

**CERTIFICATE FOR AMENDED DROUGHT CONTINGENCY PLAN**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT §

I, the undersigned officer of the Board of Directors of Trail of the Lakes Municipal Utility District, hereby certify as follows:

1. The Board of Directors of Trail of the Lakes Municipal Utility District, convened in regular session on March 25, 2019, at the regular meeting place outside the boundaries of the District, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Jeff Campbell	President
Jo A. Smith	Vice President
Virginia Elkins	Secretary
Crystal Kirby	Assistant Secretary
Kim Pendleton	Director

All members of the Board were present, except nmn, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

**AMENDED DROUGHT CONTINGENCY PLAN FOR  
TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**

was introduced for the consideration of the Board. It was then duly moved and seconded that the Plan be adopted; and, after due discussion, the motion, carrying with it the adoption of the Plan, prevailed and carried unanimously.

2. That a true, full and correct copy of the aforesaid Plan adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Plan has been duly recorded in the Board's minutes of the meeting; that 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; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Plan would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED the 25<sup>th</sup> day of March, 2019.

  
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Secretary, Board of Directors



## **AMENDED DROUGHT CONTINGENCY PLAN FOR TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**

Section 1: Approval of the Plan and Declaration of Policy, Purpose and Intent. The Board of Directors (the "Board") of Trail of the Lakes Municipal Utility District (the "District") hereby approves and adopts this Plan, and the provisions of such Plan shall be implemented immediately and enforced as a rule of the District.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (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 8 of this Plan.

Section 2: Education and Information. 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 newspaper or newsletter of general circulation in the District's service area, providing information regarding the Plan;
- 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;
- C. Direct distributions to Users of educational and informational material regarding the Plan; and/or
- D. Additional educational activities consisting of (i) publishing an article or articles in a local newspaper or newsletter of general circulation in the District's service area, providing tips or information on water saving techniques, or (ii) conducting an informational school program in a school attended by students within the District's service area, or (iii) conducting an educational program for Users at a public place within or accessible to residents of the District, or (iv) 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 (v) any combination of the foregoing.

Section 3: Retrofit Educational Program. The District shall make information regarding the Plan available to Users to use when purchasing and installing various plumbing fixtures, lawn watering equipment, and other water-using appliances.

Section 4: Coordination with Regional Water Planning Groups. The water service area of the District is located within the Regional Water Planning Group H and the District has provided a copy of the Plan to the Regional Water Planning Group H.

Section 5: The Drought Contingency Plan.

The Drought Contingency Plan. For the purposes of this Plan, and in compliance with the rules and regulations of the West Harris County Regional Water Authority (the "Authority"), of whom the District is a groundwater reduction plan participant, the District hereby adopts the following trigger conditions, notice processes, responses to trigger conditions and termination of trigger conditions as they relate to drought or emergency water supply matters in the District.

The first set of conditions are the "Authority Conditions", whereby the District shall adopt the Authority's Drought Contingency Plan, as amended, and shall implement the Authority Conditions as may be mandated by the Authority from time to time.

The second set of conditions are the "System Conditions", whereby the District may, separate from the Authority Conditions, have a District-only system condition that warrants implementation of the Drought Response Measures.

	Requirements for Initiation/Trigger Conditions	Goals/Targets	Response to Conditions	Surcharge for Excess Water Usage
<b>Stage 1 Water Shortage/Mild Drought</b>	<u>Authority Condition:</u> 1) The Authority's right to receive water from the City of Houston (the "City") is reduced by up to ten percent (10%) for five (5) consecutive days as a result of the implementation of drought response measures, or any other measures taken by the City; or  2) the Authority determines it is necessary to trigger this condition to comply with the Harris Galveston Subsidence District ("HGSD") requirements.	<u>Authority Condition:</u> Ten percent (10%) reduction in daily water delivered as of the date of the trigger condition	<u>Authority Condition:</u> 1) Voluntary water reduction  2) Authority may require reduction of suspension of water supply service to the District, if not contractually entitled to receive water from the Authority	

	<b>Requirements for Initiation/Trigger Conditions</b>	<b>Goals/Targets</b>	<b>Response to Conditions</b>	<b>Surcharge for Excess Water Usage</b>
	<p><u>System Condition:</u></p> <ol style="list-style-type: none"> <li>1) reduction in water supply up to a repeat of the drought of record;</li> <li>2) water production or distribution system limitations;</li> <li>3) supply source contamination; or</li> <li>4) water system outage due to the failure or damage of major water system components (e.g. pumps)</li> </ol> <p>Average well run hours are at or above 18 hours for three (3) consecutive days, as determined by the District's Operator, or at the discretion of the Board</p>	<p><u>System Condition:</u></p> <p>Ten percent (10%) reduction in daily water demand</p>	<p><u>System Condition:</u></p> <p>Voluntary water reduction</p> <p>All outdoor water usage* shall be limited as follows:</p> <ul style="list-style-type: none"> <li>-Even-numbered addresses: Tuesday, Thursday and Saturday.</li> <li>-Odd-numbered addresses: Wednesday, Friday and Sunday</li> </ul> <p>Outdoor water usage prohibited between 9am and 7pm</p>	
<b>Stage 2 Water Shortage/Moderate Drought</b>	<p><u>Authority Condition:</u></p> <ol style="list-style-type: none"> <li>1) the Authority's right to receive water from the City is reduced by more than ten percent (10%) and less than 20 percent (20%) for five (5) consecutive days as a result of the implementation of drought response measures or any other measures taken by the City; or</li> <li>2) the Authority has determined that it is necessary to trigger this condition to comply with the HGSD requirements</li> </ol>	<p><u>Authority Condition:</u></p> <p>15 percent (15%) reduction of average total daily usage of water within the Authority</p>	<p><u>Authority Condition:</u></p> <ol style="list-style-type: none"> <li>1) Continue response to Stage 1 Water Shortage;</li> <li>2) Possibility of pro rata curtailment of water supplies if drought conditions worsen. Encourage utilizing alternate water supplies (e.g. groundwater wells and interconnects with other Districts;</li> <li>3) Encourage implementation of one (1) or more drought response measures in drought contingency plan</li> </ol>	

	<b>Requirements for Initiation/Trigger Conditions</b>	<b>Goals/Targets</b>	<b>Response to Conditions</b>	<b>Surcharge for Excess Water Usage</b>
	<p><u>System Condition:</u></p> <p>Average well run hours are at or above 20 hours for three (3) consecutive days, as determined by the District's Operator, or at the discretion of the Board</p>	<p><u>System Condition:</u></p> <p>15 percent (15%) water reduction within the District</p>	<p><u>System Condition:</u></p> <p>Continue response to Mild Drought Conditions</p> <p>All outdoor water use must be conducted with a hand-held hose with a manual on-off nozzle</p> <p>Public water uses** not essential for public health and safety to be curtailed</p> <p>District's Operator initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment if drought worsens</p>	
<b>Stage 3 Water Shortage/Severe Drought</b>	<p><u>Authority Condition:</u></p> <p>1) the Authority's right to receive water from the City is reduced 20 percent (20%) or more for five (5) consecutive days as a result of the implementation of drought response measures or any other measures taken by the City; or</p> <p>2) the Authority has determined that it is necessary to trigger this condition to comply with the HGSD requirements</p>	<p><u>Authority Condition:</u></p> <p>15 percent (15%) reduction of average total daily usage of water within the Authority</p>	<p><u>Authority Condition:</u></p> <p>1) Continue response to Stages 1 and 2 Water Shortage</p> <p>2) Required to implementation of one (1) or more drought response measures in District's drought contingency plan</p> <p>3) Authority may utilize alternative water sources and/or alternative delivery mechanisms to deliver water, (e.g. interconnection of the Authority's system with another water system, temporary use of non-municipal water supply, use of reclaimed water for non-potable purposes,</p>	

	Requirements for Initiation/Trigger Conditions	Goals/Targets	Response to Conditions	Surcharge for Excess Water Usage
			etc.)  4) Allocate water supplies to District's contractually entitled to received water from the Authority on a pro rata basis, in accordance with the Texas Water Code, § 11.039.	
	<u>System Condition:</u>  Average well run hours are at or above 22 hours for three (3) consecutive days, as determined by the District's Operator, or at the discretion of the Board	<u>System Condition:</u>  20 percent (20%) water reduction within the District	<u>System Condition:</u>  Continue response to Mild and Moderate Drought Conditions  All outdoor water usage shall be limited as follows:  Even-numbered addresses: Monday and Thursday  Odd-numbered addresses: Tuesday and Friday  Outdoor water use prohibited between 7am and 9pm  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 remaining water is available for essential health and safety related uses.  District may utilize alternative water sources and/or alternative delivery mechanisms with the prior approval of the Texas Commission on Environmental Quality	<u>System Condition:</u>  200% of applicable rate for water used in excess of 12, 000 gal/month

\*Outdoor water usage shall include but not be limited to, lawn and garden watering, car washing and window washing.

A. Notice to Customers. The process for notifying Customers may include any of the following:

1. Emailing or mailing, at least 24 hours prior to the commencement of the required Drought Response Measures, a written notice to each Customer;
2. Posting of signs at the entrances to the District;
3. Posting of notices at public places in the District, including the District's website, if any; and
4. Dissemination of press releases to the local news media.

Any notice issued shall contain: (i) the date the Drought Response Measures will begin, (ii) the date the Drought Response Measures will terminate, if known, (iii) a list of Drought Response Measures to be implemented, and (iv) an explanation of penalties for violations of such Drought Response Measures.

B. Termination of Trigger Conditions.

1. System Conditions. 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 Customers of termination of the particular Drought Response Measures, utilizing the same manner of notification used to inform Customers of the occurrence of the Trigger Condition, and the implementation of the Drought Response Measures.

2. Authority Conditions. When a Trigger Condition occurs, the District shall enforce the Drought Response Measures applicable to such Trigger Conditions for a minimum of five (5) days after the last day the limitation on the District's right to receive water reaches or exceeds the limits of such Trigger Condition. After five (5) day period, the District's operator, engineer, and/or President or vice-President may consider whether the targeted reduction in daily water demand has been met and may determine to continue any applicable Drought Response Measures for up to 30 additional days, regardless of whether the targeted reduction has been achieved. After the expiration of up to 35 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 Customers of the termination of the particular Drought Response Measures and may utilize the same manner of notification used to inform Customers of the occurrence of the Trigger Condition and implementation of the Drought Response Measures.



Section 6: Emergency Contingency Plan. In the event of a fire, flood, hurricane, lightning strike, tornado, windstorm, or any other act of God, riot, terrorist act, or any other act of 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), 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". The Board may establish any of the penalties set forth in Section 8 for violations of the Emergency Response Measures.

Section 7: Implementation. 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 this 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 §49.216, 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 8: Penalties. The following penalties shall apply to anyone violating the terms of this Plan or the Drought Response Measures or Emergency Response Measures adopted pursuant hereto:

A. First Violation. Any person or entity who violates this Plan shall receive written notification of such violation, which notice shall set forth (i) the date of the violation, (ii) the nature of the violation, (iii) the Drought Response Measures then in effect, and (iv) 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 Section (B) below, may, in the discretion of the Board, be imposed.

B. Subsequent Violations.

1. Disconnection 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 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. Services discontinued under such circumstances shall be restored only upon payment of all penalties due and payment of a reconnection charge and costs, as designated by the provisions of this plan or the District's Rate Order. In addition, suitable assurance must be given to the Board of Directors that the person or entity will not commit further violations of this Plan while the Plan is in effect.

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 (B1) of this Section, the Board of the District, after providing required notice, may impose a penalty of up to \$5,000.00 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.

Section 9: Variances. The District may, in writing, grant a temporary variance to rationing or pro rata water allocation policies adopted pursuant to this Plan, or a temporary variance to a provision in the Plan, if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety 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 Plan shall file a petition for variance with the District within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the District and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) For District residents and other users of water within the District, a detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan or rationing of water adopted by the District pursuant to this Plan.
- (c) For wholesale water customers, if any, a detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- (d) Description of the relief requested.
- (e) Period of time for which the variance is sought.
- (f) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (g) Other pertinent information.

Variances granted by the District shall be subject to the following conditions unless waived or modified by the District or its 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 10: 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 reductions 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 11: Remedies Cumulative. All rights, remedies, sanctions, penalties and enforcement procedures provided for in this Plan 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 12: 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) business days of the implementation of any mandatory provisions of this Plan.

Section 13: 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 divided in accordance with Texas Water Code, Section 11.039.

## CERTIFICATION

I, the undersigned officer of the Board of Directors of Trail of the Lakes Municipal Utility District do hereby certify that the foregoing is a true and correct copy of the Amended Drought Contingency Plan; Providing for Implementation and Enforcement Thereof; Providing Penalties for Violations; and Containing Other Provisions Related to the Subject approved by the Board of Directors of said District on March 25, 2019, and said rates and rules are currently in effect.

Witness my hand and seal of the District the 25<sup>th</sup> day of March, 2019.



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Secretary, Board of Directors

