



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

AGENDA
CITY WATER COMMISSION MEETING

Tuesday, June 23, 2015 at 6:00 P.M.

The Garden Ridge City Water Commission will meet in a regular session on Tuesday, June 23, 2015 at 6:00 p.m. in the City Council Chambers, City Hall, 9400 Municipal Parkway, Garden Ridge, Texas. This meeting is open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on Friday, June 19, 2015 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours in advance of this meeting.

1. Call to Order
2. Roll Call
3. Citizen's Participation – 3 minute limit per citizen

Rules for Citizen's Participation:

The Water Commission welcomes citizen participation and comments at all of their Commission Meetings. As a courtesy to your fellow citizens and out of respect to our appointed officials, we must request that if you wish to speak, that you please follow these guidelines.

- a. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
- b. Show the Water Commission the same respect and courtesy that you would like to be shown.
- c. Limit remarks to three (3) minutes per citizen during Item 3.
- d. Citizen comments may be deferred to a specific Business Item set forth in Section 5, below, if such comments pertain to such Business Item.

*NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject **must be limited** to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Commission is limited to either a statement of specific factual information or a recitation of existing policy.*
TEX. GOV'T CODE § 551.042.

4. Approval of Minutes
 - a. April 28, 2015 Regular Water Commission Meeting
5. Business Items

The City Water Commission may discuss, consider and/or take possible action on recommendation to the City Council on the following:

- a. Request for water bill adjustment from Kevin Vaille, 8830 Cherokee Path, seeking relief on April 23, 2015 to May 22, 2015 water bill due to water leak
 - b. Request for water bill adjustment from Gregory Czerniak, 9419 Gardenia Bend, seeking relief on March 23, 2015 – April 23, 2015 water bill due to billing for 278,000 gallons and asking said bill be adjusted based on prior usage
 - c. Review and discussion on a request from Daniel J. Post, 22016 Deer Canyon, regarding Ordinance 54, Section 6.03 and 7.01 as they concern utility billing processes
6. Update on actions taken by the City Council in previous City Council Meetings
7. Water Manager Monthly Activity Report
- a. Water pumping/usage from city wells
 - b. Water system infrastructure maintenance, repairs and/or projects
 - c. Static levels, drawdown levels and flow rates on the Trinity Well
 - d. Water and/or Drought Management
8. Adjourn

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion

by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.


Shelley Goodwin, TRMC
City Secretary

This is to certify that I, Shelley Goodwin, posted this Agenda at 9:00 a.m. on June 19, 2015 on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Shelley Goodwin, TRMC
City Secretary



City of Garden Ridge

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MINUTES OF CITY WATER COMMISSION REGULAR MEETING April 28, 2015

Members Present:

Chairman Jim Bower
Commissioner David Heier
Commissioner Ray Pitzen
Commissioner Pat Ramirez
Mayor Pro Tem Knaus

Member Absent:

Commissioner Richard Holloway
Commissioner Jim Kohl

City Staff Present:

Nancy Cain, City Administrator
Royce Goddard, Water Department Manager
Shannon DeToro, Municipal Court Clerk

1. Call to Order

With a quorum of the City Water Commission present, Chairman Bower called the regular meeting of the Garden Ridge City Water Commission to order at 6:00 p.m. on Tuesday, April 28, 2015 in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Citizen's Participation – 3 minute limit per citizen

No one signed up to speak.

3. Approval of Minutes

a) March 24, 2015 Regular Water Commission Meeting

Motion: A motion was made by Commissioner Heier, seconded by Commissioner Pitzen, to approve the minutes of March 24, 2015 Regular Water Commission Meeting. The Water Commission voted four (4) for and none (0) opposed. The motion passed unanimously.

4. Business Items

The City Water Commission may discuss, consider and/or take possible action on recommendation to the City Council on the following:

a. Possible amendments to Ordinance 54, Section 35 Rebate Programs and Water Conservation Incentives

Jim Bower, Water Commission Chair, reported he did not present the amendments for Ordinance 54 to the City Council.

The Water Commission discussed the proposed rebates and water conservation incentives.

Motion: A motion was made by Commissioner Heier, seconded by Commissioner Ramirez, to recommend to the City Council approval of the amendments to Ordinance 54, Section 35 Rebate Programs. The Water Commission voted four (4) for and none (0) opposed. The motion passed unanimously.

b. Possible amendments to Ordinance 159 establishing landscape and irrigation system requirements for residential and commercial properties in the City of Garden Ridge for the purpose of water conservation; providing for variances and providing a penalty for violation of said ordinance.

Nancy Cain, City Administrator, stated there are a few grammatical changes that need to be made.

The Water Commission discussed the recommended changes.

Motion: A motion was made by Commissioner Ramirez, seconded by Commissioner Heier, to recommend to the City Council approval of the amendments to Ordinance 159. The Water Commission voted four (4) for and none (0) opposed. The motion passed unanimously.

c. Update on status on reopening of Trinity Well #2.

The Water Commission discussed the status of Trinity Well #2 water quality.

Nancy Cain, City Administrator, stated the next step with Trinity Well #2 is for City Council to explore financial options and discuss a possible Well #3.

d. Hold discussion and possible reconsideration of toilet rebate for 8827 Cherokee Path.

Royce Goddard, Water Manager, reported Pat Ramirez requested a rebate for a toilet. He stated originally he denied the request, but after speaking to her and receiving additional information, he approved the request.

e. Resignation of Jim Kohl, City Water Commission, Place 1 effective May 6, 2015.

Motion: A motion was made by Commissioner Heier, seconded by Commissioner Ramirez, with regrets to accept the resignation of Jim Kohl, City Water Commission, Place 1 effective May 6, 2015 and recommend to the City Council the acceptance. The Water Commission voted four (4) for and none (0) opposed. The motion passed unanimously.

f. Interview of candidates for Water Commission vacancy due to resignation of Water Commissioner Jim Kohl effective May 6, 2015 and term of office expiring September 30, 2016.

The Water Commission interviewed Andre Bullard for the Water Commission vacancy due to resignation of Water Commissioner Jim Kohl.

Andre Bullard stated he saw an opening in the Grapevine so he applied since he served his country and now wants to serve his community. He also stated he has just completed the GRCPA and is eager to serve.

g. Interview of candidates for Water Commission vacancy due to resignation of Water Commissioner Jim Kohl effective May 6, 2015 and term of office expiring September 30, 2016.

Motion: A motion was made by Commissioner Heier, seconded by Commissioner Ramirez, to recommend to City Council the approval of the appointment of Andre Bullard for Water Commissioner, Place 1, due to resignation of Jim Kohl, effective May 6, 2015. The Water Commission voted four (4) for and none (0) opposed. The motion passed unanimously.

6. Update on actions taken by the City Council in previous City Council Meetings

Nancy Cain, City Administrator stated at the City Council meeting held on April 1, 2015 the City Council received a Trinity Well #2 update.

7. Water Manager Monthly Activity Report

a) Water pumping/usage from city wells

Royce Goddard, Water Manager reviewed the monthly water pumping/usage from the city wells and discussed the water system operations (see attached report).

Royce Goddard, Water Manager reported 48.24 acre feet from the Edwards Aquifer and 1.00 acre ft. from the Trinity have been pumped. He stated the average daily usage is 10,385.76 gallons.

b) Water system infrastructure maintenance, repairs and/or projects

Nothing to report at this time

c) Static levels, drawdown levels and flow rates on the Trinity Well

Water Manager Director Royce Goddard reported that the static level was at 196.2 feet.

The Water Commission discussed water loss and leak detection.

d) Water and/or Drought Management

The City of Garden Ridge is currently at Stage 2 Watering Restrictions

8. Adjourn

Motion to adjourn was made by Chairman Pitzen and seconded by Commissioner Ramirez. The motion passed unanimously and the meeting adjourned at 6:35 p.m.

Jim Bower, Chair

ATTEST:

Shelley Goodwin, TRMC
City Secretary

RECEIVED

JUN 15 2015

PER JH

Kevin Vaille
8830 Cherokee Path
Garden Ridge, TX 78266
June 12, 2015

City of Garden Ridge Water Department
9400 Municipal Parkway
Garden Ridge, TX 78266

Ladies and Gentlemen,

I am asking to be relieved of paying the excess portion of my 04/23/15 – 05/22/15 water bill, as well as the excess portion of my next water bill, which resulted from a leak in the main water supply line to my house.

I was notified on the evening of May 22, 2015 by Stanley of the Garden Ridge Water Department that my water meter reading for the month was very high, over 90,000 gallons, and that he suspected a leak. I immediately hired a plumbing service. The plumbers began digging that evening in search of the leak but, due to the late hour and complications with finding parts and equipment over the Memorial Day Weekend, were not able to find and repair the leak until May 26th, the first day after the holiday weekend, and four days into the next billing cycle. The leak occurred at the collar that connects the city water supply to the water line into my house, near the foundation at the front of the house. The repair receipt is attached for your review.

As a result of this leak, the water consumption on my 04/23/15 – 05/22/15 water bill is 97,000 gallons, costing \$672.34. This compares to my previous three water bills (attached) that averaged 7,700 gallons at an average cost of \$23.55 per month. My actual household water use during the 04/23/15 – 05/22/15 billing cycle was about the same as these previous three cycles, kept low by the rainy spring weather that has allowed me not to run my yard's sprinkler system.

My next water bill (beginning 5/22/15) will also be affected by this leak, which continued four days into this billing cycle. Mr. Goddard, Garden Ridge Water Manager, took an out-of-cycle water meter reading at my house on June 5th, 11 days after the leak was repaired, and less than half way through the current billing cycle. My water consumption in this billing cycle to that date was already 14,000 gallons, 6,300 gallons more than my previous 3-month average.

Pending your review and approval of this request, the City Water Manager reduced my 04/23/15 – 05/22/15 water bill by half, and I paid the adjusted amount on June 12th (receipt attached).

My requests are:

1. Treat this leak, which crosses two billing cycles, as one event, and approve a bill reduction for both affected billing periods.
2. Reduce my 04/23/15 – 05/22/15 water bill from \$672.34 to \$23.55, my average bill for the past three months, during which time my actual water consumption was comparable.
3. Adjust my next water bill, beginning 5/22/15, to account for the portion of the period when the leak was still ongoing (see calculations on next page).

Thank you for your consideration.

Sincerely,



Kevin Vaille



City of Garden Ridge Water Department

9400 Municipal Parkway
Garden Ridge, Texas 78266
(210) 651-6831
Fax: (210) 651-9638



CRRT R164
KEVIN/NANCY S VAILLE
8830 CHEROKEE PATH
SAN ANTONIO TX 78266-2925

Important Information on
Reverse Side

ACCOUNT NUMBER	DATE BILL MAILED	SERVICE FROM	SERVICE TO	DAYS USED	DUE DATE	
24-5061-01	05/31/2015	04/23/15	05/22/15	29	06/15/2015	
PREVIOUS READING	PRESENT READING	GALLONS USED	DESCRIPTION			AMOUNT DUE
3289000	3386000	97000	RI WATER TR1 GARBAGE EAA EAA FEE TAX			672.34 24.56 2.67 2.03
WATERING ALLOWED ANY DAY FROM 12AM-10AM & 8PM-12AM SEE GRAPEVINE OR CITY WEBSITE WWW.CI.GARDEN-RIDGE.TX.US FOR MEETINGS & EVENTS NON-EMERGENCY/AFTER HOURS/LOST&FOUND PETS CALL 651-6831						

SERVICE ADDRESS ► 8830 CHEROKEE PATH



AFTER DUE DATE	BY DUE DATE
\$771.56	\$701.60

KEEP THIS PORTION FOR YOUR RECORDS

PLEASE RETURN THIS PORTION
WITH YOUR PAYMENT TO:



City of Garden Ridge Water Department

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Garden Ridge, Texas 78266
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Fax: (210) 651-9638



CRRT R164
KEVIN/NANCY S VAILLE
8830 CHEROKEE PATH
SAN ANTONIO TX 78266-2925



DUE DATE	ACCOUNT NUMBER
06/15/15	24-5061-01
AFTER DUE DATE	BY DUE DATE
\$771.56	\$701.60

SERVICE ADDRESS ► 8830 CHEROKEE PATH



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CRRT R164
 KEVIN/NANCY S VAILLE
 8830 CHEROKEE PATH
 SAN ANTONIO TX 78266-2925

"Important Information on"
 Reverse Side

ACCOUNT NUMBER	DATE BILL MAILED	SERVICE FROM	SERVICE TO	DAYS USED	DUE DATE	
24-5061-01	03/31/2015	02/20/15	03/23/15	31	04/15/2015	
PREVIOUS READING	PRESENT READING	GALLONS USED	DESCRIPTION		AMOUNT DUE	
3270000	3276000	6000	RI WATER TR1 GARBAGE EAA EAA FEE TAX		19.85 24.56 2.67 2.03	
SEE FLYER FOR SHRED DAY, HAZARDOUS WASTE DISPOSAL & SPRING CLEAN UP EVENT APRIL 25TH AT MUNICIPAL COMPLEX STAGE II WATER RESTRICTIONS IN EFFECT NON-EMERGENCY/AFTER HOURS/LOST&FOUND PETS CALL 651-6831						
SERVICE ADDRESS ▶ 8830 CHEROKEE PATH					AFTER DUE DATE	BY DUE DATE
					\$53.83	\$49.11

KEEP THIS PORTION FOR YOUR RECORDS



REC#: 00145524 6/12/2015 1:19 PM TRANS: 1.0000 UTILITY PAYMENT
 OPER: CASH TERM: 001 24-5061-01 VAILLE, KEVIN/NANCY B
 PAYMENT ON ACCOUNT 374.43R *PAID IN FULL*
 TENDERED: 374.43 1.000000
 APPLIED: 374.43-0.000000

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CITY OF GARDEN RIDGE WATER DEPARTMENT

NAME KEVIN VAILLE

SERVICE ADDRESS 8830 CHEROKEE PATH

ACCOUNT # 24-5061-01 PHONE # _____

I am requesting an adjustment on my June 2015 water bill due to a leak.

I understand I can only receive this adjustment ONCE every TWO years.

Amount of Total Bill 701.60

-Non-Water Items - 29.26

-Base Water Rate - 18.00

Amount to be Adjusted 654.34 x 50%

Adjustment Given 327.17

+Non-Water Items + 29.26

+ Base Water Rate + 18.00

New Total Amt. Due 374.43

Customer Signature [Signature] Date 12 JUN 15

Water Mgr. Approval _____

- = minus + = plus

REC#: 00145524 6/12/2015 1:19 F
 OPER: CASH TERM: 001
 REF#: 4237 JH
 TRANS: 1.0000 UTILITY PAYMENT
 24-5061-01 VAILLE, KEVIN/NANCY
 PAYMENT ON ACCOUNT 374.43R
 PAID IN FULL
 TENDERED: 374.43 CHECK
 APPLIED: 374.43-
 CHANGE: 0.00

BULLET BACKGROUND PAPER

ON

APRIL 2015 WATER BILL FOR 9419 GARDENIA BEND DRIVE, GARDEN RIDGE, TX

Gregory P. & Marie-Noelle Czerniak – Home Owners

PURPOSE

To seek relief for our 30 April 2015 water usage bill which indicated we used 278,000 gallons of water between 23 March 2015 and 23 April 2015. Excluding the April 2015 statement, our household has averaged approximately 20,000 gallons a month usage over the past 13 months of occupying the home. We do not feel the April 2015 reading of 278,000 gallons is legitimate and are petitioning the Water Department, Water Commission and City Council with a much more realistic amount based off of prior usage.

ISSUE

- On 24 April 2015, we received a written notice at our door from the City of Garden Ridge Water Department, indicating that a “small leak in sprinkler system” had been found, and the “system (was) turned off to isolate leak”. The notice also stated that our water bill showed “very high usage” and instructed us to call the Water Department. When we did, we were told that our usage was said to be upwards of 200,000 gallons. The clerk on the phone seemed perplexed and surprised by the amount.

BACKGROUND

- We closed on our home at 9419 Gardenia Bend Drive on 11 April 2014, at which time (the same day) we transferred water service into our name. In the 13 months since moving in, our monthly water usage has ranged from 5,000 gallons (Nov 2014 and Jan 2015) to a high of 57,000 gallons (Sept 2014). Excluding the April 2015 statement, our household has averaged approximately 20,000 gallons a month usage over the past 13 months of occupying the home (April 2014 – May 2015).

- In September/October 2015, construction work began on an addition to our home. At this time, trees were removed and preparation began for the foundation. Since the ground was to be excavated, the sprinkler system was shut off, but only at the wall unit, and would not be turned on again until all construction was complete and repairs had been made to the existing sprinkler system post construction (March 2015 timeframe). In reality, the sprinkler system remained on throughout the construction and through the winter months -- only the wall unit was turned off. Despite the system being on this entire time, there was no sign of excessive water usage from October 2014 thru March 2015.

- During excavation of the construction site, lines for the existing sprinkler were cut and capped. A second excavation site on the opposite side of the house was also excavated for a basketball court. Here too, lines were cut, however, they were not noticed and were not capped. Lines were eventually located and capped as discussed below.

- During the construction, power had to be cut for an extended period to our pool's pump system, resulting in the eventual need to completely drain, power wash, and refill our pool. It took four days of running the garden hose on full to fill the 25,000 gallon pool. We did this refilling around Thanksgiving 2014, which is largely reflected on our December 2014 bill amounting in 22,000 gallons.

- In mid-January, post construction, we hired Mr. Felix Martinez to clean up debris, move dirt and repair landscaping. Mr. Martinez spent over a month preparing the area to the point where he only needed to lay sod. At this point, we had him stop in order to bring in an irrigation specialist.

- On 4 March 2015, Mr. Anthony Kotara, of Landscape of Texas, came out to assess, repair and test the sprinkler system. He reworked several zones around the addition and the basketball court and then tested the system to ensure it was working properly. He was paid by check (#2535) in the amount of \$1500 for his service.

-- When I arrived home from work, the evening of 4 March 2015, I wanted to check the system for myself. I turned my system on and set each zone to run several minutes to allow time for inspection. At this point I noticed water emerging from underneath the basketball court (zone 4). I immediately shut the system down and called Mr. Kotara to report the problem.

- On 6 March 2015, Mr. Kotara returned with his crew to excavate around the basketball court. They located several cut lines and capped them to resolve the leak. Mr. Kotara was paid \$300 cash for the service call.

- On 25 March 2015, I requested Mr. Kotara return to add a couple of sprinkler heads for better coverage of newly planted bushes along our back fence. Mr. Kotara was paid by check (#2541) in the amount of \$300.

- During the month of March, I operated my sprinkler system in accordance with the irrigation rules established by the City of Garden Ridge. I immediately stopped using the irrigation system once notified of the excessive water usage on 24 April 2015.

- Seeking clarification, I immediately contacted the City and spoke with Mr. Royce who suggested that we monitor our water usage, test flow rates and look for leaks.

-- Per Mr. Royce's advice, I began monitoring and documenting my water usage for the next several days. This monitoring showed that we were well within tolerance for water usage for the next several days, with the counter advancing no more than 40-50 per day. Shortly thereafter, the City removed the old water meter and installed a new water meter.

- Simultaneously, we also requested Mr. Kotara (irrigation expert) and Mr. Jason Edwards of DK Edwards Construction (General Contractor for our construction project, and owner of Green Plumbing) to perform assessments of the issue.

-- Mr. Kotara and Mr. Edwards both determined that there was no major leak on the property and that the usage reported had to be from equipment malfunction or a faulty/erroneous reading. The professional opinion of both of these individuals is that there is no evidence to account for that much water usage.

- As a further precaution, on 18 May 2015, at our request, Mr. Kotara installed a valve, referred to as a hockey puck, which only allows my sprinkler system to turn on for the hours of the day we are able to water during stage 2. Now, the sprinkler system will not have water or operate outside of those programmed windows. Installation of the control valve was paid for by check (#2561) in the amount of \$175.

DISCUSSION

- Regarding the water department's procedure when a home is sold in Garden Ridge: we signed up for water service the day we closed on the property, so there was no interruption in service. After the transition of ownership, was the meter read by remote or was the lid physically removed and the numbers read?

- How often are the sending units calibrated and checked on the meters and with the computer and software?

- Our meter was the old brass type. What was the result of the serviceability check on the meter and sending unit?

- Approximately June 2014, we had our backflow preventer valve installed by one of the City "authorized" installers. It is my understanding that the contractor from the approved list of installers was unable to shut off the water and called the City. My neighbor reported to me that when the City showed up, the water valve was broken during the attempt to shut it off and water was running down the street for some time. Could this possibly be part of the missing water?

- The sprinkler system remained on throughout the construction and through the winter months -- only the wall unit was turned off. Despite the system being on this entire time, there was no sign of excessive water usage from October 2014 thru March 2015. Why would the "leak" not have been ongoing from the start of construction (particularly from the excavation phase)?

- Another neighbor (at the corner of Mt Laurel and Gardenia Bend Drive) has also recently reported a bill in excess of 70,000 gallons, the accuracy of which he questions. They do not own a pool (which might require filling) and they use a soaker hose irrigation system.

- Finally, recent heavy rains over the past several weeks have showed us where on the property we have some evidence of pooling. Water pooled, particularly on the uphill side yard of our house, for a period during and following the downpours. This would seem to indicate that a leak

of the magnitude that is alleged by the 278,000 gallons usage would certainly leave some evidence along the way.

SUMMARY

I believe that our contractor and irrigation specialist have done their due diligence during all phases of construction. I also believe that we, as home owners, have done our due diligence in hiring a qualified irrigation company to repair, replace and test the sprinkler system. The sprinkler system valve had been on the entire time of construction (only the wall unit was off) and there was no sign of excessive water usage from October 2014 thru March 2015. It took us 4 days of the hose running on full to fill our pool with 25,000 gallons of water. It defies reason to believe that 278,000 gallons of water was consumed during the span of 4 weeks of watering sessions and a handful of test sessions. Some other explanation for the water usage report must exist. The highest usage months according to our water bills/statement (with the exception of the April statement) directly correlate to the hottest and driest months (August/September) and still don't come close to reaching the levels of consumption alleged by the April 2015 statement. We respectfully request you review the documentation submitted along with our water usage history over the past year that we have lived here, and make a recommendation as to an appropriate water bill balance, given all the facts outlined in the Background section above.



Date: 05/14/15

To Whom It May Concern,
REF: LEAK REPAIR and Master Valve Installation
Address: 9419 Gardenia Bend Dr.
Date of Service: 05/8/15

Our company was called to repair an irrigation leak at the above mentioned address and date. The technician installed a master valve. The homeowner received an abnormally high water bill due to high water usage. This repair should take care of this issue. If you have any questions in this matter please feel free to contact our office.

Thank You,
Jeff Smith – Lic# LI0009514
Director of Irrigation
210-659-4736
Landscape of Texas
PO BOX 457
Schertz Tx. 78154

Irrigation in Texas is regulated by the Texas Commission on Environmental Quality
(TCEQ) (MC-178) P.O. Box 13087 Austin, Tx 78711-3087
TCEQ's Website is www.tceq.state.tx.us

Account Number - 20-4639-02 CZERNIAK, GREGORY/MARIE Service Address: 9419 GARDENIA BEND DRIV

Service: 010 RI WATER - RES INSIDE Meter: 54621702

Month	Date	Read		Total Consumption	Demand		Reading		Occupant
		Previous	Current		Read	Consumption	Flag	Source	
Year : 2015 Total 4									
Apr	04/23/2015	5261	5539	278			Regular	Hand Held	02
Mar	03/23/2015	5245	5261	16			Regular	Hand Held	02
Feb	02/20/2015	5237	5245	8			Regular	Hand Held	02
Jan	01/23/2015	5232	5237	5			Regular	Hand Held	02
Year : 2014 Total 9									
Dec	12/19/2014	5210	5232	22			Regular	Hand Held	02
Nov	11/20/2014	5205	5210	5			Regular	Hand Held	02
Oct	10/23/2014	5194	5205	11			Regular	Hand Held	02
Sep	09/23/2014	5137	5194	57			Regular	Hand Held	02
Aug	08/22/2014	5089	5137	48			Regular	Hand Held	02
Jul	07/23/2014	5082	5089	7			Regular	Hand Held	02
Jun	06/23/2014	5066	5082	16			Regular	Hand Held	02
May	05/22/2014	5014	5066	52			Regular	Hand Held	02
Apr	04/23/2014	5006	5014	8			Regular	Hand Held	02
				Avg 41					

DT TIME RECD
 5/1 2010 5543/88 — 38
 5/2 2010 5544/26 —
 5/3 2025 5544/75 — 49



Account Number: Address:

Zone: Name:

General | Metered | Non-Metered | Financial | Information | Comments | History | Consumption History | Service Orders | Devices

Services: Filter: Period: Thru:

Grid Graph

Year: 2015									
Month	Date	Read		Total Consumption	Demand		Reading		
		Previous	Current		Read	Consumption	Flag	Source	Occupant
Year: 2015 Total 5									
May	05/22/2015	0	9	15			Regular	Hand Held	02
Apr	04/23/2015	5261	5539	278			Regular	Hand Held	02
Mar	03/23/2015	5245	5261	16			Regular	Hand Held	02
Feb	02/20/2015	5237	5245	8			Regular	Hand Held	02
Jan	01/23/2015	5232	5237	5			Regular	Hand Held	02
Year: 2014 Total 9									
Dec	12/19/2014	5210	5232	22			Regular	Hand Held	02
Nov	11/20/2014	5205	5210	5			Regular	Hand Held	02
Oct	10/23/2014	5194	5205	11			Regular	Hand Held	02
Sep	09/23/2014	5137	5194	57			Regular	Hand Held	02
				Avg 39					

Edit This Record

View:



CRRT R016
 GREGORY/MARIE CZERNIAK
 9419 GARDENIA BEND DR
 GARDEN RIDGE TX 78266-2523

20-4639-02 05/31/2015 04/23/15 05/22/15 29 06/15/2015

<i>OLD METER</i> 5539	5545	05/05/15	54621702	METER CHANGE	
<i>NEW METER</i> 0	9000	15000	RI	WATER	36.50
			TR1	GARBAGE	24.56
			EAA	EAA FEE	2.67
			TAX		2.03

WATERING ALLOWED ANY DAY FROM
 12AM-10AM & 8PM-12AM SEE GRAPEVINE OR
 CITY WEBSITE WWW.CI.GARDEN-RIDGE.TX.US
 FOR MEETINGS & EVENTS
 NON-EMERGENCY/AFTER HOURS/LOST&FOUND
 PETS CALL 651-6831

PAST DUE AMOUNT 3,371.78

9419 GARDENIA BEND DRIV

\$3,780.92 \$3,437.54



06/15/15 20-4639-02

\$3,780.92 \$3,437.54



CRRT R016
 GREGORY/MARIE CZERNIAK
 9419 GARDENIA BEND DR
 GARDEN RIDGE TX 78266-2523

9419 GARDENIA BEND DRIV



Account Number Address

Zone Name

General | Metered | Non-Metered | Financial | Information | Comments | History | Consumption History | Service Orders | Devices

Occupant	Number	Action	Status	Job Code	Job Date	Comp Date	
06	005499	Meter Swap	Complete	SWAP	05/05/2015	05/05/2015	0
02	004742	Connect	Complete	ON	04/11/2014	04/11/2014	0
01	004728	Disconnect	Complete	OFF	04/11/2014	04/11/2014	0
00-01	001338	Occupant Change	Complete	OCC	02/17/2005	02/17/2005	0
00	001334	Disconnect	Void	OFF	02/17/2005		
00	000301	Connect	Complete	ON	02/17/2004	02/17/2004	0

Edit This Record

View water

Minimum service pressure shall not be below 20 psi operating pressure. Maximum pressures may be at the Water Department's discretion. It will be the customer's responsibility to protect plumbing on the customer's side of the water meter against excessive pressures or surge using individual pressure regulators or other approved devices set forth in the State Plumbing Codes.

5.10 -- SERVICE AREAS.

The Water Department's service area is that area within which its lines and customers are located and which area is approved by the Certificate of Convenience and Necessity issued by the Texas Water Commission. This area is located in Comal County, Texas, and includes the City of Garden Ridge, Texas, and the ETJ areas of the City of Garden Ridge, Texas, not serviced by another water system having possession of a valid Certificate of Convenience and Necessity to serve said areas.

SECTION 6-- RATES & BILLING (GENERAL)

6.01 -- COMMITTEE TO SET RATES.

The City Council of Garden Ridge, Texas, is empowered to establish water rates, water charges, and special service rates where extenuating circumstances exist. The water rates and charges may be revised from time to time.

6.02 -- BILLS DUE WHEN SENT.

All bills shall be considered rendered when delivered to the U.S. Post Office with postage prepaid for mailing to the customer. Failure of the customer to receive any such bill shall in no way relieve the customer of the duty and obligation to pay for the services rendered.

Charges for each account shall be on a continuous basis, from the date of the initial meter installation until notification for discontinuance is received and accepted by the Water Department. Upon receipt and acceptance of an application for discontinuance, the water meter shall be locked or plugged and no additional charges imposed. Service and charges shall resume when an application for new service has been made and accepted and applicable fees paid by the applicant.

6.03 -- BILLING CYCLE.

Water meters will normally be read on the 23rd day of the month. If the 23rd falls on a weekend or holiday, meters will be read the business day nearest the 23rd (before or after). Statements of charges will be mailed as near the first day of the month following the meter reading as possible and shall include charges for the volume of water used and for any other charges due. Payment shall be received by the Water Department on or before the 15th day of the month immediately following the billing. If the 15th of the month falls on Saturday, Sunday or a legal holiday, payment shall be received on the next business day. Payments not received by the close of business on the 15th day of the month following the billing shall be considered delinquent and will incur a 10% penalty fee on any unpaid portion of the bill. This 10% fee will continue to be added to the charges due for each additional 30-day period the charges remain unpaid.

If the customer's account is considered delinquent, in addition to penalties, actions will be initiated in accordance with Section 7.01.

6.04 -- HOW CHARGES ARE COMPUTED.

Billings for water service will reflect charges computed under a "Net Rate" and a "Gross Rate". The "Net Rate" applies if the charges are paid on or before the 15th day of the month following the billing date. The "Gross Rate" applies if charges are paid after the 15th day of the month following the billing date.

(The "Gross Rate" is a combination of the "Net Rate" plus an additional penalty fee (10% of the "Net Rate") because payment of the charges are overdue. An additional ten percent (10%) of the original "Gross Rate" shall be added for each additional thirty (30) day period for which charges remain unpaid.)

SECTION 7 -- DELINQUENT ACCOUNTS

7.01 -- RESULTS OF NON-PAYMENT.

If water bill charges have not been paid by the close of business on the 15th day of the month following billing, the customer's account is considered to be delinquent. The Water Department will issue a written notice to the customer of the intention to disconnect water service. The due date on this Final notice will allow the customer 10 calendar days within which to request, from the City Water Commission's designated representative, a formal hearing. Failure to make payment on or before the specified due date of the Final notice will result in disconnection of service and the customer will incur a disconnect and

reconnect fee. If the customer wishes to exercise their right to request a formal hearing, they will need to do so within the same 10-day period of the Final notice, or the customer waives the right to such hearing. In addition to immediate disconnection of water, the Water Department may take appropriate legal action to recover any unpaid balances and applicable fees.

The Water Department may waive the disconnection of service for a customer whose delinquent balance is less than the required deposit for service. If a customer has been served by the Water Department from a period preceeding the deposit requirement, then the disconnection of service may be waived as if a deposit has been secured. A deposit will be required from said customer if said customer is due to be disconnected a second time.

The Water Department may waive the disconnect and reconnect charges, one time, if the customer signs up for auto-draft payments.

7.02 -- HEARING PROCEDURES.

If the customer exercises the right to request a hearing within the 10 day period, the City Water Commission, or its representative, shall inform the customer of the date, time, and location of the next regularly scheduled meeting of the Commission at which formal hearings will be conducted. Information pertaining to the date, time, and location of the hearing shall be conveyed to the customer who requested the hearing within five (5) days after the receipt of the request for formal hearing by the City Water Commission or its designated representative.

At the hearing requested by the customer, the City Water Commission or its designated representative shall examine the facts and circumstances of each case and consider the views expressed by interested parties attending the hearing. The City Water Commission shall render a final decision concerning the rationality, propriety, or existence of utility charges assessed to the customer who requested the hearing. Such decision will be rendered with ten (10) days after the formal hearing and will be sent to the customer via certified mail, return receipt requested.

The disconnection process will be suspended until the hearing has been completed and the decision of the City Water Commission has been rendered and mailed to the customer. Upon receiving the Commission's decision, the customer shall immediately (within three (3) days) pay all prescribed fees or late charges or face immediate disconnect procedures.

7.03 -- DISCONNECTION OF SERVICE.

If a customer whose account is deemed delinquent waives the hearing process outlined in Section 7.02, or the City Water Commission completes the hearing process requested by the delinquent customer and has determined that said customer is delinquent, the City Water Commission is authorized to order the immediate physical disconnection of water service.

Water service shall not be reinstated until all charges shown on the bill, plus a disconnect and a reconnect fee as shown in Section 25, are paid in full.

In addition to the foregoing, the customer whose service was disconnected shall deposit with the Water Department an amount to secure the user's future charges if reconnection of water service is authorized. This deposit shall be in an amount sufficient to cover the "Gross Rate" water charges the user incurred for the previous two months of service, or one hundred (100) dollars whichever amount is higher. The deposit shall be collected before water service is reconnected and shall be refunded in accordance with the regulations of the Water Department.

SECTION 8-- DISCONTINUANCE AND/OR DISCONNECTION OF WATER SERVICE

8.01 -- DISCONTINUANCE OF WATER SERVICE.

No user of water services from the Water Department shall sell any such service and no such service shall be furnished to any user thereof. Any person violating any provision of this regulation shall be subject to the violation provisions of Section 3 of this Ordinance and subject to immediate discontinuance of water service after due notice has been given the customer if the illegal service thereafter continues.

8.02 -- DISCONNECTION OF WATER SERVICE.

Water service may be disconnected for any of the following reasons:

- a. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement;
- b. Violation of the Water Department's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
- c. When a dangerous condition exists for as long as the condition exists;

COPY

Daniel J. Post
22016 Deer Canyon Drive
Garden Ridge, Texas 78266
210.844.8025

RECEIVED

JUN 10 2015

PER JH

June 8, 2015

Mr. Royce Goddard, Water Manager
City of Garden Ridge, Texas
9400 Municipal Parkway
Garden Ridge, Texas 78266

Delivered by Email to: watermanager@ci.garden-ridge.tx.us

RE: City of Garden Ridge, Ordinance 54, Section 5.06

Dear Mr. Goddard,

The City's practice of utility billing on the last working day of the month of the month in which the water meters are read ignores the City's ordinance establishing the billing date in violation of the City's own Ordinance.

Ordinance 54, Section 6.03 says that the City's utility bills are to be mailed as near the first day of the month following the meter reading as possible. June 1, 2015 fell on a working day (Monday) so the bills should have been mailed or dated for June 1, 2015. That means that, per City Ordinance 54, the billing cycle began on June 1, not the date of the bill. The Ordinance says that payments for the water bill are not delinquent unless received by the City by the close of business on the 15th day of the month following billing...in this case July 15, 2015.

The most recent water bill mailed before the first working day of June in apparent violation of City of Garden Ridge Ordinance 54. It appears that the water bill (and the water bills from January, 2015 to the present, the scope of my review to date) should have been mailed on June 1, 2015.

Specifically, the city's water billing cycle is controlled by City of Garden Ridge Municipal Ordinance Number 54-042014, Section 6—Rates & Billing (General),

“6.03 – Billing Cycle.

Water meters will normally be read on the 23rd day of the month. If the 23rd falls on a weekend or holiday, meters will be read the business day nearest the 23rd (before or after). Statements of charges will be mailed as near the first day of the month following the meter reading as possible and shall include charges for the volume of water used and for any other charges due. Payment shall be received by the Water Department on or before the 15th day of the month

immediately following the billing. If the 15th of the month falls on Saturday, Sunday or a legal holiday, payment shall be received on the next business day. Payments not received by the close of business on the 15th day of the month following the billing shall be considered delinquent and will incur a 10% penalty fee on any unpaid portion of the bill. This 10% fee will continue to be added to the charges due for each additional 30-day period the charges remain unpaid.

If the customer's account is considered delinquent, in addition to penalties, actions will be initiated in accordance with Section 7.01."

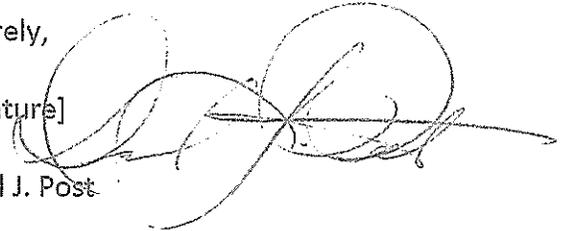
I appreciate and thank you for your attention to this matter. I do not understand how or why the City is ignoring its own Ordinance establishing the referenced billing cycle so I ask that you review the billing practices and answer my concerns at your earliest possible convenience.

My inquiry concerns the applicability of the billing date established in Ordinance 54, Section 6.03 which is not mentioned in Mrs. Cain's correspondence. Please lodge a written record of my Complaint and its disposition with the City Water Commission. Pursuant to Ordinance 54, Section 5.06 I ask to appear before the City Water Commission at its next regularly scheduled meeting on June 23, 2015.

Sincerely,

[Signature]

Daniel J. Post

A handwritten signature in black ink, appearing to read 'Daniel J. Post', written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266
(210) 651-6632
Fax: (210) 651-9638

June 2, 2015

Daniel J. Post
22016 Deer Canyon Drive
Garden Ridge, Texas 78266

Re: Water Billing Inquiry

Dear Mr. Post,

Thank you for your inquiry regarding your water bill. You noted several concerns with the water billing process and we address each of those concerns in turn.

You noted a concern regarding the billing process and the due date of the bill. By Ordinance No. 54-022010, the City has adopted the 15th of the month as the due date for utility bills. Pursuant to Chapter 291, Rule 291.87 of the Texas Administrative Code the due date for a utility bill may not be less than 16 days after issuance.¹ In order to comply with this requirement, the City's policy is to submit utility bills to the Post Master on the last working day of each month. The postmark or the City's recorded date of mailing is considered the date of issuance. A random sampling of the prior 24 month period indicates that the City is in compliance with this requirement.

Additionally, the City reads water meters on the 23rd day of each month, unless the 23rd falls on a weekend or holiday. In this event, the City reads meters on the working day prior to or immediately after the 23rd of the month. This process results in water bills being rendered monthly as required.

The City may use late fees as a means to encourage utility customers to pay their bills in a timely manner. The Texas Attorney General has determined that a late charge on a utility service bill is neither interest nor a penalty, but rather a business cost assessed against a delinquent customer.² The amount that the City may assess is regulated by the Chapter 291, Rule 291.87 of the Texas Administrative Code. This rule allows the options of either a one-time penalty of \$5.00 or a 10% charge on delinquent bills. The City adopted the 10% charge by Ordinance No. 54-022010 and assesses the penalty amount on bills that are not paid on or before the 15th of the month.

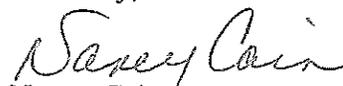
We believe that all our citizens strive to pay their utility bills in a timely manner. However, in the event that in the future your account is considered delinquent, it is your right to request a hearing before the City's Water Commission. You have 10 calendar days from the due date provided on the disconnect notice in which to request a hearing. The hearing procedures are detailed in Section 7 – Delinquent Accounts of Ordinance No. 54-022010.

¹ Tex. Admin. Code, Title 30, Part 1, Chapter 291, Subchapter E, Rule 291.187

² Tex. Att'y Gen. Op. No. H-1289(1978).

We hope that this addresses your concerns regarding the utility billing process utilized by the City.

Sincerely,

A handwritten signature in black ink that reads "Nancy Cain". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nancy Cain
City Administrator

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Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 291</u>	UTILITY REGULATIONS
<u>SUBCHAPTER E</u>	CUSTOMER SERVICE AND PROTECTION
RULE §291.87	Billing

(a) Authorized rates. Bills must be calculated according to the rates approved by the regulatory authority and listed on the utility's approved tariff. Unless specifically authorized by the commission, a utility may not apply a metered rate to customers in a subdivision or geographically defined area unless all customers in the subdivision or geographically defined area are metered.

(b) Due date.

(1) The due date of the bill for utility service may not be less than 16 days after issuance unless the customer is a state agency. If the customer is a state agency, the due date for the bill may not be less than 30 days after issuance unless otherwise agreed to by the state agency. The postmark on the bill or the recorded date of mailing by the utility if there is no postmark on the bill, constitutes proof of the date of issuance. Payment for utility service is delinquent if the full payment, including late fees and regulatory assessments, is not received at the utility or at the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes is the next work day after the due date.

(2) If a utility has been granted an exception to the requirements for a local office in accordance with §291.81(d)(3) of this title (relating to Customer Relations), the due date of the bill for utility service may not be less than 30 days after issuance.

(c) Penalty on delinquent bills for retail service. Unless otherwise provided, a one-time penalty of either \$5.00 or 10% for all customers may be charged for delinquent bills. If, after receiving a bill including a late fee, a customer pays the bill in full except for the late fee, the bill may be considered delinquent and subject to termination after proper notice under §291.88 of this title (relating to Discontinuance of Service). An additional late fee may not be applied to a subsequent bill for failure to pay the prior late fee. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing. No such penalty may be charged unless a record of the date the utility mails the bills is made at the time of the mailing and maintained at the principal office of the utility. Late fees may not be charged on any payment received by 5:00 p.m. on the due date at the utility's office or authorized payment agency. The commission may prohibit a utility from collecting late fees for a specified period if it determines that the utility has charged late fees on payments that were not delinquent.

(d) Deferred payment plan. A deferred payment plan is any arrangement or agreement between the utility and a customer in which an outstanding bill will be paid in installments. The utility shall offer a deferred payment plan to any residential customer if the customer's bill is more than three times the average monthly bill for that customer for the previous 12 months and if that customer has not been issued more than two disconnection notices at any time during the preceding 12 months. In all other cases, the utility is encouraged to offer a deferred payment plan to residential customers who cannot pay an outstanding bill in full but are willing to pay the balance in reasonable installments. A deferred payment plan may include a finance charge that may not exceed an annual rate of 10% simple interest. Any finance charges must be clearly stated on the deferred payment agreement.

(e) Rendering and form of bills.

(1) Bills for water and sewer service shall be rendered monthly unless otherwise authorized by the commission, or unless service is terminated before the end of a billing cycle. Service initiated less than one week before the next

billing cycle begins may be billed with the following month's bill. Bills shall be rendered as promptly as possible following the reading of meters. One bill shall be rendered for each meter.

(2) The customer's bill must include the following information, if applicable, and must be arranged so as to allow the customer to readily compute the bill with a copy of the applicable rate schedule:

(A) if the meter is read by the utility, the date and reading of the meter at the beginning and at the end of the period for which the bill is rendered;

(B) the number and kind of units metered;

(C) the applicable rate class or code;

(D) the total amount due for water service;

(E) the amount deducted as a credit required by a commission order;

(F) the amount due as a surcharge;

(G) the total amount due on or before the due date of the bill;

(H) the due date of the bill;

(I) the date by which customers must pay the bill in order to avoid addition of a penalty;

(J) the total amount due as penalty for nonpayment within a designated period;

(K) a distinct marking to identify an estimated bill;

(L) any conversions from meter reading units to billing units, or any other calculations to determine billing units from recording or other devices, or any other factors used in determining the bill;

(M) the total amount due for sewer service;

(N) the gallonage used in determining sewer usage; and

(O) the local telephone number or toll free number where the utility can be reached.

(3) A retail public utility required to file a water loss audit with the Texas Water Development Board under the provisions of Texas Water Code (TWC), §16.0121, shall notify its customers of its water loss reported in the water loss audit by including the water loss information on or with the next bill sent to its customers following the filing of the water loss audit, unless the retail public utility elects to notify its customers of its water loss reported in the water loss audit by including the water loss information on or with its next consumer confidence report following the filing of the water loss audit in accordance with §290.272 of this title (relating to Content of the Report).

(4) Except for an affected county or for solid waste disposal fees collected under a contract with a county or other public agency, charges for nonutility services or any other fee or charge not specifically authorized by the TWC or these rules or specifically listed on the utility's approved tariff may not be included on the bill.

(f) Charges for sewer service. Utilities are not required to use meters to measure the quantity of sewage disposed of by individual customers. When a sewer utility is operated in conjunction with a water utility that serves the same customer, the charge for sewage disposal service may be based on the consumption of water as registered on the customer's water meter. Where measurement of water consumption is not available, the utility shall use the best means available for determining the quantity of sewage disposal service used. A method of separating customers by class shall be adopted so as to apply rates that will accurately reflect the cost of service to each class of customer.

(g) Consolidated billing and collection contracts.

(1) This subsection applies to all retail public utilities.

(2) A retail public utility providing water service may contract with a retail public utility providing sewer service to bill and collect the sewer service provider's fees and payments as part of a consolidated process with the billing and collection of the water service provider's fees and payments. The water service provider may provide that service only for customers who are served by both providers in an area covered by both providers' certificates of public convenience and necessity. If the water service provider refuses to enter into a contract under this section or if the water service provider and sewer service provider cannot agree on the terms of a contract, the sewer service provider may petition the commission to issue an order requiring the water service provider to provide that service.

(3) A contract or order under this subsection must provide procedures and deadlines for submitting filing and customer information to the water service provider and for the delivery of collected fees and payments to the sewer service provider.

(4) A contract or order under this subsection may require or permit a water service provider that provides consolidated billing and collection of fees and payments to:

(A) terminate the water services of a person whose sewage services account is in arrears for nonpayment; and

(B) charge a customer a reconnection fee if the customer's water service is terminated for nonpayment of the customer's sewage services account.

(5) A water service provider that provides consolidated billing and collection of fees and payments may impose on each sewer service provider customer a reasonable fee to recover costs associated with providing consolidated billing and collection of fees and payments for sewage services.

(h) Overbilling and underbilling. If billings for utility service are found to differ from the utility's lawful rates for the services being provided to the customer, or if the utility fails to bill the customer for such services, a billing adjustment shall be calculated by the utility. If the customer is due a refund, an adjustment must be made for the entire period of the overcharges. If the customer was undercharged, the utility may backbill the customer for the amount that was underbilled. The backbilling may not exceed 12 months unless such undercharge is a result of meter tampering, bypass, or diversion by the customer as defined in §291.89 of this title (relating to Meters). If the underbilling is \$25 or more, the utility shall offer to such customer a deferred payment plan option for the same length of time as that of the underbilling. In cases of meter tampering, bypass, or diversion, a utility may, but is not required to, offer a customer a deferred payment plan.

(i) Estimated bills. When there is good reason for doing so, a water or sewer utility may issue estimated bills, provided that an actual meter reading is taken every two months and appropriate adjustments made to the bills.

(j) Prorated charges for partial-month bills. When a bill is issued for a period of less than one month, charges should be computed as follows.

(1) Metered service. Service shall be billed for the base rate, as shown in the utility's tariff, prorated for the number of days service was provided; plus the volume metered in excess of the prorated volume allowed in the base rate.

(2) Flat-rate service. The charge shall be prorated on the basis of the proportionate part of the period during which service was rendered.

(3) Surcharges. Surcharges approved by the commission do not have to be prorated on the basis of the number of days service was provided.

(k) Prorated charges due to utility service outages. In the event that utility service is interrupted for more than 24 consecutive hours, the utility shall prorate the base charge to the customer to reflect this loss of service. The base

charge to the customer shall be prorated on the basis of the proportionate part of the period during which service was interrupted.

(l) Disputed bills.

(1) A customer may advise a utility that a bill is in dispute by written notice or in person during normal business hours. A dispute must be registered with the utility and a payment equal to the customer's average monthly usage at current rates must be received by the utility prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by §291.88 of this title.

(2) Notwithstanding any other section of this chapter, the customer may not be required to pay the disputed portion of a bill that exceeds the amount of that customer's average monthly usage at current rates pending the completion of the determination of the dispute. For purposes of this section only, the customer's average monthly usage will be the average of the customer's usage for the preceding 12-month period. Where no previous usage history exists, consumption for calculating the average monthly usage will be estimated on the basis of usage levels of similar customers under similar conditions.

(3) Notwithstanding any other section of this chapter, a utility customer's service may not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the determination of the dispute. The customer is obligated to pay any billings not disputed as established in §291.88 of this title.

(m) Notification of alternative payment programs or payment assistance. Any time customers contact a utility to discuss their inability to pay a bill or indicate that they are in need of assistance with their bill payment, the utility or utility representative shall provide information to the customers in English and in Spanish, if requested, of available alternative payment and payment assistance programs available from the utility and of the eligibility requirements and procedure for applying for each.

(n) Adjusted bills. There is a presumption of reasonableness of billing methodology by a sewer utility for winter average billing or by a water utility with regard to a case of meter tampering, bypassing, or other service diversion if any one of the following methods of calculating an adjusted bill is used:

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Summary: Garden Ridge adopted Comprehensive Water Ordinance pursuant to the authority granted in LGC Chapter 51. The ordinance outlines the process for water billing including separate language for when meters are read, when bills are due and when a late charge is imposed. Texas Administrative Code Rule 291.87 codifies water billing procedures and penalty charges.

Breakdown of Ordinance 54-052015:

1. Operations Manager to make suitable investigation and advise complainant (Section 5.06)
2. If not satisfied , then complainant requests to appear before City Water Commission (Section 5.06)
3. Bills rendered/due when mailed (Section 6.02)
4. Meters read on or about the 23rd day of month (Section 6.03)
5. Water bills mailed out the last working day of the month as near to the 1st day of each month (Section 6.03)
6. Payments received on or before the 15th day of each month incur no penalty (Section 6.03 & 6.04), if 15th is weekend or holiday payment due next business day. This payment is called the “net rate” meaning no additional 10% penalty.
7. Payments received after the 15th incur a 10% Penalty (Section 6.03 & 6.04). This payment is called the “gross rate” meaning 10% penalty incurred.
8. Disconnect notices are sent out on or about the 16th of the month (depending on weekend/holiday dates) giving addition 10 calendar days to make payment (Section 7.01)
9. Customer has right to request a hearing within the 10 days allotted in disconnect notice. If not requested during that time, the right is waived. (Section 7.01)

Customer Concerns:

1. Private business generally give 30 days to pay account before considered delinquent.
Response: Municipalities governed by ordinance so long as it is not inconsistent with State Law, in this case Texas Administrative Code Rule 291.87.
2. Imposition of penalty after 15 days is inconsistent with 30 day billing cycle.
Response: The billing cycle for a municipal water bill is not the equivalent of commercial/retail accounts. The 30 day billing cycle references the approximate 30 days between meter readings. The city by ordinance may choose to impose penalty and the date the penalty goes into effect in compliance with State Law.
3. Imposition of 10% penalty
Response: A penalty of either \$5.00 or 10% may be charged for delinquent bills (TAC 291.87).

Daniel J. Post
22016 Deer Canyon Drive
Garden Ridge, Texas 78266
(210) 844-8025

May 4, 2015

Hon. Nadine L. Knaus, Mayor
The City of Garden Ridge, Texas
9400 Municipal Parkway
Garden Ridge, Texas 78266

RE: Water Billing

Dear Mayor Knaus,

We have resided in the City of Garden Ridge, Texas since 2004. As residents we are customers of the Garden Ridge Municipal water system and are billed regularly for water usage and services rendered. Over the years and from time to time, we have received notices that our account is in arrears and that the City of Garden Ridge is imposing a 10% penalty fee for alleged "late payment."

Most recently, we received a water bill in the amount of \$99.05 or \$108.56 if paid after the 15th day of the month in which we received the bill. According to the bill we owe a past due amount of \$51.79 even though the account was paid within 30 days of receiving the bill..

My wife contacted the City Water Department. She was told that she needed to speak with "Jan" and that "Jan" was out of the office at the time. Today, after we voted, my wife again approached the Water Department window in the City Offices Building. Again, "Jan" wasn't available so the clerk did her best to help but, unfortunately was unable to answer my wife's questions.

At any rate (pun intended), the lady at the window told my wife that water bills are mailed on the 1st day of the month and that payment is due on the 15th of that month, else the account is delinquent...and the City charges a 10% late fee per the City Ordinance. This practice seemed odd to us: Customers of other businesses and services generally have 30 days in which to pay the bills before the account is considered "delinquent."

So, we did what any reasonable person would do. We reviewed our water bills and payments to Garden Ridge, Texas...then we looked at the Ordinance controlling water bills and the billing cycles.

As you know, the water billing cycle is controlled by Ordinance. According to Ordinance Number 54-042014, Section 6—Rates & Billing (General),

delinquent fees; that the City refund improperly assessed fees; and that the City correct the systemic billing error in the Water Department.

We will attend the Garden Ridge City Council meeting on May 6, 2015. We would appreciate the opportunity to answer any questions you or the council may have and to address what appears to be systemic over-billing by the City.

Sincerely,

Daniel and Barbara Post

City Administrator

From: Mayor
Sent: Tuesday, May 05, 2015 9:22 AM
To: City Administrator
Subject: FW: 'Garden Ridge Over-Billing'

follow up email

Nadine L. Knaus
Mayor
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266
210-651-6632

From: Daniel Post [bestlawyer@mac.com]
Sent: Monday, May 04, 2015 9:16 PM
To: Mayor
Subject: Re: 'Garden Ridge Over-Billing'

Thanks for getting back with me so quickly. The problem is that the water bills are not cycled according to the ordinance. The ordinance says "...as near the first day of the month following the meter reading as possible...." Every first day of the month this year has either been on a week day (can't bill any closer to the first day than if the City actually bills on the first day) or the first day of the month fell on Sunday making the closest day Monday (instead of the billing date of the Friday prior). The effect of the City's billing cycle is that customers have only 15 days of the stated 30 day billing cycle to pay before the account becomes delinquent instead of the intended 45 day period between the bill and the 15th of the following month.

Any 15+ day "delinquent" account (15-30 days beyond the billing date) is actually within the payment period described and intended by the ordinance. By billing before the first day of the month following the meter reading, the City is violating its own ordinance.

Daniel Post

Sent from my iPad

On May 4, 2015, at 7:00 PM, Mayor <Mayor@ci.garden-ridge.tx.us> wrote:

Dear Mr. Post

I have received your letter specifying your concerns and have forwarded it to our City Administrator for investigation and comment.

Nadine

Nadine L. Knaus
Mayor
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266
210-651-6632

“6.03 – Billing Cycle.

Water meters will normally be read on the 23rd day of the month. If the 23rd falls on a weekend or holiday, meters will be read the business day nearest the 23rd (before or after). Statements of charges will be mailed as near the first day of the month following the meter reading as possible and shall include charges for the volume of water used and for any other charges due. Payment shall be received by the Water Department on or before the 15th day of the month immediately following the billing. If the 15th of the month falls on Saturday, Sunday or a legal holiday, payment shall be received on the next business day. Payments not received by the close of business on the 15th day of the month following the billing shall be considered delinquent and will incur a 10% penalty fee on any unpaid portion of the bill. This 10% fee will continue to be added to the charges due for each additional 30-day period the charges remain unpaid.

If the customer’s account is considered delinquent, in addition to penalties, actions will be initiated in accordance with Section 7.01.”

Note: The City Ordinance specifically identifies the water billing cycle as a 30-day billing period. The City’s current practice of imposing the delinquent fee after only 15 days is contrary to the intent of the Ordinance.

In effect, charging the 10% delinquent fee is over-billing the customers of the water department. The City’s billing practice is particularly onerous to residents receiving their bills at an out-of-town address considering that the online bill paying option remains, as it has for years, promised but not provided. In fact, the online statement hasn’t been revised for as long as we can remember: “Online Payments will be coming soon for traffic citations as well as garbage and water bills.”

The City’s over-billing is best illustrated by example. Suppose the water meters are read on March 23, 2015. The Ordinance requires the City to transmit the water bills on or after April 1, 2015 (the month following the meter reading). Payment, according to the Ordinance (on or before the 15th day of the month immediately following the **billing** (emphasis added)...not the same month as the billing... and **not the same month as the meter reading** (emphasis added). The Ordinance allows that the bill can be paid up to or on May 15, 2015 before becoming “delinquent” ...effectively 45 days after the billing. The City’s current practice allows only 15 days to pay the bill: The additional 10% delinquent fee currently assessed by the City if the water bill is not paid within 15 days of billing violates the City’s water billing ordinance and is a windfall to the City. The delinquent fees are moneys to which the City is not entitled.

We ask that the City review its water billing practices for our account and for those accounts of all residents and customers of Garden Ridge Water for inappropriately charged