

RESOLUTION REVIEWING DROUGHT CONTINGENCY PLAN
AND MAKING ANY DESIRABLE CHANGES THERETO

WHEREAS, the Board of Director of Harris County Municipal Utility District No. 109 (the "Government Entity") adopted a Drought Contingency Plan on April 7, 2000; and

WHEREAS, the Board of Directors (the "Board") now wishes to review the Drought Contingency Plan and make any desirable changes thereto in compliance with the Texas Commission on Environmental Quality (TCEQ) requirements;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board has reviewed its Drought Contingency Plan.
2. The Board adopts the following changes to its Drought Contingency Plan:
 - a) Addition of a voluntary stage; and
 - b) Modifications to some of the restrictions.

DATED THIS 17th day of September, 2013.

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 109

By: 
Name: OWEN PARKER
Title: President

ATTEST:

By: 
Name: Chris Green
Title: Secretary

EXHIBIT "A"

DROUGHT CONTINGENCY PLAN FOR Harris County Municipal Utility District No. 109 September 17, 2013

Section I Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Board of Directors of Harris County Municipal Utility District No. 109 hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Board of Directors of Harris County Municipal Utility District No. 109 by scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The Board of Directors of Harris County Municipal Utility District No. 109 will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information may be provided by means of utility bill inserts, other direct distributions to customers, or publications of articles in a newspaper or newsletter of general circulation in Harris County Municipal Utility District No. 109's service area.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Harris County Municipal Utility District No. 109 is located within the Region H regional water planning area and Harris County Municipal Utility District No. 109 will provide a copy of this Plan to the Region H regional water planning group within ten (10) days following its adoption.

Section V: Authorization

The Operator of Harris County Municipal Utility District No. 109, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Operator of Harris County Municipal Utility District No. 109, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Harris County Municipal Utility District No. 109. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

As a Participant in the North Harris County Regional Water Authority (the Authority), Harris County Municipal Utility District No. 109 is subject to the provisions on the Authority’s Drought Contingency Plan. This Plan’s requirements must be at least as stringent as the requirements on the Authority’s plan. Upon the Authority implementing any stage of its plan, Harris County Municipal Utility District No. 109 shall implement at least the same stage of this Plan, but may implement any higher stage of this Plan at its discretion.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Authority: the North Harris County Regional Water Authority, or its successor.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Commission: the Texas Commission on Environmental Quality, or its successor.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Harris County Municipal Utility District No. 109.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought of Record: the historic period of record for the watershed in which the District is located, in which the lowest flows were known to have occurred

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0,2,4,6, or 8 and locations without addresses.

Household: the residential premises served by the retail water customer’s meter.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-ways and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1,3,5,7 or 9.

Retail Water Customer: any person using water supplied by the District except for wholesale water customers.

Safe Yield of District's Wells: the daily capacity of the District's wells measured in gallons, calculated when operating for not more than 18 hours per day, and using the most recently determined pumping rate.

Wholesale Water Customer: any person receiving water from the District for resale to the public, except said term shall not apply when the water is received through any emergency interconnection which remains normally closed.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Operator for Harris County Municipal Utility District No. 109 or his/her designee shall monitor water supply and/or demand conditions and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on sustained water demand in the District as a percentage of safe well yield **and/or the Authority declaring a water shortage stage per its drought contingency plan.**

Stage 1 Triggers - MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when water consumption equals or exceeds eighty percent (80%) of the safe yield of the District’s wells for five (5) consecutive days **and/or when the Authority declares a Stage 1 water shortage.**

Requirements for termination

Stage 1 of the Plan may be rescinded when **water consumption is less than eighty percent (80%) of the safe yield of the District’s wells for three (3) consecutive days and/or the Authority ends its Stage 1 water shortage.**

Stage 2 Triggers – SERIOUS Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan when water consumption equals or exceeds ninety percent (90%) of the safe yield of the District’s wells for three (3) consecutive days **and/or when the Authority declares a Stage 2 water shortage.**

Requirements for termination

Stage 2 of the Plan may be rescinded when **water consumption is less than ninety percent (90%) of the safe yield of the District’s wells for three (3) consecutive days and/or the Authority ends its Stage 2 water shortage.** Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when water consumption equals or exceeds one hundred percent (100%) of the safe yield of the District’s wells for any 24-hour period **and/or when the Authority declares a Stage 3 water shortage.**

Requirements for termination

Stage 3 of the Plan may be rescinded when **water consumption is less than one hundred percent (100%) of the safe yield of the District’s wells for two (2) consecutive days and/or the Authority ends its Stage 3 water shortage.** Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the Authority declares a Stage 4 water shortage.

Requirements for termination

Stage 4 of the Plan may be rescinded when the Authority ends its Stage 4 water shortage.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Operator of Harris County Municipal Utility District No. 109, or his/her designee, determines that a water supply emergency exists based on:

- (a) Major water line breaks, or pump or other system failures occur, which cause uncontrollable loss of capability to provide water service; or
- (b) Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twenty-four (24) hours.

Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 6 of this Plan when the District's ability to obtain or produce water is determined to be so severely impeded that Stage 1, 2, 3, 4, and 5 measures are determined by the Operator of Harris County Municipal Utility District No. 109 to be inadequate to protect the health and safety of the residents of the District.

Requirements for termination

Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twenty-four (24) hours.

Section IX: Drought Response Stages

The Operator of Harris County Municipal Utility District No. 109, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII of this plan, shall determine that a moderate, **serious**, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Operator of Harris County Municipal Utility District No. 109 or his/her designee shall notify the public by any one or more of the following means:

- publication in a newspaper of general circulation,
- public service announcements,
- signs posted in public places, or
- take-home fliers at schools.

Additional Notification:

The Operator of Harris County Municipal Utility District No. 109 or his/her designee may notify directly, or cause to be notified directly, the following individuals and entities: Fire chief(s), City and/or County Emergency Management Coordinator(s), County Judge and Commissioner(s), State Disaster District/Department of Public Safety, TCEQ, TWDB, **the Authority**, major water users, critical water users (i.e. hospitals), parks/street superintendents, and public facilities managers.

Stage 1 Response – MODERATE Water Shortage Conditions

Goal: Achieve a ten (10) percent reduction in daily water demand.

Supply Management Measures:

Harris County Municipal Utility District No. 109 will implement the following measures to manage limited water supplies and/or reduce water demand. The District will reduce or discontinue non-essential flushing of water mains; arrange for use of any alternative supply source(s); and encourage and support the use of reclaimed water for non-potable purposes.

Voluntary Water Use Restrictions:

- (a) Customers are requested to check for and repair all leaks, dripping faucets, and running toilets, and utilize water conservation measures such as displacement bags, low-flow shower heads and leak detection tablets.
- (b) Customers are requested to limit irrigation to the hours between 7:00 p.m. and 5:00 a.m. of the following day on no more than two (2) days per week in conformity with the following schedule (no watering on Mondays):
 - 1. Sundays and Thursdays for single family residential customers with even-numbered street addresses;
 - 2. Saturday and Wednesdays for single family residential customers with odd-numbered street addresses; and

3. Tuesdays and Fridays for all other customers.
- (c) Customers are advised that mandatory measure may be imposed if the water shortage period continues.

Stage 2 Response – **SERIOUS** Water Shortage Conditions

Goal: Achieve a Twenty (20) percent reduction in daily water demand.

Supply Management Measures:

The District will implement or maintain the Supply Management Measures listed in Stage 1 Response.

Water Use Restrictions:

All requirements of Stage 1 shall commence or remain in effect during Stage 2 except:

- (a) Customers are required to repair detectible water leaks within 72 hours of discovery.
- (b) Customers are required to limit outdoor irrigation to the hours between 7:00 p.m. and 5:00 a.m. of the following day on no more than two (2) days per week, but possibly one day per week as determined by the District and/or Authority, in conformity with the following schedule (no watering on Mondays):
 1. Sundays and/or Thursdays for single family residential customers with even-numbered street addresses;
 2. Saturday and/or Wednesdays for single family residential customers with odd-numbered street addresses; and
 3. Tuesdays and/or Fridays for all other customers.

Stage 3 Response – **SEVERE** Water Shortage Conditions

Goal: Achieve a thirty (30) percent reduction in daily water demand.

Supply Management Measures: The District will implement or maintain the Supply Management Measures listed in the Stage 1 and 2 Responses.

Water Use Restrictions: All requirements of Stages 1 and 2 shall be implemented or remain in effect during Stage 3 except:

- (a) The use of water for all outdoor purposes including irrigation, ornamental, decorative, or scenic purposes such as fountains, reflecting pools, and water gardens, shall be prohibited.

Stage 4 Response – **CRITICAL** Water Shortage Conditions

Goal: Achieve a thirty-five (35) percent reduction in daily water demand.

Supply Management Measures: The District will implement or maintain the Supply Management Measures listed in the Stage 1, 2, and 3 Responses.

Water Use Restrictions: All requirements of Stages 1, 2, and 3 shall be implemented or remain in effect during Stage 4 except:

- (a) The District may initiate allocation of water supplies to its customers per Stage 6 Response of this Plan.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Goal: Achieve a forty (40) percent reduction in daily water demand.

Supply Management Measures: The District will implement or maintain the Supply Management Measures listed in the Stage 1, 2, 3, and 4 Responses.

Water Use Restrictions: All requirements of Stages 1, 2, 3, and 4 shall be implemented or remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or any other vehicle is absolutely prohibited.

Stage 6 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the Operator of Harris County Municipal Utility District No. 109 hereby authorizes the allocation of water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be ten-thousand (10,000) gallons per month:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

Residential Water customers shall pay the following surcharges:

- (a) Two dollars (\$2.00) per thousand (1,000) gallons for each additional thousand (1,000) gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, condominiums) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the District of a greater number on a form prescribed by the District. The District shall see that such forms are mailed, otherwise provided, or made available to every such customer. If however, a customer does not receive such a form, it shall be the customer's responsibility to go to the District offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the District. If the number of dwelling units served by a master meter is reduced, the customer shall notify the District in writing within two (2) days. In prescribing the method of claiming more than two (2) dwelling units, the District shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the District of a reduction in the number of persons in a household shall be fined not less than five-thousand dollars (\$5,000.00).

Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (a) Two dollars (\$2.00) per thousand (1,000) gallons for each additional thousand (1,000) gallons over allocation up to one thousand (1,000) gallons for each dwelling unit.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the Operator, or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately sixty (60) percent of the customer's usage for the corresponding month's billing period for the previous twelve (12) months. If the customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, if sixty (60) percent of the monthly usage is less than six-thousand (6,000) gallons, then six-thousand (6,000) gallons shall be allocated. The District shall see that notice of each non-residential customer's allocation is mailed to each non-residential customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the District to determine the allocation.

Upon request of the customer or at the initiative of the District, the allocation may be reduced or increased if:

- (1) the designated period does not accurately reflect the customer's normal water usage,
- (2) one (1) non-residential customer agrees to transfer part of its allocation to another non-residential customer, or
- (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the President of the Board of Directors of Harris County Municipal Utility District No. 109.

Non-residential commercial customers shall pay the following surcharges:

- (a) Two dollars (\$2.00) per thousand (1,000) gallons for each thousand (1,000) gallons over allocation.

Surcharges shall be cumulative.

Section X: Enforcement

- (a) No person(s) shall knowingly or intentionally allow the use of water from Harris County Municipal Utility District No. 109 for residential, commercial, agricultural, governmental, or any other purposes in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board of Directors of Harris County Municipal Utility District No. 109, President of the Board of Directors, the Operator for Harris County Municipal Utility District No. 109, or his/her designee, in accordance with the provisions of this Plan.
- (b) Any person(s) who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). Each day that one or more of the provisions in this Plan is violated shall be constituted as a separate offense. If a person is convicted of three (3) or more distinct violations of this Plan, the President of the Board of Directors shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection fee, hereby established at one hundred dollars (\$100.00), and other costs incurred by Harris County Municipal Utility District No. 109 in discontinuing service. In addition, suitable assurance must be given to the President of the Board of Directors that the same action will not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person(s), including a person classified as a water customer of Harris County Municipal Utility District No. 109, in apparent control of the property where a violation occurs or originates shall be presumed the violator. Proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person(s) in apparent control of the property committed the violation, but any such person(s) shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children.

Section XI Variances

The Operator for Harris County Municipal Utility District No. 109, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health,

welfare, and/or safety of the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provision of this Ordinance shall file a petition for variance with Harris County Municipal Utility District No. 109 within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the President of the Board of Directors, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by Harris County Municipal Utility District No. 109 shall be subject to the following conditions, unless waived or modified by the President of the Board of Directors, or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variance granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.