and incentives. There are programs to make irrigation systems more efficient and customer rebates for big projects that address operational efficiencies. Detailed information on these and other programs can be found on the SAWS website at [www.saws.org](http://www.saws.org).

**E. Operation and Maintenance of Roads and Streets, including Street Lighting** – The Transportation and Capital Improvements Department (TCI) will maintain public streets over which the City has jurisdiction. TCI is responsible for the maintenance and repair of the City street, bridge and alley infrastructure. Curbs, sidewalks, driveways approaches, curb ramps and other street infrastructures are constructed in accordance with the City and the Americans with Disability Act (ADA) standards. Service requests or community concerns for TCI's response, such as pothole and base and pavement repairs are initiated by contacting the City's 311 call center or online services. These services include:

*Emergency Pavement Repair* – Potholes are collapsed areas within the roadway that do not exceed 3 feet by 3 feet. The City's goal is to repair reported potholes within 48 hours or two business days.

*Street Base and Pavement Repair* – Areas of collapsed pavement that exceed 3 feet by 3 feet in need of a *base and pavement repair*, which require different maintenance equipment and has a 90-day service window.

*Preventative Street Maintenance* activities are conducted upon approval and identification of funding by City Council to include crack seal, chip seal coat, slurry seal, asphalt overlay and other structural treatments.

*Guard Post and Guard Rail Maintenance* –TCI's goal is to repair damaged guard posts and guard rails within 60 days of being reported. The Adopted Goal for FY 2015/2016 is 99% of flex beam service requests will be repaired within 45 days.

*De-icing and Snow Removal Services* – TCI also monitors ice and snow on public right of ways including bridge infrastructures, major thoroughfares, public facilities, and downtown sidewalks.

*Neighborhood Access and Mobility Program (NAMP)* – Street projects are selected and funded by the City Council on a citywide basis upon availability of funding and scheduled based on workforce capacity under NAMP as approved by City Council. Current base funding for NAMP is \$200,000 per Council District in FY 2016-2017. NAMP was designed to help neighborhoods control traffic speed and provide mobility for pedestrians. NAMP Projects include the following: sidewalks for pedestrian traffic, speed humps for vehicular traffic, traffic improvements and school flashers.

*Emergency Street Closure Services* –TCI performs barricading service for emergency situations, twenty-four (24) hours a day, and 365 days a year. Vehicular and pedestrian hazards are barricaded immediately. Requests for service and/or necessary action is reported and monitored through the 311 call center system.

*Street Re-striping and Marking Services* – For major arterials and collectors, the repainting of street markings is on an 11 year frequency. All improved intersections and roadways are striped in conformance with the Texas Manual on Uniform Traffic Control Devices. All roadways are re-striped and remarked as needed.

*Infrastructure Management Program (IMP)* is a five-year rolling program which focuses on the maintenance of San Antonio's infrastructure. Services needs are identified city-wide and are scheduled for street maintenance, alley maintenance, drainage maintenance, sidewalks, traffic signals, pavement marking and Advance Transportation District (ATD) projects. The IMP provides the City a structured program schedule, potential for additional multiple year contract awards and improved utility coordination. During the budget process for each City fiscal year, the IMP is presented to City Council for approval. Amendments may occur throughout the year due to coordination with utilities or unforeseen conditions, such as inclement weather. The goal of the IMP is to provide the best possible maintenance for the City.

*Traffic Management* is responsible for the development and monitoring of the City's traffic signal system. This includes responding to community concerns for various signal maintenance needs. If necessary, TCI will provide regulatory signage services in the Annexation Area. Traffic signal, stop and all other regulatory studies are conducted in conjunction with growth of traffic volumes. Traffic signs, signals, and markings are installed in conformance with the Texas Manual on Uniform Traffic Control Devices. Faded, vandalized, or missing signs are replaced as needed. "Call back" service is provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs. The current goal for critical regulatory signs is repaired within 72 hours of being reported to TCI. Requests for signage should be called into the 311 call center. On average, regulatory signs are replaced within 48 hours.

*Storm Water Utility* – The Storm Water Utility is housed within TCI. The Storm Water Utility is responsible for drainage services as well as the installation, operation, and maintenance of drainage infrastructure throughout San Antonio.

*The Storm Water Utility Fee* is intended to cover capital and maintenance expenses associated with drainage projects and fund operational services related to the Municipal Separate Storm Sewer System (MS4) Permit as required by Federal regulations. On September 10, 2015, the San Antonio City Council approved revisions to the Storm Water Fee structure using an impervious cover approach and adopted a five-year rate plan. The revised Storm Water Fee rates became effective January 1, 2016. The rates each year after 2016 shall be effective on the October 1 date occurring prior to the start of the succeeding calendar year (e.g. October 1, 2016 for new rates shown for FY 2017, October 1, 2017 for new rates shown for FY 2018, etc.). More information about the storm water rate plan is available at [http://www.saws.org/service/rates/stormwater\\_fee.cfm](http://www.saws.org/service/rates/stormwater_fee.cfm).

The storm water utility fee is billed by SAWS on behalf of the City. Services are currently provided by the SAWS, in accordance with the SAWS's approved business plan and as limited by applicable codes, laws, ordinances and special agreements. The fee will be assessed for the subject property as the storm water will drain into the existing City facilities. Examples of services funded by the Storm Water Utility fee include but are not limited to the following:

- *Street Sweeping* consists of sweeping residential streets two times per year and arterial and collector streets four times per year;
- *Channel Mowing/Restoration* consists of inspection and maintenance of rivers, creekways and improved drainage channels and mowing improved channels in public rights-of-ways six (6) times per fiscal year;
- *Drainage Infrastructure Maintenance* includes replacing and cleaning underground drainage pipes, repairing and cleaning storm drainage inlets and maintaining and operating high water detection system and flood control structures; and
- *Natural Creekway Debris Removal* consists of de-silting and re-grading of improved channels, natural waterways and creeks and removal of debris from drainage ways and low water crossings.

*Street lighting* – The planning of public street lights is coordinated by the City's Development Services Department (DSD). CPS Energy will maintain public street lighting in accordance with Sec. 43.056 (b) (6) of the Texas Local Government Code and the City's policies. The City assumes the cost of electricity for public street lights.

**F. Operation and Maintenance of Parks, Playgrounds and Swimming Pools** – Maintenance responsibilities for municipally owned parks in annexed area are the responsibility of the City. Any proposed or existing privately owned parks, playgrounds, swimming pools, recreational facilities and common spaces in the subject property are the responsibility of the property owner(s).

**G. Operation and Maintenance of Any Other Publicly Owned Facility, Building, or Service** – Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the subject property, an appropriate City department will provide maintenance services for them.

**2. ADDITIONAL SERVICES** – Certain services, in addition to the above services, will be provided within the Annexation Area. They are as follows:

**A. Code Compliance** – The Code Compliance Division of DSD enforces City codes and regulations to protect the health, safety and general welfare of the community. Current enforcement is provided to the following and is not limited to:

- Vacant dangerous premises and structures,
- Junked vehicles,
- Weeded vacant lots,
- Zoning (Unified Development Code),
- Property maintenance,
- Minimum housing, including unsanitary premises,
- Front yard parking,
- Alley and right-of-way violations,
- Monthly inspections of salvage/junk yards,
- Monitoring and enforcing materials received at salvage/junk yards, and
- Enforcement of Garage sale permits.

The Code and ordinances enforced by DSD are subject to changes by the City Council.

**B. Zoning** – City staff will initiate the zoning process for a permanent zoning classification. The Zoning Commission will conduct at least one public hearing and make a recommendation to the City Council regarding the proposed zoning. The City Council will consider the proposed zoning district concurrently with the annexation of the area at a public hearing. Zoning will be effective upon the effective date of annexation.

**C. Building Permits** – Incomplete construction must obtain building permits from the DSD in accordance with City codes. Incomplete construction implies that final inspections have not been conducted and approved. For new residential construction, incomplete construction indicates approved final inspections for building, mechanical, plumbing, and electric field inspections have not been obtained. For new commercial construction, incomplete construction indicates, approved final inspections for building, mechanical, plumbing, electric, fire, traffic, drainage, sidewalks, irrigation, tree, and landscape field inspections have not been obtained. Other field inspections may be applicable for new commercial construction depending on the specific use and/or location of the project. Building permits may be applied for at Cliff Morton Development and Business Services Center located at 1901 South Alamo Street, San Antonio, TX. In addition, as part of the permitting process, applicant(s) will be required to adhere to the City's Tree and Landscape requirements. A one-stop development service counter has been created to assist the public with any development questions that relate to building, planning and TCI issues.

**D. Certificate of Occupancy** – New and existing businesses must obtain a Certificate of Occupancy and related licenses required by City code from the DSD, San Antonio Metropolitan Health District, and/or City Tax Office. In accordance with the 2015 International Building Code, no person may occupy a building or a space without first obtaining a Certificate of Occupancy. Certificates of Occupancy may be applied for at the Cliff Morton Development and Business Services Center located at 1901 South Alamo Street, San Antonio, TX.

**E. Nonconforming Rights** – To establish nonconforming rights for zoning, property owners with existing land uses are encouraged to register within 90 days of the annexation date with the DSD. Uses that existed legally prior to annexation, generally become nonconforming after annexation because of the new zoning classification placed on the land.

Registration of legal nonconforming uses allows property owners to apply for a Certificate of Occupancy. Upon the issuance of the Certificate of Occupancy, property owners may continue the legal nonconforming uses that existed prior to annexation. A Certificate of Occupancy will be issued certifying only those uses required by applicable City and State codes.

**F. Library Services** – Residents in the Annexation Area may choose to go to any library branch. The nearest libraries to the Annexation Area are:

- Cortez Branch Library, 2803 Hunter Boulevard, San Antonio, TX 78224
- Pan American Branch Library, 1122 Pyron Avenue, San Antonio, TX 78221
- Mission Branch Library, 3134 Roosevelt Ave, San Antonio, TX 78214

The San Antonio Public Library locations provide the following services:

- Library materials for adults, young adults and children including books, periodicals, compact disks, DVD, videos, audio books, and electronic books;
- Programming for adults, young adults and children such as regularly scheduled story time;
- Book discussion groups and other topics of interest to the community; and
- Access to the Internet, databases and other computer programs, which is available 24/7 through the web

address [www.mysapl.org/digital](http://www.mysapl.org/digital).

Professional staff is available to assist library customers with reference and reader's advisory questions and public meeting room space are available. More information is available at the San Antonio Public Library Website: [www.mysapl.org](http://www.mysapl.org).

**G. Health Department Services** – The San Antonio Metropolitan Health District (SAMHD) currently provides certain public health services, including dental screening and treatment, communicable disease control, emergency preparedness and response, and health education to person residing in the Annexation Area through an interlocal agreement with Bexar County-University Health Systems. Upon full purpose annexation the following additional services will become available:

- Investigation of public health related complaints including food borne illness, recreational water quality, and public swimming pools and spas, and investigation of toxic exposures;
- Permitting and routine sanitation inspections of food establishments, schools, day cares, swimming pools and mobile living parks;
- Enforcement of the City's smoking ordinance in public places;
- Investigation of reported elevated Blood Lead Levels (BLL) in children;
- Access to community health clinics; and
- Medical Assistance Program benefits.

SAMHD would provide additional services for oversight of day care centers, semi-public swimming pools, air quality permits and livestock issues.

**H. Animal Care Services** – Newly annexed area will receive the same level of service as within the current San Antonio City Limits. These services include, but may not be limited to, animal enforcement and control, educational and public outreach, low cost animal related resources as microchips and spay/neuter services, and community cat program services.

**I. Other Services** – City Departments with jurisdiction in the area will provide services according to City policy and procedure.

**3. CAPITAL IMPROVEMENTS PROGRAM** – The City will initiate the construction of capital improvements as may be necessary for providing municipal services to the Annexation Area. The timing for the construction of capital projects that may be necessary for the delivery of municipal services will be done in accordance with the requirements of Subchapter C of Chapter 43, Local Government Code.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

**A. Police Protection** – No capital improvements are necessary at this time to provide Police services.

**B. Fire Protection** – SAFD will be providing fire protection from Fire Station 50 located at 15000 Applewhite Road and Fire Station 22 at 1100 March Drive.

**C. Emergency Medical Service** – No capital improvements are necessary at this time to provide EMS services.

**D. Solid Waste Collection** – No capital improvements are necessary at this time to provide solid waste collection services.

**E. Roads and Streets** – No newly constructed road or street related capital improvements are necessary at this time to provide services. The City will assume maintenance responsibilities for all public streets.

**F. Parks, Playgrounds and Swimming Pools** – The Medina River Greenway is under property acquisition and development now and will be for the next 5+years.

**G. Library Services** – No capital improvements are necessary at this time.

**H. Capital Improvements Planning** – The Annexation Area will be included with other territory within the municipality in connection with planning for new or expanded facilities and/or services. All other capital improvements will be considered through the 6-Year Capital Budget that represents the City's long-range physical infrastructure development and improve plan. Major funding sources are General Obligation Bonds, Certificates of Obligation, Storm Water Revenue Bonds, and Community Development Block Grants as applicable. Capital projects are placed in inventory by the City Council representative through input from

community plans, existing neighborhood plans, community associations, neighborhood requests and other community processes.

**AMENDMENT: GOVERNING LAW** – This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

**FORCE MAJEURE** – In case of an emergency, such as Force Majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the Annexation Area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the Annexation Area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

#### **SUMMARY OF THE WATER AND WASTE WATER UTILITY SERVICE REGULATIONS 2016**

The following information is a summary of the SAWS Utility Service Regulations for the extension of water and/or waste water facilities as incorporated by reference in the latest version of the Unified Development Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and waste water service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or waste water facilities connecting to the SAWS system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have SAWS water or wastewater service fronting the property, the owner may make an application for an extension of service to SAWS Director of Infrastructure Development Department for review. If the Director determines that adequate capacity is available, or will be and if the project does not include SAWS cost participation or reimbursement, and if the proposed facilities are a logical extension of SAWS water and/or wastewater system and the requested extension meets the requirements of SAWS Utility Service Regulations, the extension size, capacity, and routing may be approved by the Director. Funding and construction of the facilities will be the responsibility of the developer.

Depending on the size of the new facilities and other conditions, with SAWS Board of Trustees approval, SAWS may reimburse the developer for a portion of the cost of constructing certain facilities. With Board approval, SAWS may reimburse costs associated with the oversize capacity of water and wastewater mains. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in SAWS Utility Service Regulations as incorporated by reference in the UDC.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees.

For property(s) served by a septic system, the property owner(s) remains responsible for the operation and maintenance of the septic system. If the septic system fails, the property owner must repair the system or pay to extend SAWS wastewater facilities to the property, if unavailable. Under certain circumstances the City Health Department and/or applicable regulatory agency for septic tanks may require the property owner to connect to SAWS public waste water facilities.

This policy is set by the City Council and can be amended in the future by ordinance.