

APPENDIX D

DROUGHT CONTINGENCY PLAN

Drought Contingency Plan

for

Fort Griffin Special Utility District

2014

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DROUGHT CONTINGENCY PLAN

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DROUGHT CONTINGENCY PLAN
FOR
FORT GRIFFIN SPECIAL UTILITY DISTRICT

1180 C.R. 109
Albany, TX 76430
CCN# 11637
PWS# 3090005
March, 2011

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, Fort Griffin Special Utility 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.

Section II: Public Education and Involvement

Fort Griffin SUD 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 fliers distributed with water bills and by posting information at the District Office in Public View, and by public announcements placed in the local newspaper and area television stations. Opportunity for the public and our wholesale water customer to provide input into the preparation of the Plan was provided by scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Wholesale Water Customer Education

Fort Griffin SUD will periodically provide wholesale water customers 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 a copy of the Plan or periodically including information about the Plan with invoices for water sales.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Fort Griffin Special Utility District is located within the Region G Water Planning Area and the Corporation has provided a copy of this Plan to the Brazos G Regional Water Planning Group and the TCEQ.

Section V: Authorization

The Manager, or his 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 Manager, or his 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 customers utilizing water provided by Fort Griffin SUD. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Fort Griffin Special Utility 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 addresses: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, 0r 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 addresses: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

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

The General Manager, or his designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, direct mail to each customer and/or signs posted in public places. Wholesale customers will be notified both by telephone and mail. The General Manager will notify TCEQ in writing within five (5) days of entering or rescinding of any mandatory water restrictions defined below.

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

(a) Stage 1 Triggers – 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, defined in Section VII – Definitions, when the General Manager or his designee of Fort Griffin SUD recognizes that a mild water shortage condition exists when treated water storage remains between 39-60% capacity for more than 72 continuous hours.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 24 hours. Fort Griffin SUD will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

(b) Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII when the General Manager or his designee of Fort Griffin SUD recognizes that a moderate water shortage condition exists when treated water storage remains between 30-38% capacity for more than 48 continuous hours.

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 24 hours. Upon termination of Stage 2, Stage 1 becomes operative. Fort Griffin SUD will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 2 of the Plan.

(c) Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the General Manager or his designee of Fort Griffin SUD recognizes that a severe water shortage condition exists when treated water storage remains between 18-29% capacity for more than 24 continuous hours.

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 24 hours. Upon termination of Stage 3, Stage 2 becomes operative. Fort Griffin SUD will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 3 of the Plan.

(d) Stage 4 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 4 of this Plan when the General Manager or his designee of Fort Griffin SUD recognizes that a critical water shortage condition exists when treated water storage remains below 18% capacity for more than 24 continuous hours,

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 24 hours. Upon termination of Stage 4, Stage 3 of the Plan becomes operative. Fort Griffin SUD will notify its wholesale customers and the media of the termination of Stage 4.

(e) Stage 5 Triggers – 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 designee recognizes that a water supply emergency exists based on:

- Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- 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 for a period of 24 hours.

(f) Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation – Customers shall be required to comply with the water allocation plan described in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when the General Manager or his designee recognizes that a mild water shortage condition exists or when treated water storage remains between 39-60% of capacity for more than 72 continuous hours.

Requirements for termination – Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 24 hours.

Section IX: Drought Response Stages

The General Manager, or his 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 this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public: The General Manager or his designee shall notify the public by means of publication in a newspaper of general circulation, direct mail to each customer, and public service announcements.

Additional Notification: The General Manager or his designee shall notify directly, or cause to be notified directly, the following individuals and entities:

1. The Mayor of the City of Moran
2. Stasney and Sons Ranch
3. Fort Griffin State Park
4. Enbridge

Stage 1 Response – MILD Water Shortage Conditions

Goal: The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 0.35 MGD.

Supply Management Measures: Fort Griffin SUD will reduce or discontinue flushing of water mains.

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, box number, or rural

postal route number ending in an even number, and Saturdays and Wednesdays for water customers with a street address, box number, or rural postal route number ending in an odd number, and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- (b) All operations of the Fort Griffin SUD 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 Response – MODERATE Water Shortage Conditions

Goal: The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 0.3 MGD.

Supply Management Measures: Fort Griffin SUD will reduce or discontinue flushing of water mains.

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, box number, or rural postal route ending in an even number, and Saturdays and Wednesdays for water customers with a street address, box number, or rural postal route number ending in an odd number, and irrigation of landscaped areas is further limited to the hours between midnight and 10:00 a.m. and between 8:00 p.m. and 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) 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 midnight and 10:00 a.m. and between 8:00 p.m. and 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 midnight and 10:00 a.m. and between 8:00 p.m. and 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 Fort Griffin SUD.
- (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 midnight and 10:00 a.m. and between 8:00 p.m. and midnight. However, if the golf course utilizes a water source other than that provided by the Fort Griffin SUD, the facility shall not be subject to these regulations.
- (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. wash down of any buildings or structures for purposes other than immediate fire protection;
 3. 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 Response – SEVERE Water Shortage Conditions

Goal: The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 0.25 MGD.

Supply Management Measures: Fort Griffin SUD will reduce or discontinue flushing of water mains.

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

- (a) Irrigations of landscaped areas shall be limited to designated watering days between the hours of midnight and 10:00 a.m. and between 8:00 p.m. and midnight and shall be by means of hand-held hoses, 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 the Fort Griffin SUD.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response – CRITICAL Water Shortage Conditions

Goal: The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 0.2 MGD.

Supply Management Measures: Fort Griffin SUD will reduce or discontinue flushing of water mains.

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

- (a) Irrigations of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers 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.
- (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 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.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Goal: The goal for water use reduction under this drought stage is to limit total treated water use by all system users to less than 0.2 MGD.

Supply Management Measures: Fort Griffin SUD shall reduce or discontinue flushing of water mains.

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 ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the Fort Griffin SUD is hereby authorized to allocate 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	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household include 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 the Fort Griffin SUD of a greater number of persons per household on a form prescribed by the General Manager. The General Manager shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every resident customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the 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 the Fort Griffin SUD on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Fort Griffin SUD 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 the Fort Griffin SUD of a reduction in the number of persons in a household shall be fined not less than \$ 50.00.

Residential water customers shall pay the following surcharges:

- \$ 5.00 for the first 1,000 gallons over allocation
- \$ 7.50 for the second 1,000 gallons over allocation
- \$ 10.00 for the third 1,000 gallons over allocation
- \$ 12.50 for each additional 1,000 gallons over allocation

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the General Manager, or his designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer, 75% of whose monthly usage is less than 7,000 gallons, shall be allocated 7,000 gallons. The General Manager shall give his best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Fort Griffin SUD to determine the allocation. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the General Manager. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 7,000 gallons per month or more:

- (a) 1.0 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 1.5 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 1.75 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 2.0 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Wholesale Customers

1. A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the Board based on the General Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the Board as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

2. A monthly water usage allocation shall be established by the General Manager, or his designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 2011-2013 period as shown in the example given below. If the wholesale water customer's billing history is less than three years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

	2011	2012	2013	Average	Allocation Percentage
Jan.	565,000	514,000	467,000	515,000	75%
Feb	707,000	524,000	509,000	580,000	75%
Mar	561,000	427,000	296,000	428,000	75%
Apr	585,000	510,000	547,000	547,000	75%
May	548,000	612,000	554,000	571,000	75%
June	740,000	646,000	588,000	658,000	75%
July	923,000	668,000	586,000	726,000	75%
Aug	1,103,000	775,000	561,000	813,000	75%
Sept	865,000	571,000	557,000	664,000	75%
Oct	564,000	598,000	620,000	594,000	75%
Nov	673,000	442,000	783,000	633,000	75%
Dec	445,000	430,000	588,000	488,000	75%

3. The General Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
4. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Fort Griffin Special Utility District.

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (a) 1.0 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 1.5 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 1.75 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.

- (d) 2.0 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section XI: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Fort Griffin SUD 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 General Manager, or his designee, 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 of not less than \$50.00 and not more than \$200.00. 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 General Manager 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 \$25.00, and any other costs incurred by the Fort Griffin SUD in discontinuing service. In addition, suitable assurance must be given to the General Manager 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 the Fort Griffin SUD, 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 Fort Griffin SUD, police officer, or other employee designated by the General Manager, 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 City of Albany Municipal Court on the date shown on the citation, which 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 City of Albany 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 City of Albany 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 City of Albany Municipal Court before all other cases.

Section XII: Variances

The General Manager, or his designee, may, in writing, grant a 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:

1. 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.
2. 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 Plan shall file a petition for variance with the General Manager within 5 days after the Plan or a particular drought response stage has been evoked. All petitions for variance shall be reviewed by the Fort Griffin SUD Board of Directors and shall include the following:

1. Name and address of the petitioner
2. Purpose of water use
3. Specific provision(s) of the Plan from which the petitioner is requesting relief
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information.

Variances granted by the Board of Directors of Fort Griffin SUD shall be subject to the following conditions, unless waived or modified by the Board of Directors or its designee:

1. Variances granted shall include a timetable for compliance.
2. 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.

**RESOLUTION FOR ADOPTION OF A
PUBLIC WATER SUPPLIERS
DROUGHT CONTINGENCY PLAN**

RESOLUTION NO. 1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
FORT GRIFFIN SPECIAL UTILITY DISTRICT
ADOPTING A DROUGHT CONTINGENCY PLAN

WHEREAS, the Board recognizes that the amount of water available to Fort Griffin Special Utility District and to its retail and wholesale water customers is limited and subject to depletion during periods of extended drought;

WHEREAS, Fort Griffin Special Utility District recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 12.1272 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 Fort Griffin Special Utility District, the Board of Directors 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
THE FORT GRIFFIN SPECIAL UTILITY DISTRICT:

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 Fort Griffin Special Utility District.

SECTION 2. That the 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 FORT GRIFFIN SPECIAL UTILITY DISTRICT, on this the 3rd day of April, 2014.

APPROVED:

Burrell R. McKelvain
President, Board of Directors

ATTESTED TO:

John A. Adams
Secretary, Board of Directors