

**NORTH KAUFMAN WSC
DROUGHT CONTINGENCY PLAN**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
NORTH KAUFMAN WSC
ADOPTING A DROUGHT CONTINGENCY PLAN**

WHEREAS, the Board recognizes that the amount of water available to North Kaufman WSC and its water utility customers is limited and subject to depletion during periods of extended drought;

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

WHEREAS, the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission 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 North Kaufman WSC, 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 NORTH KAUFMAN WSC:

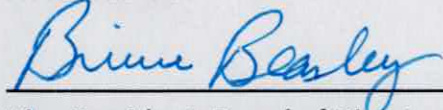
- SECTION 1.** That the Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of North Kaufman WSC.
- SECTION 2.** That the General Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan.
- SECTION 3.** That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE BOARD OF DIRECTORS OF NORTH KAUFMAN WSC ON THIS
17th day of April, 2023.

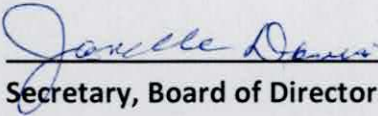


President, Board of Directors

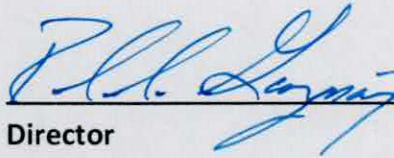
ATTESTED TO:



Vice President, Board of Directors



Secretary, Board of Directors



Director

Director

DROUGHT CONTINGENCY PLAN
FOR THE
NORTH KAUFMAN WSC

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, North Kaufman WSC 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.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan will be provided by North Kaufman WSC by means of website postings. Members will be alerted to these postings with a note on their monthly invoice.

Section III: Public Education

North Kaufman WSC 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 North Kaufman WSC's website and/or utility bill notations.

Section IV: Coordination with Regional Water Planning Groups

The service area of North Kaufman WSC is located within the Region C and North Kaufman WSC has provided a copy of this Plan to TNRCC and Region C.

Section V: Authorization

The General Manager, 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 General Manager, 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 North Kaufman WSC. 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 used 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 North Kaufman WSC.

Domestic water use: water used 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, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, 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 General Manager, or his/her designee, 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 website and public signage.

The triggering criteria described is based on statistical analysis of the vulnerability of the water source under drought of record conditions.

a. Stage 1 – Mild Water Shortage Conditions

Requirements for initiation – Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses annually beginning May 1 through September 30.

b. Stage 2 – Moderate Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when the total daily water demand equals or exceeds 300,000 gallons per day for ten (10) consecutive days.

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 ten (10) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

c. Stage 3 – Severe Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the total daily water demand equals or exceeds 400,000 gallons per day for ten (10) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

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 ten (10) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

d. Stage 4 – Critical Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when, pursuant to requirements specified in the wholesale water purchase contracts, notification is received.

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 ten (10) consecutive days. 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 for Stage 5 of this Plan when the General Manager, 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; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist.

Section IX: Drought Response Stages

The General Manager, 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, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1 – Mild Water Shortage Conditions

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

Voluntary Water Use Restrictions:

- a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Tuesdays, Thursdays, and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6, 8), and Wednesdays, Fridays, and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7, 9), and to irrigate landscapes only between the hours of midnight and 10:00 am and 7:00 pm to midnight on designated watering days. No exterior watering will be permitted on Mondays.
- b. All operations of the North Kaufman WSC shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 – Moderate Water Shortage Conditions

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

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 Tuesdays, Thursdays, and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6, 8), and Wednesdays, Fridays and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7, 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 am and between 7:00 pm and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time 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. 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 10:00 am and between 7:00 pm 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 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 12:00 midnight and 10:00 am and between 7:00 pm and 12:00 midnight.

- 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 North Kaufman WSC.
- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 am and between 7:00 am and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the North Kaufman WSC, the facility shall not be subject to these regulations.
- g. All restaurants are prohibited from serving water to its patrons except when requested.
- 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).

Stage 3 – Severe Water Shortage Conditions

Goal: Achieve a fifty (50) percent reduction in the daily water demand and remain under 400,000 gallons per day.

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

- a. Irrigation of landscaped shall be limited to designated watering days between the hours of 12:00 midnight until 10:00 am and between 7:00 pm and 12:00 midnight and shall be by means of a hand-held hose, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by North Kaufman WSC.
- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 – Critical Water Shortage Conditions

Goal: Achieve a ninety (90) percent reduction in daily water demand and stay within guidelines set by the wholesale suppliers.

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

- a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 am and 10:00 am and between 7:00 pm and 12:00 midnight 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 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 am and 10:00 am and 7:00 pm and 10:00 pm.
- 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 except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e. 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 5 – Emergency Water Shortage Conditions

Goal: Discontinue all water system operations.

Water Use Restrictions – All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

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

Section X: Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to ration water according to the following water allocation plan:

Single Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

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

Household means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies North Kaufman WSC of a greater number of persons per household on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to North Kaufman WSC office to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the General Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify North Kaufman WSC in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify North Kaufman WSC of a reduction in the number of persons in a household shall be disconnected for up to seven (7) days. Residential water customers shall pay the following surcharges:

\$50.00 for the first 1,000 gallons over allocation
\$100.00 for the second 1,000 gallons over allocation
\$150.00 for the third 1,000 gallons over allocation
\$200.00 for each additional 1,000 gallons over allocation

Surcharges shall be cumulative.

Section XI: Enforcement

- a. No person shall knowingly or intentionally allow the use of water from North Kaufman WSC 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 Board of Directors, or their designee, in accordance with provisions of this Plan.
- b. Any person who violates this Plan shall be fined not less than \$50.00 and not more than \$500.00. 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 Board of Directors shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$100.00, and any other costs incurred by North Kaufman WSC in discontinuing service. In addition, suitable assurance must be given to the Board of Directors, or their designee, 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.
- c. Any person, including a person classified as a water customer of North Kaufman WSC, 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 the 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. Authorized employees of North Kaufman WSC designated by the Board of Directors may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. He/she shall direct the violator to appear before the Board of Directors on the date of the next scheduled monthly Board of Directors meeting 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.

Section XII: Variances

The Board of Directors, or their 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.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with North Kaufman WSC within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board of Directors, or their designee, and shall include the following:

- a. Name and address of the petitioner(s)
- b. Purpose of water use
- c. Detailed statement as to how the Plan adversely affects the petitioner

Variances granted by North Kaufman WSC shall be subject to the following conditions:

- 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 XIII: Severability

It is hereby declared to be the intention of the Board of Directors of North Kaufman WSC that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance 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 of North Kaufman WSC without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.