RULES AND REGULATIONS NO. 14
RULES AND REGULATIONS
ESTABLISHING THE LAND MANAGEMENT POLICY
OF THE PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD, BY VIRTUE OF SECTION 1502.070, TEXAS GOVERNMENT CODE, VERNON'S REVISED CIVIL STATUTES, AND CITY ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, MAY 22, 1952; AS AMENDED, NOW THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING AMENDMENT TO THE RULES AND REGULATION GOVERNING THE FURNISHING AND CONTROL OF WATER AND/OR SEWER SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD IS HEREBY ADOPTED. ALL OTHER RULES AND REGULATIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION I GENERAL
A. TABLE OF CONTENTS
The following headings or captions are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 14.

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B. DEFINITIONS
The words and terms used in Rules and Regulations No. 14 shall have their usual and customary meaning except when a specialized meaning is required and such meaning shall be taken from the Public Service Board's Bond Ordinances and Rules and Regulations.

C. NEUTRAL GENDER
When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.
SECTION II POLICY

It is the Policy of the Public Service Board (PSB) to practice wise fiscal management of lands and other resources, under the jurisdiction of the Public Service Board. The PSB will ensure the sale, management, and reservation of lands under the PSB providing for environmental and water resource concerns, providing access to the underlying ground water for eventual use as potable water, providing land used directly as part of system operation, and to also meet the needs of the community-at-large.

It is hereby declared to be the Policy of the Public Service Board that the sale of land under the jurisdiction of the Public Service Board will be sold so as to accomplish the following: First, all land sales and development must protect the water supply and promote water conservation initiatives. Secondly, land sales shall meet the communities priorities related to growth. Thirdly, the sale of lands must promote orderly growth of areas contiguous to existing development and availability of water and sewer system capacity. Fourthly, it strengthens the relationship between land sales and efficient utility services. Lastly, lands sales shall maximize land values with reasonable risk levels.

The Public Service Board will not engage in land development so as to compete with the private sector. The policies and procedures shall accomplish the goal of protecting the water supply, promote water conservation and use of reclaimed water, planning for stormwater drainage facilities and the establishment of main thoroughfares in the city consistent with the Public Service Board’s Mission and adopted Strategic Plan. In general a “phased” approach to land management and development is adopted.

SECTION III PURPOSE

The purpose of this policy is to categorize the Public Service Board land holdings and define how these properties are to be managed.

On an annual basis an analysis of the amount of land available to be master planned and that which will be kept in reserve, will be conducted. Such analysis will consider land sold to date and the Comprehensive Plan and growth policies of the City of El Paso. Staff will provide a report and recommendation to the Public Service Board, on master planned land, land sales, and a long-term outlook.

A. LAND FOR SALE

In order for land to be considered for sale, the Public Service Board shall first define this land as land inexpedient to the system per City of El Paso water and sewer revenue bond ordinances. The land shall not be necessary for future operations by the El Paso Water Utilities. The land shall be contiguous and in the direct path of development. There shall be enough water and sewer capacity at the treatment, distribution and collection facilities in order to ensure service to the land. The land must be developed in defined and progressive phases. The land must be developed in a way that protects the water supply and promotes water conservation through xeriscaping, the use of reclaimed water, etc.

1. Land to be Master Planned

Parcels of land greater than 50 acres in size shall be master planned. The purpose of the master plan shall be to design the general plan for the development of the property including the layout of arterial streets, open areas, sites for public facilities, and utilities: and to determine the availability of existing services to the area, including street improvements, drainage, water, fire protection, wastewater, reclaimed water, schools, parks and other such facilities within the surrounding area abutting the study area. Master Plans shall be done in accordance with the City of El Paso Ordinances (Subdivision Ordinance, Zoning Ordinance) as they now read or as amended.

The master plan will evaluate the best options for development of its property to make an informed decision regarding the formulation of a Master Development Plan that would have the following objectives: First, enhance and protect the value of PSB lands and to encourage
responsible development through active planning participation by EPWU and the community stakeholders (City and County of El Paso departments, developers, home builders, school districts, etc.). Secondly, develop a marketable, flexible and aesthetic plan for the development of PSB property’s highest and best commercial, industrial, recreational and residential potential. Thirdly, guide the nature, sequence and quality of the proposed development to obtain the highest economic return to EPWU and its customers. Fourthly, create recurring revenue source which will assist with capital facility funding for EPWU.

2. Parcels under 50 acres

Parcels of land that are 50 acres or less in size, contiguous to existing water and sewer services, and consistent with existing land use plans for the area including, but not limited to, other pertinent local governmental entity requirements (e.g., School Districts, County Governmental needs, sheriff, etc.) may be sold without the execution of a master plan for the parcel, however all parcels must comply with PSB’s basic general policies for land sales.

B. LAND FOR LEASE

Land owned or controlled by the Public Service Board, may be leased on a case by case basis to the public, private and other governmental entities. The Public Service Board may also enter into lease agreements for agricultural and watershed land management, private, commercial, industrial, recreational, and governmental uses.

C. RESERVED LAND

Such land under the jurisdiction of the Public Service Board may be held in long-term trust for the protection of groundwater, securing of water rights or is more than 20 years beyond the contiguous growth and development of the city. El Paso Water Utilities, under the direction of the Public Service Board, will identify lands that should be held in reserve for water storage, future water, wastewater and reclaimed water facilities, buffer zones and protection of natural resources.

SECTION IV PROCEDURES

A. BIDDING REQUIREMENTS FOR THE SALE OF LAND

The Public Service Board has developed a public bid process and specifications for the sale of land, which is in accordance with Texas statutes. The bid will be awarded to the bidder submitting the highest bid that equals or exceeds the minimum acceptable price and complies with bid specification requirements and covenants. The Public Service Board reserves the right to reject any or all bids, to award a contract either in whole or in part and to waive any irregularities.

B. LAND LEASE REQUIREMENTS

The Utility currently utilizes an internal lease policy for the leasing of El Paso Water Utilities' property. Leases are considered on a case by case basis and are consistent with the Utility's overall land management strategies and policies. These policies are subject to change as may be required and are consistent with the Utility's Signature Authority Policy. Types of leases include agreements for agricultural and watershed land management, private, commercial, industrial, recreational, and governmental uses.
SECTION V   STORM WATER MANAGEMENT

Pursuant to City of El Paso Ordinance 016668 establishing a Municipal Drainage System, the Public Service Board Stormwater Utility, in developing the Stormwater Plan, will take into account the use of open spaces, greenways, arroyos and wilderness areas in their natural state as a means to assist in the management of storm water and in accordance with the City's Open Space Master Plan.

A. The stormwater capital infrastructure plan shall identify stormwater infrastructure projects (including land acquisition) which have the potential dual purposes of stormwater management and preservation with the City's open spaces, greenways, arroyos and wilderness areas in their natural state in accordance with the City's Open Space Master Plan and the City's Parks and Recreation Master Plan (Green Projects).

B. The Board shall allocate an amount equal to ten percent (10%) of the System's annual drainage utility fee revenues for such Green Projects.

SECTION VI   EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.

PASSED, APPROVED and ADOPTED this 12th day of February, 2003, by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 14, SECTION V (A,B), SECTION VI, ADDED, REVISED, APPROVED and ADOPTED the 12th day of December, 2007, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

PUBLIC SERVICE BOARD

Chair

ATTEST

Secretary-Treasurer

APPROVED AS TO FORM:

Robert D. Andron, General Counsel