

**CERTIFICATE OF RESOLUTION**

**STATE OF TEXAS** §  
**COUNTY OF HARRIS** §  
**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99** §

We, the undersigned officers of the Board of Directors (the "Board") of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99** (the "District"), hereby certify as follows:

The Board convened in regular session, open to the public, on Tuesday, October 15, 2024, at 6:30 p.m., at 19423 Lockridge Drive, Spring, Texas, and the roll was called of the members of the Board, to-wit:

Billy Ray Fritsche	President
Thomas Riddle	Vice President/Treasurer/Investment Officer
George Galindo	Secretary
Rick Ghinelli	Director
Terry Wright	Director

All members of the Board were present except the following: Riddle, thus constituting a quorum. Whereupon other business, the following was transacted at such Meeting: A written

**RESOLUTION ADOPTING AN AMENDED DROUGHT CONTINGENCY PLAN**

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and after full discussion, such motion, carrying with it the adoption of such Resolution prevailed, carried, and became effective by the following vote:

**AYES:**   - 4 -        **NOES:**   - 0 -  

A true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Resolution has been duly recorded in the Board's minutes of such Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such Meeting pertaining to the adoption of such Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board are duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of such Meeting, and that such Resolution would be introduced and considered for adoption at such meeting, and each of the officers and members consented, in advance, to the holding of such Meeting for such purpose; and such Meeting was open to the public and public notice of the time, place, and purpose of such Meeting was given, all as required by Chapter 551 of the Texas Government Code, and Section 49.063 of the Texas Water Code, as amended.

**SIGNED** this 15<sup>th</sup> day of October, 2024.

  
Secretary, Board of Directors

  
President, Board of Directors

(DISTRICT SEAL)



**RESOLUTION ADOPTING AN AMENDED DROUGHT CONTINGENCY PLAN**

**STATE OF TEXAS** §  
**COUNTY OF HARRIS** §  
**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99** §

WHEREAS, the Board recognizes that the amount of water available to the **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99** and its water utility customers is 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 cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code and Chapter 288, Subchapter B of the rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the Board has previously approved a drought contingency plan in conformance with state law; and

WHEREAS, the Board now finds that certain amendments to the previously adopted drought contingency plan are appropriate; and

WHEREAS, as authorized under law, and in the best interests of the customers of the **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99**, the Board 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.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99, THAT:**

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99**.

SECTION 2. That the Operator is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

**(EXECUTION PAGE FOLLOWS)**

**SIGNED** this 15<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Secretary, Board of Directors

  
\_\_\_\_\_  
President, Board of Directors

**DROUGHT CONTINGENCY PLAN  
FOR THE  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO.99**

**Adopted: June 2009**

**Amended: October 15, 2024**

**Section 1: 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 Harris County Water Control and Improvement District No. 99 (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 (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 XI of this Plan.

It is noted that the District's present water conservation program includes:

- a. Water meter replacement program - The District has had an ongoing water meter monitoring and replacement program in effect since 1989.
- b. Repair of water lines - The District makes repairs in a timely manner upon approval for excavation from the Utility Coordinating Committee.

**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 holding public hearings during regular and/or special meetings of the Board of Directors of the District (the "Board") during preparation of 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 letters to the residents, notices in the utility bills, placing signs in the District, or other similar measures, as appropriate. An initial letter to the public will be provided upon completion of the Plan, outlining the Plan, and indicating a complete copy will be available for review at the office of the Operator or by appointment at the District office.

#### **Section IV: Coordination with Regional Water Planning Groups**

The service area of the District is located within the Region H water planning area and the District has provided a copy of this Plan to the San Jacinto River Authority, P. O. Box 329, Conroe, Texas, the Region H water planning group.

#### **Section V: Authorization**

The President or Secretary of the Board, along with the District's Operator are 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 or Secretary of the Board of the District 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 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.

Authority: North Harris County Regional Water Authority.

Authority Plan: the Drought Contingency Plan of the Authority.

Average well run hours: the total of the run times for each well in the water system for a 24-hour period, divided by the number of wells in the system.

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/Odd number addresses:

- a. Even number address: street addresses, ending in 0, 2, 4, 6, or 8 and locations without addresses.
- b. Odd number address: street addresses ending in 1, 3, 5, 7, or 9.

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 neither 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.

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

The Operator of the District 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, that is, when the specified "triggers" are reached, and immediately notify the President or Secretary of the Board of the District.

The triggering criteria described below are based on known system capacity limits. The District will adopt measures for each stage of the plan as warranted by the triggers.

Additionally, if one of the two District water wells becomes inactive for any reason, the Operator of the District may initiate this Plan to reduce the District's water demand to meet its production volume, as necessary and/or activate the District's emergency water interconnection with Harris County Water Control Improvement District No. 110.

Public notification shall be provided in accordance with Section IX herein.

### **Stage 1 Triggers -- MODERATE Water Shortage Conditions**

#### Requirements for initiation

Customers shall be requested to voluntarily conserve water and to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX, Stage 1 – MODERATE Water Shortage Conditions of this Plan, when the Authority implements a Stage 1 Water Shortage as described in the Authority's Plan, average well run time is at or above eighteen (18) hours per day or low water in the ground storage tank causes lock out of the booster pumps supplying water to the system for three (3) consecutive days or when any of the water facilities cannot meet the water supply demand.

#### Requirements for termination

Stage I of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

### **Stage 2 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 2 – SEVERE Water Shortage Conditions of this Plan, when the Authority implements a Stage 2 water shortage, as described in the Authority's Plan, average well run time is at or above twenty (20) hours per day or low water in the ground storage tank causes lockout of the booster pumps supplying water to the system for three (3) consecutive days or when any of the water facilities cannot meet the water supply demand.

#### 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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

### **Stage 3 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 3 – CRITICAL Water Shortage Conditions of this Plan, when the Authority implements a Stage 3 water shortage, as described in the Authority's Plan, average well run time is at or above twenty-two (22) hours per day or low water in the ground storage tank causes lockout of the booster pumps supplying water to the system for three (3) consecutive days or when any of the water facilities cannot meet the water supply demand.

#### 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 three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.



## **Stage 4 Triggers -- EMERGENCY Water Shortage Conditions**

### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 – EMERGENCY Water Shortage Conditions of this Plan, when the Authority implements a Stage 4 water shortage, as described in the Authority Plan, or when otherwise implemented by the President or Secretary of the Board, along with the District's Operator, based on:

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

### 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 three (3) consecutive days.

## **Section IX: Drought Response Stages**

The Operator of the District, 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 this Plan, shall determine that a moderate, severe, critical, or emergency water shortage condition exists and notify the President or Secretary of the Board of the District who shall implement the following notification procedures:

### **Notification**

#### Notification of the Public:

The Board of the District shall notify the public by means of:

1. *signs posted in public places;*
2. *door hangers;*
3. *direct mail to each customer;*
4. *public service announcements;*

#### Additional Notification:

The President or Secretary of the Board shall notify directly, or cause to be notified directly, the following individuals and entities:

*Spring Fire Department — 281-355-1266*

*TCEQ (required when mandatory restrictions are imposed) TCEQ Region 12 - 713-767-3500*

*Spring High School, Principal — 281-355-2101*

*Spring Independent School District, District Architect 281-587-3942*

*North Harris County Regional Water Authority ("NHCRWA") General Manager, 281-440-3924*

## **Stage I Response -- MODERATE Water Shortage Conditions**

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

### Supply Management Measures:

If the water system is operated above 55psi at the water plant(s), reduce the pressure to 55psi.

### Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 12:00 midnight and 8:00 a.m. and 7:00 p.m. to 12:00 midnight on designated watering days.
- (b) Commercial and institutional users with meters larger than 1-1/2 inches are requested to voluntarily limit the irrigation of landscaped areas to Tuesdays and Fridays only between the hours of 12:00 midnight and 8:00 a.m. and 7:00 p.m. to 12:00 midnight on designated watering days.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 1.

## **Stage 2 Response -- SEVERE Water Shortage Conditions**

Goal: Achieve a 33 percent (33%) reduction in daily water demand.

### Supply Management Measures:

1. *If the system is operated above 50 psi at the water plant(s), reduce the pressure to 50 psi if system operations permit (the Operator shall verify adequacy of pressure in the system after reduction of pressure has been made).*
2. *Flushing of fire hydrants shall be reduced to that necessary to maintain public health, safety and welfare.*

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a Street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours

of 12:00 midnight until 8:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Commercial and institutional users with meters larger than 1-1/2 inches shall be limited to Tuesdays and Fridays between the hours of 12:00 midnight and 8:00 am, and 7:00 p.m. to 12:00 midnight on designated watering days.
- (c) 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 12:00 midnight and 8:00 a.m. and between 7:00 p.m. and 12:00 midnight. 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.
- (d) 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 12:00 midnight and 8:00 a.m., and between 7:00 p.m. and 12:00 midnight.
- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where such water is recycled and is necessary to support aquatic life.
- (f) 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.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) 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-surfaced 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; and
  - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 2.

**Stage 3 Response -- CRITICAL Water Shortage Conditions**

Goal: Achieve a 50 percent (50%) reduction in daily water demand.

Supply Management Measures:

1. *If water system is operated above 45 psi, reduce water system pressure to 45 psi if system operations permit. (The operator shall verify adequacy of pressure in the system after reduction in pressure has been made).*
2. *Discontinue flushing of water mains except where necessary to maintain public health, safety and welfare.*

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

- (a) Irrigation of landscaped areas is prohibited at all times.
- (b) 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 and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited.
- (e) No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect. This does not apply to reconnect or transfer of an existing service.

Stage 3 Drought Surcharge: The following rates shall apply during Stage 3 Drought Conditions.

ALL CONSUMERS

<u>Class of Customer</u>	<u>Rate</u>
Single Family Residential	\$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000

Commercial — 1-1/2" Meter or less	gallons exceeding 10,000 gallons. \$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial —Meters larger than 1-1/2"	\$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 1,000,000 gallons.

Refer to Section XIII for Billing Cycles.

Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 3.

**Stage 4 Response -- EMERGENCY Water Shortage Conditions**

Goal: Provide water on a risk assessment basis.

Supply Management Measures:

1. Provide an alternative supply source (interconnect, haul or other) as necessary.
2. Reduce or discontinue all water supply adversely affecting the health, safety and welfare of the public.

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

1. Intentional discharge of water outside a building or enclosed area shall be prohibited.
2. Water distribution facilities shall be turned off (until the problem has been resolved) (and on at times) as required to operate the system in compliance with regulatory requirements.

Stage 4 Emergency Surcharge: The following rates shall apply during an Emergency Condition.

<u>Class of Customer</u>	<u>ALL CONSUMERS</u>	<u>Rate</u>
Single Family Residential		\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial — 1-1/2" Meter or less		\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial —Meters larger than 1-1/2"		\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000

gallons exceeding 1,000,000 gallons.

Refer to Section XIII for Billing Cycles.

Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 4.

**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 or Secretary of the Board of the District, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the jurisdictional limits of the justice court for each offense. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the President or Secretary of the Board of the District 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 charge, hereby established at \$250.00, and any other costs incurred by the District in discontinuing service. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Exhibit 5 may be used to notify the person or entity of the violation and potential disconnection of services. Exhibit 6 may be used for subsequent violations.

- (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.
- (d) Any employee of the District, police officer, or other employee designated by the President or Secretary of the Board of the District, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall

be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the designated municipal court on the date shown on the citation for which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the designated municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in the designated municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the designated municipal court before all other cases.

## **Section XI: Variances**

The President or Secretary of the Board of the District, 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, sanitation, or fire protection for 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 provisions of this Ordinance shall file a petition for variance with the District 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 or Secretary of the Board of the District, 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 the District shall be subject to the following conditions, unless waived or modified by the President or Secretary of the Board of the District:

- (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: End of Drought Contingency Water Use Restrictions**

When the District is able to return to normal water use, the District shall send out the letter attached as Exhibit 7, or otherwise notify the customers of the District of the end of all water use restrictions.

## **Section XIII: Billing of Surcharge Rates**

- (a) Surcharge rates will be implemented if a critical or emergency water shortage condition is in effect both at the time of the beginning of a billing cycle and the beginning of the subsequent billing cycle, even if there is a period between the billing cycles where the condition has been cancelled.
- (b) Surcharge rates will not be implemented if a critical or emergency water shortage condition is in effect at the time of a beginning of billing cycle, but is no longer in effect at the time of the beginning of the subsequent billing cycle.



EXHIBIT I  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS  
(Drought Contingency Stage 1)

(Date)

Dear Customer:

As a result of \_\_\_\_\_ Harris County Water Control and Improvement District No. 99 is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage One of the Drought Contingency Plan is now in effect. Stage One includes the following provisions:

1. Water system pressure may be reduced.
2. Voluntary water use restrictions as follows:
  - (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only between the hours of 12:00 midnight and 8:00a.m. and 7:00 p.m. to 12:00 midnight on designated watering days.
  - (b) Commercial and institutional users with meters larger than 1-1/2 inches are requested to voluntarily limit the irrigation of landscaped areas to Tuesdays and Fridays between the hours of 12:00 midnight and 8:00 a.m. and 7:00 p.m. to 12:00 midnight on designated watering days.
  - (c) All operations of the District shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
  - (d) Water customers are requested to practice water conservation and to minimize or discontinue water for non-essential purposes.

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, it may be necessary to proceed to Stage 2, at which time you will be notified of the more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,

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Board of Directors

EXHIBIT 2  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS  
(Drought Contingency Stage 2)  
SEVERE

(Date)

Dear Customer:

As a result of \_\_\_\_\_, Harris County Water Control and Improvement District No. 99 is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage Two of the Drought Contingency Plan is now in effect. Stage Two includes the following provisions:

1. Water system pressure will be reduced.
2. Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all customers:
  - (a) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
  - (b) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 8:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated watering days. Total irrigation times for any zone shall not exceed thirty (30) minutes.
  - (c) Commercial and institutional users with meters larger than 1-1/2 inches shall be limited to irrigation of landscaped areas to Tuesdays and Fridays between the hours of 12:00 midnight and 8:00 a.m. and 7:00 p.m. to 12:00 midnight on designated watering days. Total irrigation times for any zone shall not exceed thirty (30) minutes.
  - (d) 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 12:00 midnight and 8:00 a.m. and between 7:00 p.m. and 12:00 midnight. 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 rinses. 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 cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- (e) 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 12:00 midnight and 8:00 a.m. and between 7:00 p.m. and 12:00 midnight.
- (f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where such water is recycled and is necessary to support aquatic life.
- (g) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, and use of water from designated fire hydrants for construction purposes is to be discontinued unless otherwise approved by the Board of Directors.
- (h) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (i) 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; and
  - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Failure to comply with the Water Use Restrictions is deemed a violation of the District's Drought Contingency Plan and may result in the termination of water and sewer service to your property. Water and sewer service will not be restored until noncompliance is discontinued and a reconnect fee of \$250.00 is paid.

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions worsen, it may be necessary to go to Stage 3, at which time you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,

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Board of Directors

EXHIBIT 3  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS  
(Drought Contingency Stage 3)  
**CRITICAL**

(Date)

Dear Customer:

As a result of \_\_\_\_\_, Harris County Water Control and Improvement District No. 99 is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage Three of the Drought Contingency Plan is now in effect. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. The following restrictions are now in effect.

1. Water system pressure will be reduced.
2. Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all customers:
  - (a) Irrigation of landscaped areas is prohibited at all times.
  - (b) 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 and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m. Such washing may be excluded from these regulations if the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
  - (c) The filling, refilling, and adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
  - (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited.
  - (e) No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect. This does not apply to reconnects or transfer of an existing service.

- (f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, and use of water from designated fire hydrants for construction purposes is to be continued.
  - (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
  - (h) 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-surfaced 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, and
    5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s), but in no event more than forty-eight (48) hours after notice is given.
3. The following water rates shall apply during Stage 3:

ALL CONSUMERS

<u>Class of Customer</u>	<u>Rate</u>
Single Family Residential	\$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial — 1-1/2" Meter or less	\$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial —Meters larger than 1-1/2"	\$2.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 1,000,000 gallons.

Failure to comply with the Water Use Restrictions is deemed a violation of the Policy Regulating Water Use During a Critical Water Period and may result in the termination of water and sewer service to your property. Water and sewer service will not be restored until noncompliance is discontinued and a reconnect fee of \$250.00 is paid.

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,

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Board of Directors

EXHIBIT 4  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS  
(Drought Contingency Stage 4)  
**EMERGENCY**

(Date)

Dear Customer:

As a result of \_\_\_\_\_, Harris County Water Control and Improvement District No. 99 (is suffering extreme inability) (is unable) to provide water at the customary levels or pressure. This condition should be resolved within the next \_\_\_\_\_ and a Board of Directors meeting will be held \_\_\_\_\_ at \_\_\_\_\_m. at \_\_\_\_\_ to explain the situation and possible solutions. In the interim, the following restrictions shall apply under the threat of penalty for violation:

1. Intentional discharge of water outside a building or enclosed area shall be prohibited.
2. Water distribution facilities shall be turned off (until the problem has been resolved) (and on at times) as required to operate the system in compliance with regulatory requirements.

The following water rates shall apply until the problem is resolved:

ALL CONSUMERS

<u>Class of Customer</u>	<u>Rate</u>
Single Family Residential	\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial — 1-1/2" Meter or less	\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 10,000 gallons.
Commercial —Meters larger than 1-1/2"	\$3.00 per 1,000 gallons over and above the normal rate as called for in the Rate Order for each 1,000 gallons exceeding 1,000,000 gallons.

Failure to comply with the Water Use Restrictions is deemed a violation of the Policy Regulating Water Use during an emergency water period and may result in termination of water and sewer service to your property. Water and sewer service will not be restored until noncompliance is discontinued and a reconnect fee of \$250.00 is paid.

The Board of Directors appreciates your cooperation and perseverance during this Emergency Condition. Once the condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of additional actions to be taken to (ensure)(restore) the availability of water in your community.

Very truly yours,

\_\_\_\_\_  
Board of Directors

EXHIBIT 5  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS

**CITATION**

(Date)

Dear Customer:

You are hereby notified that you are violating the Water Use Restrictions of Harris County Water Control and Improvement District No. 99.

It has come to operator's attention that:

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Attached is a copy of the letter we sent you regarding Drought Stage \_\_\_\_\_ and the restrictions imposed.

Unless the use of water in a prohibited manner is ceased immediately, water and sewer service to your property will be terminated, and service will be only restored upon payment of a \$250.00 reconnect fee.

A Board meeting will be held \_\_\_\_\_ at \_\_\_\_\_ (a.m.) (p.m.) at 19423 Lockridge Drive, at which time you may present any information for which a variance to the violation may be considered.

Sincerely,

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Board of Directors

EXHIBIT 6  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS

**CITATION**

(Date)

Dear Customer:

On \_\_\_\_\_, you were notified that you were violating the Water Use Restrictions of Harris County Water Control and Improvement District No. 99. This second violation has resulted in the termination of water and sewer service to your property. Service will be restored upon discontinuation of the prohibited use and upon payment of a \$250.00 reconnect fee. In addition, you will be required to sign a copy of the water use restrictions now in effect. To have service restored, you should contact the operator of the District.

In addition, if you fail to take the steps listed above, the District will consider the imposition of Monetary Penalties for Noncompliance. In addition to disconnection, the District may impose a penalty of up to the jurisdictional limits of the court for each violation of this Plan. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law. We urge you to comply with the provisions of the District's Drought Contingency Plan.

Sincerely,

\_\_\_\_\_  
Board of Directors



EXHIBIT 7  
TO APPENDIX A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99  
OF  
HARRIS COUNTY, TEXAS

(Date)

Dear Customer:

The Drought Condition has ended. You may return to normal water usage. The Board of Directors of Harris County Water Control and Improvement District No. 99 appreciates your cooperation and perseverance during this period and would appreciate your continued attention to water use. Continued water conservation practices will help ensure water availability in the future. Thank you for your efforts.

Very truly yours,

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Board of Directors