

TATTOR ROAD MUNICIPAL DISTRICT

**Resolution for Adoption of Order
Establishing Drought Contingency Plan**

The board of directors of Tattor Road Municipal District ("District") met at the board's regular meeting place on May 22, 2014, with a quorum of directors present, as follows:

Donald T. Givens, President
Frances I. Bland, Vice President
John Finger, Secretary
Dennis L. Wright, Assistant Secretary

and the following absent:

James M. Gilbertson, Director

when the following business was transacted:

The order set out below was introduced for consideration of the board. It was duly moved and seconded that said order be adopted; and, after due discussion, said motion carried by the following vote:

Ayes: All directors present.

Noes: None.

The order thus adopted is as follows:

Any order and amendments thereto, heretofore adopted by the board of directors, providing for a drought contingency plan for customers within the District, is hereby revoked upon the effective date of this order.

The order hereinafter set forth shall become effective on May 22, 2014.

**ORDER ESTABLISHING DROUGHT CONTINGENCY PLAN
FOR
TATTOR ROAD MUNICIPAL DISTRICT**

WHEREAS, the Board of Directors of Tattor Road Municipal District (“District”) owns a water and sewer system designed to serve present and future inhabitants within the District and recognizes that the amount of water available to the District and its water utility customers may be limited and subject to depletion during periods of extended drought; and,

WHEREAS, the Board recognizes that natural limitations due to drought conditions and other acts of God occur, and the District cannot guarantee an uninterrupted water supply for all purposes; and,

WHEREAS, Section 11.1272 of the Texas Water Code, as amended, and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas, such as the District, to prepare a drought contingency plan; and,

WHEREAS, as authorized under law, and in the best interests of the customers of the District, the Board of Directors of the District deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF TATTOR ROAD MUNICIPAL DISTRICT THAT:

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 District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (“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 XI of this Plan.

Section II. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The District 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 will be provided by means of utility bill inserts, signs posted in the subdivision, or other method reasonably calculated to provide notice to District customers.

Section IV: Coordination with Regional Water Planning Groups

The service area of the District is located within the Regional Water Planning Area H and the North Harris County Regional Water Authority. This plan will be updated as necessary to coordinate with these regional water planning groups.

Section V: Authorization

The Board of Directors of the District or its 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 President of the Board of Directors of the District 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, and shall receive advice concerning any such initiation from the District's operator, engineer and other consultants.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

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.

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.

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 the District.

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.

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

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-way 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.

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

The President of the Board of Directors of the District, or his/her designee, with the assistance of the District's operator, engineer and other consultants, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of direct mail from the District's operator to each customer, and signs and flags posted in public places, as further described herein.

The triggering criteria described below are based upon an analysis of the vulnerability of the District's water supply, conducted by the District's operator, engineer and other consultants, based upon information of droughts and water shortages of record conditions within the District and its surrounding areas.

(a) Stage 1 - Mild Drought Conditions - Voluntary Water Rationing

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when average well run hours are at or above fifteen (15) hours per day for three (3) consecutive days, unless otherwise determined by the President of the Board of Directors, and at any other time as determined by the President of the Board of Directors.

Notice - A sign indicating stage of drought contingency plan in affect posted at the entrance of the subdivisions.

(b) Stage 2 - Moderate Water Shortage Conditions - Mandatory Water Rationing

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when average when average well run hours are at or above eighteen (18) hours per day for three (3) consecutive days or at the discretion of the District.

Notice - A sign indicating stage of drought contingency plan in affect posted at the entrance of the subdivisions. Written notice to each customer listing the specific conditions shall be provided as soon as practicable after implementation of the policy. Delivery of mailed notice shall be considered complete upon deposit of the notice in the United States mail, first class

postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date rationing began, (2) the date rationing will end, or a description of the mechanism for termination of rationing when it is determined that the need no longer exists, (3) an explanation of the stage of rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, and when the President of the Board of Directors, or his/her designated appointee, agrees to lift the ban.

(c) Stage 3 - Severe Water Shortage Conditions - Mandatory Water Rationing

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 average well run hours are at or above twenty (20) hours per day for two (2) consecutive days or at the discretion of the District.

Notice - A sign indicating stage of drought contingency plan in affect posted at the entrance of the subdivisions. Written notice to each customer listing the specific conditions shall be provided as soon as practicable after implementation of the policy. Delivery of mailed notice shall be considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date rationing began, (2) the date rationing will end, or a description of the mechanism for termination of rationing when its determined that the need no longer exists, (3) an explanation of the stage of rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, and when the President of the Board of Directors, or his/her designated appointee, agrees to lift the ban. Upon termination of Stage 3, Stage 2 becomes operative.

(d) Stage 4 - Critical Water Shortage Conditions - Mandatory Water Rationing

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 average well run hours are at or above twenty-two (22) hours per day for two (2) consecutive days or at the discretion of the District.

Notice - A sign indicating stage of drought contingency plan in affect posted at the entrance of the subdivisions. Written notice to each customer listing the specific conditions shall be provided as soon as practicable after implementation of the policy. Delivery of mailed notice

shall be considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date rationing began, (2) the date rationing will end, or a description of the mechanism for termination of rationing when its determined that the need no longer exists, (3) an explanation of the stage of rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, and when the President of the Board of Directors, or his/her designated appointee, agrees to lift the ban. Upon termination of Stage 4, Stage 3 becomes operative.

(e) Stage 5 - Emergency 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 5 of this Plan when the President of the Board of Directors, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; and
2. Natural or man-made contamination of the water supply source(s).

Notice - A sign indicating stage of drought contingency plan in affect posted at the entrance of the subdivisions. Written notice to each customer listing the specific conditions shall be provided as soon as practicable after implementation of the policy. Delivery of mailed notice shall be considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date rationing began, (2) the date rationing will end, or a description of the mechanism for termination of rationing when its determined that the need no longer exists, (3) an explanation of the stage of rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

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 seven (7) consecutive days, and when the President of the Board of Directors, or his/her designated appointee, agrees to lift the ban. Upon termination of Stage 5, Stage 4 becomes operative.

Section IX: Drought Response Stages

The President of the Board of Directors, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in

Section VIII of the Plan, shall determine that a mild, moderate to severe, critical, or emergency condition exists and shall implement the following actions upon notification, via direct mailing, to the District's customers, as well as placing the appropriately colored signs or flags at the entrances to the subdivisions:

Stage 1 - Mild Water Shortage Condition - Voluntary Rationing

Target: Achieve a 8% reduction in well run time.

Supply Management Measures:

Reduced or discontinued flushing of water mains, and use of reclaimed water for non-potable purposes, if and when possible.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the nonessential use of water for purposes of irrigation of landscaped areas such as lawns and gardens, such that customers with even numbered addresses may use water outdoors on even numbered days, and customers with odd numbered addresses may use water outdoors on odd numbered days. Customers are requested to restrict the outdoor use of water to the period from 9 a.m. to 6 p.m..
- (b) All operations of the District shall adhere to water use restrictions prescribed for other stages of the plan, as necessary.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate to Severe Water Shortage Conditions

Target: Achieve a 16% reduction in well run time.

Supply Management Measures:

Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source, use of reclaimed water for non-potable purposes, if and when possible, and as necessary.

Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas shall be limited such that customers with even numbered addresses may use water for such purposes only on even numbered days, and customers with odd numbered addresses may use water for such purposes only on odd numbered days, and irrigation of landscaped areas is further limited to the hours of 9 a.m. to 6 p.m. on designated watering days.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 9 a.m. and 6 p.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 9 a.m. and 6 p.m.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.
- (f) All restaurants are prohibited from serving water to its patrons except when requested.
- (g) The following uses of water are defined as non-essential and are prohibited:
 - 1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas;
 - 2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3) use of water for dust control;
 - 4) flushing gutters or permitting water to run or accumulate in any gutter or street;
 - 5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 - Critical Water Shortage Conditions

Target: Achieve a 25% reduction in well run time.

Supply Management Measures:

Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source, use of reclaimed water for non-potable purposes, if and when possible, and as necessary.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 9 a.m. to 6 p.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash or commercial service station and not in the immediate interest of public health, safety, and welfare is prohibited.
- (d) The filling, refilling, or adding of water to swimming pools, wading pools and Jacuzzi-type pools is prohibited.
- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) No applications for new, additional, expanded, or increased-in size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

Stage 4 - Emergency Water Shortage Conditions

Target: Achieve a 33% reduction in well run time.

Supply Management Measures:

Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source, use of reclaimed water for non-potable purposes, if and when possible, and as necessary.

Water Use Restrictions. All requirements of Stage 2, and 3 shall remain in effect during Stage 4 except:

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

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose 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 President of the Board of Directors, or his/her designee, in accordance with provisions of this Plan.
- (b) Any violation of these rules and regulations adopted by the District may result in monetary penalties. The customer will receive written notice of their specific violations and will be noticed of the penalties of subsequent violations. The first violation by a customer shall result in a warning. The second violation shall result in a penalty of up to \$100, and any subsequent violations shall result in a penalty of up to \$500 per occurrence, the amount of said penalties to be in the discretion of the Board of Directors. Following the third violation, 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 have occurred. For the purposes of this section, "due notice" shall be accomplished via direct mail (which may or may not be included in the notification of the assessment of the third penalty), or by the placement of a door hanger on the premises where such violations have occurred. Services discontinued under such circumstances shall be restored only upon payment of the reconnection charge and costs, as designated by the provisions of this Plan and the District's Rate Order. In addition, suitable assurance must be given to the President of the Board of Directors that the same action shall not be repeated while the Plan is in effect.
- (c) Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent

control of the property committed the violation, but any such person 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 and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Section XI: Variances

The President of the Board of Directors, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if:

- (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; or
- (b) alternative methods can be implemented which will achieve the same level of reduction in water use; or
- (c) it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance; or
- (d) in the opinion of the President of the Board of Directors, or his/her designated appointee, a temporary variance is warranted for a business that uses outdoor water in their primary business practice, such as turf growers, nurseries and commercial car washes, or for any customer for any other reason; and
- (e) if the person requesting a variance files a written request with the District's operator, which includes the following:
 - (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the Plan from which the petitioner is requesting relief.
 - (4) 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 Plan.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) 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.

(8) Any other pertinent information.

Variances granted by the District 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) Variances 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.

Section XII: Severability

It is hereby declared to be the intention of the District that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

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The President or Vice President is authorized to execute and the Secretary or Assistant Secretary is authorized to attest this Order on behalf of the Board of Directors of the District.

DON GIVENS
President

ATTEST:

JOHN FINGER
Secretary

I, the undersigned secretary of the board of directors of Tattor Road Municipal District, hereby certify that the foregoing is a true and correct copy of the order establishing a drought contingency plan, adopted by said board at its regular meeting of May 22, 2014, together with excerpts from the minutes of said board's meeting on that date showing the adoption of said order, as same appear of record in the official minutes of the board, on file in the District's office.

I further certify that said meeting was open to the public, and that notice thereof was posted in compliance with the provisions of Tex. Gov't. Code Ann. § 551.001 et seq.

Witness my hand and the official seal of said District this _____.

Secretary