

RESOLUTION ADOPTING A REVISED DROUGHT CONTINGENCY PLAN

WHEREAS, the Board of Directors of Harris County Municipal Utility District No. 208 (the "District") recognizes that the amount of water available to the District and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission On Environmental Quality require all public water supply systems in Texas 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 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;

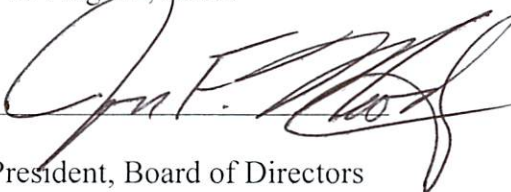
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF Harris County Municipal Utility District No. 208:

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 District.

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

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

DULY PASSED BY THE BOARD OF DIRECTORS OF Harris County Municipal Utility District No. 152, on this 16 day of August, 2013.


President, Board of Directors

ATTESTED TO:


Secretary, Board of Directors

(DISTRICT SEAL)



**DROUGHT CONTINGENCY PLAN
FOR
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 208
AUGUST 2013**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Harris County Municipal Utility No. 208 (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 X of this Plan.

Section II: Public Education

The District hereby institutes an educational program, to be implemented immediately, to promote the Plan by the general public which may include any of the following:

- a. Publications of articles in a newsletter and on the District's website providing information regarding the Plan; and
- b. Direct distributions to all District residents and other users of water within the District, and all wholesale water customers of the District, if any, ("Users") explaining the Plan; and
- c. Additional educational activities consisting of:
 - (1) publishing an article or articles in a newsletter of general circulation in the District's service area, providing tips or information on water saving techniques, or
 - (2) conducting an informational school program in a school attended by students within the District's service area, or
 - (3) conducting an educational program for Users at a public place within or accessible to residents of the District, or
 - (4) conducting or engaging in such other informational or educational activity designed to further the Plan as, in the discretion of the Board of Directors, may be consistent with the purposes and policies of this Plan, or
 - (5) any combination of the foregoing.

Section III: Public Involvement

The District shall actively inform the public and wholesale water customers, if any, and affirmatively provide opportunity for input from the public and from wholesale water customers, if any, regarding the Plan

Section IV: Coordination with Regional Water Planning Groups

The service area of the District is located within the Region H Regional Water Planning Group (Region H) and West Harris County Regional Water Authority (WHCRWA) and the District has provided a copy of this Plan to the Region H and WHCRWA.

Section V: Authorization

The Operator for the District or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Operator for 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.

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.

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 No. 208 (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 number address: street addresses or box 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, parks, and rights-of-way and medians.

Outdoor Water Use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- a. irrigation of planted areas, including but not limited to lawns, gardens, 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 or box numbers ending in 1, 3, 5, 7, or 9.

Operator: the consultant hired by the District to manage and maintain water production and distribution, sewage collection, billing and collection, and emergency maintenance.

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

A. Trigger Conditions - For the purpose of this Plan, the District hereby adopts the trigger conditions (the "Trigger Conditions") set forth below. These Trigger Conditions are for the purpose of responding to, but not limited to, the following situations:

- a. reduction of available water supply as a result of drought conditions;
 - b. water production or distribution system limitations;
 - c. supply source contamination; or
 - d. water system outage due to the failure or damage of water system components.
1. Stage 1 — This condition (herein, "Abnormal Conditions") exists when demand on the District's water supply facilities reaches or exceeds 1.0 MGD for 3 consecutive days, as determined by the District's operator, and/or other criteria as deemed prudent by the District to protect our most valuable resource including request from TCEQ, WHCRWA, City of Houston or other suppliers of water.
 2. Stage 2 — This condition (herein, "Severe Conditions") exists when the demand on the District's water supply facilities exceeds 1.0 MGD for 10 consecutive days, as determined by the District's operator, and/or other criteria as deemed prudent by the District to protect our most valuable resource including request from TCEQ, WHCRWA, City of Houston or other suppliers of water.
 3. Stage 3 – This condition (herein, "Extreme Conditions") exists when the demand on the District's water supply facilities exceeds 1.5 MGD for 3 consecutive days, as determined by the District's operator, and/or other criteria as deemed prudent by the District to protect our most valuable resource including request form TCEQ, WHCRWA, City of Houston or other suppliers of water.
 4. Stage 4 — This condition (herein, "Exceptional Severe Conditions") exists when demand on the District's water supply facilities reaches 100% of the production capacity of such facilities for 24 hours, as determined by the District's operator and/or other criteria as deemed prudent by the District to protect our most valuable resource including request from TCEQ, WHCRWA, City of Houston or other suppliers of water.
 5. Stage 5 – Emergency Water Shortage Condition – This condition (herein, "Emergency Water Shortage Condition") exists in the event of a loss of power, fire, flood, hurricane, lightning, tornado, windstorm, or any other act of God, riot, terrorist act, or any other civil disobedience, or any other similar occurrence which results in the inability of the District to provide potable water to Users (or the likelihood thereof).

- B. Notice – Once one of the above Trigger Conditions has occurred, Users will be notified that such Trigger Condition has occurred and of the Drought Response Measures (as defined below) to be taken. The process for notifying Users may include any of the following:
- a. Posting of signs at the entrance to the District;
 - b. Posting of notices at public places in the District;
 - c. Mailing, at least 48 hours prior to commencement of the required Drought Response Measures, a written notice to each User; and
 - d. For wholesale water customer (if any), the District operator shall contact wholesale water customers by written notice, and/or other means, prior to commencement of the required Drought Response Measure.

Any notice issued shall contain:

- a. the date the Drought Response Measures will begin,
 - b. the date the Drought Response Measures will terminate, if known,
 - c. a list of Drought Response Measures to be implemented, and
 - d. an explanation of penalties for violations of such Drought Response Measures.
- C. Drought Response Measures– The District hereby establishes and adopts the following measures (“Drought Response Measures”) for the respective Trigger Conditions. The Response Measures related to each Trigger Condition shall automatically become effective and shall be implemented by the District when such Trigger Condition occurs.
1. Stage 1 - In the event of Stage 1- Abnormal Condition, all Users are requested to take the following voluntary Drought Response Measures in an effort to achieve a ten (10) percent reduction in daily water demand:
 - a. Check for and repair all leaks, dripping faucets and running toilets.
 - b. Check for and correct excessive irrigation or uncorrected leaks that result in water leaving the User’s property by drainage onto adjacent properties or public or private roadways or streets or gutters.
 - c. All outdoor water use is requested to occur between the hours of 7 pm and 5 am of the following day on no more than two days per week conforming to the following schedule:
 - (1) Sundays and Thursdays for District residents and other users of water within the District with even-numbered street addresses.
 - (2) Saturdays and Wednesdays for District residents and other users of water within the District with odd-numbered street addresses.
 - (3) Tuesdays and Fridays for all other Users in the event no address exists.

2. Stage 2 - In the event of Stage 2 – Severe Condition, all Users are subject to the following mandatory restrictions of water use in an effort to achieve a fifteen (15) percent reduction in daily water demand:

a. All outdoor water use shall be restricted to between the hours of 7 pm and 5 am of the following day on no more than two days per week conforming to the following schedule:

- (1) Sundays and Thursdays for District residents and other users of water within the District with even-numbered street addresses.
- (2) Saturdays and Wednesdays for District residents and other users of water within the District with odd-numbered street addresses.
- (3) Tuesdays and Fridays for all other Users in the event no address exists.

Water used for irrigation administered by an individual holding a hose with a diameter of one (1) inch or less, a watering can or other similar device is not restricted to the 7 pm to 5 am hours but must conform to the watering day schedule above.

b. Any outdoor water use that results in water leaving the User's property by drainage onto adjacent properties or public or private roadways or streets or gutters is not allowed.

3. Stage 3 - In the event of Stage 3 – Extreme Condition, all Users are subject to the following mandatory restrictions of water use in an effort to achieve a twenty (20) percent reduction in daily water demand:

a. All outdoor water use shall be prohibited.

4. Stage 4 - In the event of Stage 4 – Exceptional Severe Condition, all Users are subject to the following mandatory restrictions of water use in an effort to achieve a twenty-five (25) percent reduction in daily water demand:

a. All outdoor water use shall be prohibited.

b. A surcharge equal to \$10 per 1000 gallons for all water used in excess of 10,000 gallons/month during the month Exceptional Severe Conditions are in effect shall be imposed on all District residents and other users of water within the District, but will not be imposed on wholesale customer, if any.

- c. The Board of the District may prohibit water use by certain industrial or commercial users which uses are not essential to the health and safety of the community so that remaining water is available for essential health and safety related issues.
- d. The Board of the District may utilize alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director of the Texas Commission on Environmental Quality as appropriate (e.g. interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
- e. The District is authorized to ration water to District residents and other users of water within the District on a pro rata basis, and to initiate allocation of water supplies to its wholesale water customers, if any, on a pro rata basis, in accordance with Texas Water Code.

5. Stage 5 – In the event of Stage 5 - Emergency Water Shortage Condition, the Board, in its discretion, may, without prior notice, invoke all or any of the Drought Response Measures set forth in this Plan as “Emergency Response Measures” to achieve a reduction in water use that results in a daily demand equivalent to sixty percent of the current production capacity of the available supply facilities. The Board may establish any of the penalties set forth in Section X for violations of the Emergency Response Measures.

D. Termination of Trigger Conditions Notification – When a Trigger Condition occurs, the District shall enforce the Drought Response Measures applicable to such Trigger Condition for a minimum of five (5) days after the last day the demand on the District’s water supply facilities reaches or exceeds the limits of such Trigger Condition. After such five (5) day period, the Drought Response Measures prescribed may, in the discretion of the Board, be continued for an additional five (5) day period. After the expiration of ten (10) days, and assuming no other Trigger Conditions have occurred, the Drought Response Measures prescribed shall terminate and the District shall cease implementation and enforcement of such measures. The District will notify Users of the termination of the particular Drought Response Measures and may utilize the same manner of notification used to inform Users of the occurrence of the Trigger Condition and implementation of the Drought Response Measures.

E. Additional Triggering Events – West Harris County Regional Water Authority – Upon receipt of notice from the West Harris County Regional Water Authority (the “*Authority*”) that a Mild Drought Condition or Moderate Drought Condition exists under the Authority’s drought contingency plan, the District’s Board of Directors may (but is not obligated to) declare the applicable stage of the District’s Plan to be triggered. Upon receipt of notice from the Authority that a Severe Drought Condition exists under the Authority’s drought

contingency plan, the District's Board of Directors shall implement one or more of the Plan's drought response measures, as may be specified by the Authority.

Section IX: Enforcement

Without limitation to specific actions stated in this Plan to be taken by the District's operator, the District's operator will administer and enforce the Plan, and will oversee and be responsible for the execution and implementation of all elements of this Plan (or, if the District employs its own peace officers pursuant to Texas Water Code; such peace officers will be responsible for enforcement of this Plan). The operator shall keep adequate records for plan verification. The District's operator shall report to the Board of the District, at meetings of the Board, regarding actions taken and which need to be taken under this Plan. Without limiting the foregoing, the District's operator shall advise the President of the Board (or if the President is unavailable to receive notification, another member of the Board) as soon as reasonably practicable when a particular Trigger Condition has been reached under this Plan and when a particular drought condition no longer exists.

Section X: Penalties

The following penalties shall apply to anyone violating the terms of this Plan or the Drought Response Measures adopted pursuant hereto:

- A. First Violation – Any persons or entity who violates the Plan shall receive written notification of such violation, which notice shall set forth:
- a. the date of the violation,
 - b. the nature of the violation,
 - c. the Drought Response Measures then in effect, and
 - d. the penalties applicable for any further violations of this Plan;

provided, however, that if such person or entity has ever previously violated this Plan, the penalties set forth in (C) below, may, at the discretion of the Board, be imposed.

- B. Second Violation – Any person or entity who violates the Plan a second time shall receive a door hangar notification of such violation, which notice shall set forth:
- a. the date of the first and second violation,
 - b. the nature of the violations,
 - c. the Drought Response Measures then in effect, and
 - d. the penalties applicable for future violations of this Plan;

provided, however, that if such person or entity has ever previously violated this Plan, the penalties set forth in (C) below, may, at the discretion of the Board, be imposed.

C. Subsequent Violations

1. **Disconnection for Noncompliance** – If any person or entity violates any provisions of this Plan more than one time (which violation shall constitute an unauthorized use of District services and/or facilities), then in addition to any other remedies, penalties, sanctions and enforcement procedures provided for herein, the District shall have the right to terminate water service to such person or entity after notice and any other procedural requirements in the District’s rate order are satisfied.
2. **Monetary Penalties for Noncompliance** – If any person or entity violates any provision of this Plan more than one time (which violation shall constitute an unauthorized use of District services and/or facilities), then, in addition to disconnection as provided in Subsection 1 of this Section, the Board of the District, after providing required notice, may impose a penalty of up to \$500 for each violation of this Plan, due prior to reconnection. 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.

Section XI: Variances

The Operator for the District, 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, 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 5 days after the Plan or a particular drought response stage has been invoked. All petitions for temporary variances shall be reviewed by the Operator for the District, or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

- e. Description of the relief requested.
- f. Period of time for which the variance is sought.
- g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h. Other pertinent information.

Temporary variances granted by the District shall be subject to the following conditions, unless waived or modified by the Operator for the District or the District's 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: Receiving Water from Wholesale Public Water Supplier

In case the District receives water from another water supplier, then the District shall consult with that water supplier in order to respond appropriately to the water supplier's drought contingency plan for reduction in water supply. Also in such case, if the other water supplier implements drought response stages pursuant to its drought contingency plan, the District will evaluate implementing its drought response stages and evaluate the need to discourage excessive use of water in an effort to reduce the use of water.

Section XIII: Remedies Cumulative

All rights, remedies, sanctions, penalties and enforcement procedures provided for in this Order are cumulative. In addition, the District shall have and may exercise and enforce any and all rights and remedies provided by law or in equity.

Section XIV: Notice to Texas Commission on Environmental Quality

The District's operator shall notify the executive director of the Texas Commission on Environmental Quality within five (5) days of the implementation of any provision of the Plan.

Section XV: Wholesale Customer Contracts

If the District enters into or renews any wholesale water contracts after adoption of the Plan, said contracts shall include a provision that in case of a shortage of water resulting from drought, the water to be distributed shall be in accordance with Texas Water Code.