

RESOLUTION REVIEWING DROUGHT CONTINGENCY PLAN  
AND MAKING ANY DESIRABLE CHANGES THERETO

WHEREAS, the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 (the "Government Entity") has adopted a drought contingency plan; and

WHEREAS, the Board of Directors (the "Board") now wishes to review the drought contingency plan and make any desirable changes thereto;

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


1. The Board has reviewed the drought contingency plan, attached as *Exhibit A*, and adopted on September 17, 2013.
2. The Board adopts the following changes to its drought contingency plan:

NONE

DATED THIS 16th day of April, 2019.

HARRIS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 109

By:

  
Owen Parker, President  
Chris Green, Vice President

ATTEST:

By:

  
Cheryl Moore, Secretary



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 17<sup>th</sup> day of September, 2013.

HARRIS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 109

By:   
Name: OWEN PARKER  
Title: President

ATTEST:

By:   
Name: Chris Green  
Title: Secretary

## **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.

## **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.

## **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

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.

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,