

**FRIO COMMUNITIES IMPROVEMENT ASSOCIATION (FCIA)
TWIN FORKS ESTATES (TFE)
TWIN FORKS WATER SUPPLY SYSTEM (TFWSS subsidiary of FCIA)**

SEWER SERVICE POLICY

THIS POLICY OF THE FCIA HOME OWNERS ASSOCIATION (HOA) IS INSTITUTED AS A REQUIREMENT BY THE STATE OF TEXAS TO INSTALL, CHARGE FOR AND PROVIDE SEWER SERVICES TO PROPERTIES WITHIN TFE BOUNDARIES AS SHOWN ON REAL COUNTY REGISTERED PLATS. THIS POLICY AFFIRMS TFE'S COMMITMENT TO MEET STATE REQUIREMENTS FOR ALL PROPERTY OWNERS TO CONNECT TO THE SEWER SYSTEM INSTALLED AND OPERATED BY THE NUECES RIVER AUTHORITY (NRA). STATE LAW REQUIRES ALL SEPTIC SYSTEMS ON ANY PROPERTY WITHIN TFE TO BE DECOMMISSIONED. THIS POLICY FURTHER ESTABLISHES THE TFWSS AS THE BILLING AND COLLECTION AGENT FOR THE NRA. HOA AUTHORITY FOR THIS POLICY IS STATED IN THE FCIA BY-LAWS ARTICLE III, SECTION A.

WHEREAS, Section 17.934, Texas Water Code, authorizes the Texas Water Development Board to require recipients of Economically Distressed Areas Program (EDAP) funds to require mandatory hook up to EDAP funded facilities; and

WHEREAS, Section 17.934, Texas Water Code, gives EDAP applicants the authority to mandate connection to their EDAP funded waste water improvements; and

WHEREAS, The Water Development Board formally adopted the mandatory hook up policy by regulation appearing at 31 Tex. Admin. Code, Section 363.805; and

WHEREAS, the NRA has applied for and received EDAP funds for a waste water project to supply sanitary sewer service to the citizens and residents of the City of Leakey and surrounding areas including TFE; and

WHEREAS, it is in the public interest, safety, and welfare for all property to be hooked up to a sanitary sewer system, and particularly all property capable of receiving services from the system constructed with EDAP funds; and

WHEREAS, it is the policy of the FCIA to protect the health, safety and welfare of TFE property owners; and,

WHEREAS, the provision of a wastewater system funded through EDAP funds by the Texas Water Development Board is in the public interest; and

WHEREAS, the requirement that TFE adopt the mandatory hook up policy is in the public interest to further the safety, welfare, and interest of all TFE owners and the surrounding areas.

WHEREAS, many lots in TFE do not have homes, but are used by the owners for camping purposes and according to previous TFE Policy have septic, water and electric service. It is TFE Policy that those owners must, at their own expense, decommission their septic systems and provide a connecting effluent line from their camping facility to the tee connection into the main sewer connection line provided by the NRA at each lot. Camp site hook ups shall be permanent and secure, preferably a capped and locked connection to prevent illegal use by others and to protect the owner

WHEREAS, USDA-Rural Development grant and loan funds are planned to be used by NRA to connect existing homes to NRA's wastewater collection system and decommission their associated septic systems. This will be accomplished to the extent USDA-RD, or other funds are available. Any existing homes that are not connected to the system because of insufficient funds, or a written determination by NRA that such connection is economically

unfeasible, may continue to use their existing septic systems.. All future sewer connections planned for connection

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must first be permitted by the FCIA (TFWSS), and the NRA, be in compliance with all relevant rules, regulations and requirements by the FCIA, the NRA, TCEQ, international plumbing code, and be inspected by the NRA prior to covering the affluent line.

NOW, THEREFORE, BE IT ORDAINED BY UNANIMOUS VOTE OF THE FCIA BOARD THAT:

Section 1. The FCIA (TFWSS) is hereby authorized, pursuant to Section 17.934, Texas Water Code, to provide a sanitary sewer system to property owners within the platted limits of TFE. All property owners having said sewer service within one hundred feet (100') of their property and/or all property capable of receiving service from the system partially financed with EDAP funds shall connect to the NRA sewer system. All required connections shall be completed within ninety (90) days after the NRA sewer system is available. All existing on-site systems shall be abandoned in accordance with state requirements upon connection to the NRA wastewater sewer. The TFWSS is authorized to charge the property owner for the sewer service should the owner fail to connect to the system. The TFWSS is also authorized to discontinue water service should an owner fail to connect to the sewer system (with exceptions noted above). The TFWSS is authorized to disconnect the water service for failure to meet monetary obligations, failure to meet water and sewer fees on a timely basis, to be determined by TFWSS, will cause disconnection and reconnect fees will apply.

Section 2. Should any word, phrase, clause or part of this policy be declared unconstitutional by a court of competent jurisdiction, the remaining portions of said policy shall remain in full force and effect and to such an extent are declared servable.

Section 3. Violation of this policy may cause the HOA Board to establish fines as deemed appropriate to the circumstances, causes, or reasons for the individual's failure to comply with the policy.

This Policy shall take effect upon its passage and approval by the unsigned HOA Board.

PASSED THIS ___ DAY OF _____ 2018

Clyde E. Nolan, Jr. Pres.

Deborah L. Jackson V.P.

Nancy Riley Treasurer

Judy K. Jones Sec.

David Weber Director

NOTARY:

Revised: May 15, 2018