

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

I, the undersigned officer of the Board of Directors of Lazy Nine Municipal Utility District No. 1A, hereby certify as follows:

1. The Board of Directors of Lazy Nine Municipal Utility District No. 1A convened in regular session on April 17, 2019, outside the boundaries of the District, and the roll was called of the members of the Board:

Rick Castleberry	President
Lee Combs	Vice President
Jennifer Brown Emerson	Secretary
Billy Phenix	Assistant Secretary
Felicia A. Wright	Assistant Secretary

and all of said persons were present except Director(s) Phenix and Wright, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN;
PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT THEREOF; PROVIDING
PENALTIES FOR VIOLATIONS; AND CONTAINING OTHER PROVISIONS RELATED TO THE
SUBJECT

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

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order 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; the meeting was open to the public as required by law; and 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 on April 17, 2019.



Secretary, Board of Directors

(SEAL)



**ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY
PLAN; PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT THEREOF;
PROVIDING PENALTIES FOR VIOLATIONS; AND CONTAINING OTHER
PROVISIONS RELATED TO THE SUBJECT**

WHEREAS, the Board of Directors (the "Board") of Lazy Nine Municipal Utility District 1A (the "District"), has carefully considered the current water conditions in the District and area-wide and has determined that the adoption of this Amended and Restated Drought Contingency Plan (the "Plan") by the District is necessary to ensure that an adequate supply of water is maintained; and

WHEREAS, the Board of the District also desires to provide in the Plan for the possibility of a natural disaster or equipment failure; and

WHEREAS, the Board of the District has previously adopted an Amended and Restated Drought Contingency Plan (the "Prior Plan"), and wishes to rescind the Prior Plan; and

WHEREAS, the Board of the District wishes to evidence its approval of this Plan and to adopt this Plan as the official policy of the District; NOW, THEREFORE,

BE IT ORDERED BY THE BOARD OF THE DISTRICT THAT:

Section I: Approval of the Plan

The Board of the District hereby approves and adopts this Plan as set forth in this Order, and the provisions of such Plan shall be implemented immediately and enforced as a rule of the District.

Water uses regulated or prohibited under 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 Involvement

The District has informed the public and wholesale water customers, if any, and affirmatively provided opportunity for input from the public and from wholesale water customers, if any, regarding the Plan. Such provision included notifying the public and wholesale water customers, if any, of the District's public meeting regarding the proposed Plan, notice of which was given pursuant to the Open Meetings Act.

The District will periodically provide its directors, officers, consultants, and the general public with information about this Plan, including the importance of the Plan,

information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use and impending or current drought conditions.

Section III: Public Education

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public meetings and inserts to be provided in monthly water utility billings.

Section IV: Coordination with Regional Water Planning Groups and the Lower Colorado River Authority

The service area of the District is located within the Region K Water Planning Group and the District has provided a copy of this Plan to the Region K Water Planning Group and the Lower Colorado River Authority ("LCRA") and the West Travis County Public Utility Agency ("PUA"). The District shall comply with the LCRA DCP (defined below) and the PUA's Drought Contingency Plan. The District acknowledges that the Plan forms an integral part of its various agreements with the LCRA and the PUA ("LCRA/PUA").

Section V: Authorization

The District operator 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 District operator shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application and Notice Requirements

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.

The District shall notify the executive director of the Texas Commission on Environmental Quality and the LCRA/PUA in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

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 such as retail establishments, hotels and motels, restaurants, and office buildings.

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

Customer: any person, company, or organization using water supplied by the District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

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, unless the make-up water is from a non-potable non-LCRA/PUA source;
- (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

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

The District operator shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "Trigger Conditions" are reached. Water supply conditions will be determined based on system capacity and weather conditions while demand will be measured by the peak daily demands on each system.

The following Trigger Conditions shall apply:

Trigger Conditions

(1) Stage 1 – Mild Water Shortage Conditions (Voluntary Measures -- October 1 – April 30)

Requirements for Initiation – Customers shall be requested to voluntarily conserve water and adhere to the Stage 1 Drought Response Measures unless Stage 2 or greater measures are initiated.

(2) Stage 2 – Moderate Water Shortage Conditions (Mandatory Measures – May 1 – September 30)

Requirements for initiation – Customers shall be required to adhere to the Stage 2 Drought Response Measures of this Plan when one or a combination of the following triggering criteria is met:

(a) Treatment Capacity:

- When total daily water demand equals or exceeds 80 percent of the contracted maximum wholesale daily volume for three (3) consecutive days; or,

(b) Water Supply:

- Combined storage of Lakes Travis and Buchanan reaches 900,000 acre-feet and interruptible stored water supplies to the Lakeside, Gulf Coast, and Pierce Ranch irrigation operations are being curtailed in accordance with the LCRA DCP.

Requirements for termination – Stage 2 of the Plan may be rescinded when:

(a) Treatment Capacity:

- The water treatment plant capacity conditions listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days; or

(b) Water Supply

- LCRA announces that voluntary compliance to implement a utility's mandatory water restrictions are no longer needed in accordance with the LCRA DCP.

Upon termination of Stage 2, Stage 1 becomes operative.

(3) Stage 3 - Severe Water Shortage Conditions (Emergency Measures)

Requirements for initiation - Customers shall be required to comply with the Stage 3 Drought Response Measures of this Plan when one or a combination of the following criteria are met:

(a) Treatment Capacity:

- When total daily water demand equals or exceeds 85 percent of the total operating system treatment capacity for three consecutive days.

(b) Water Supply

- The LCRA Board declares a drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.

Requirements for termination - Stage 3 of the Plan may be rescinded when:

(a) Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days; or

(b) Water Supply

- LCRA announces that mandatory water restrictions for firm water customers are no longer needed in accordance with the LCRA DCP.

Upon termination of Stage 3, Stage 2 becomes operative.

(4) Stage 4 - Emergency Water Conditions

Requirements for initiation - Customers shall be required to adhere to the Stage 4 Drought Response Measures when one or a combination of such triggering criteria occurs:

(a) Treatment Capacity:

- Major water line breaks, loss of distribution pressure, or pump system failures that cause substantial loss in its ability to provide water service.

(b) Water Supply

- Natural or man-made contamination of the water supply source; or
- Any other emergency water supply or demand conditions that the LCRA general manager or the LCRA Board determines that either constitutes a water supply emergency or is associated with the LCRA Board declaration of a drought worse than the drought of record.

Requirements for termination -Stage 4 of the Plan may be rescinded when:

(a) Treatment Capacity:

- The water treatment plant capacity conditions listed above as a triggering event for Stage 4 has ceased to exist for five consecutive days.

(b) Water Supply

- LCRA announces that mandatory water restrictions for firm water customers are no longer needed in accordance with the LCRA DCP.

Upon termination of Stage 4, Stage 3 becomes operative.

(5) Stage 5 – 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, an interruption or reduction of water supplied by the LCRA, receipt of notice from the LCRA that the LCRA has implemented drought response stages pursuant to its drought contingency plan, or any other occurrence which results in the inability of the District to provide potable water to Users including due to supply source contamination (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 the "Penalties" Section of this Order, below, for violations of the Emergency Response Measures.

Section IX: Drought Response Measures

The District operator shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the Triggering Conditions 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 notification procedures and appropriate Drought Response Measures set forth below:

Notification

Notification of the Public:

Once one of the above Trigger Conditions has occurred, the District operator shall notify the public by any appropriate means, including any of the following:

- *publication in a newspaper of general circulation,*
- *direct mail to each customer,*
- *public service announcements,*
- *signs posted in public places,*
- *take-home fliers at schools,*
- *For wholesale water customers, if any, the District operator shall contact wholesale water customers by written or e-mail notice, and/or by other means, prior to commencement of the required Drought Response Measure.*

Any notice issued, except for signs posted at the entrances, shall contain (i) the date the Drought Response Measures will begin, (ii) a list of Drought Response Measures to be implemented, and (iii) an explanation of penalties for violations of such Drought Response Measures.

Additional Notification:

The District operator may notify directly, or cause to be notified directly, the following individuals and entities:

- *LCRA (required when mandatory restrictions are imposed)*
- *PUA (required when mandatory restrictions are imposed)*
- *Fire Chief(s)*
- *City and/or County Emergency Management Coordinator(s)*
- *County Judge & Commissioner(s)*
- *State Disaster District / Department of Public Safety*
- *TCEQ (required when mandatory restrictions are imposed)*
- *Major water users, i.e. schools*

- *Critical water users, i.e. hospitals*
- *Parks / street superintendents & public facilities managers*

Drought Response Measures

Stage 1 Response -- MILD Water Shortage Conditions - Voluntary Measures

Supply Management Measures:

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.

Water Supply Reduction Target: Achieve a 5% reduction in water use.

In order to manage limited water supplies and/or reduce water demand, the District will:

- *Apply all water use restrictions prescribed for Stage 1 of the Plan to any District owned facilities and properties.*
- *Provide educational materials on water conservation measures and practices to retail customers.*
- *Review systems operations and identify ways to improve system efficiency and accountability.*
- *Reduce or discontinue flushing of water mains.*
- *Audit utility system for water loss.*
- *Increase use of reclaimed water for non-potable purposes, as available and appropriate.*

Voluntary Water Use Restrictions:

- Water customers are requested to *voluntarily* limit the irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated outdoor water use days outlined by the following twice weekly schedule:

RESIDENTIAL CUSTOMERS:	Odd Address:	Wednesdays and Saturdays
	Even Address:	Thursdays and Sundays

COMMERCIAL CUSTOMERS:	All Addresses:	Mondays and Fridays
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Demand Management Measures:

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

- All operations of the District shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- Provide educational materials on water conservation measure and practices to retail customers.

Demand Management Goal:

Reduce overall water consumption by five percent (5%).

Stage 2 Response - MODERATE Water Shortage Conditions - Mandatory Measures

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.

Water Supply Reduction Target: Achieve a 10-20% reduction in water use.

In addition to measures implemented in Stage 1 of the Plan, the District will implement the following requirements:

Supply Management Measures:

- (a) Water all District owned landscaped areas only by means of a hand-held hose or drip irrigation system.
- (b) Discontinue water main and line flushing unless necessary for public health reasons.
- (c) Use reasonable efforts to keep customers and the news media informed on issues regarding current and projected water supply and/or demand conditions.

Demand Management Measures

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 a hose-end sprinkler, in-ground irrigation system, soaker hose, or drip irrigation system shall be limited to no more than TWICE weekly on designated outdoor water use days.

RESIDENTIAL CUSTOMERS:	Odd Address:	Wednesdays and Saturdays
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	Even Address:	Thursdays and Sundays
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COMMERCIAL All Addresses: Mondays and Fridays
CUSTOMERS:

- (b) Outdoor watering hours will be limited to between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated watering days. This prohibition does not apply to irrigation of landscaped areas if it is by means of
 - 1. a hand-held hose, or
 - 2. a faucet filled bucket or watering can of five (5) gallons or less.
- (c) If a new landscape has been installed within two weeks or after the initiation of Stage 2, then irrigation of that landscape may only occur during the outdoor watering hours listed immediately above and in accordance with the following 30 day irrigation schedule:
 - 1. for the first 10-day after installation, once a day;
 - 2. for day 11 through 20 after installation, once every other day; and
 - 3. for day 21 through 30 after installation, once every third day.
- (d) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight. Such washing when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. 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 are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (e) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days during the designated watering hours.
- (f) 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 re-circulation system unless the make-up water for such a pond or feature is supplied from a non-potable, non-LCRA/PUA source.
- (g) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for

construction purposes may be allowed under special permit from the District.

- (h) Irrigation of a golf course fairway is prohibited except on a designated outdoor water use day between the hours 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight. Irrigation of a golf course green or tee is allowed every other day if a plan is filed and approved by the utility. These restrictions do not apply if the golf course utilizes an alternate water supply as its only irrigation source, such as reclaimed water, rainwater or graywater. (There is no golf course planned in the District.)
- (i) All restaurants are encouraged to serve water to their patrons only upon request.
- (j) The following non-essential uses of water are prohibited at all times unless reasonable necessary for reasons of health, safety or welfare:
 1. washing down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
 2. washing down buildings or structures for purposes other than immediate fire protection;
 3. dust control, there is a demonstrated need to do so because of public health and safety;
 4. flushing gutters or allowing a substantial amount of water to run off a property or accumulate in any gutter, street, or parking lot to a depth greater than one-fourth of an inch; and,
 5. failing to repair a controllable leak(s), including but not limited to broken irrigation or sprinkler head, leaking valve, or leading faucet, within a reasonable period after having been given notice directing the repair of such leak(s).

Demand Management Goals:

Reduce water demand by ten percent (10%) from Stage 1 for a cumulative reduction of twenty five percent (25%).

Stage 3 Response – SEVERE Water Shortage Conditions

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.

Water Supply Reduction Target: Achieve a minimum 20% reduction in water use.

Supply Management Measures:

In addition to measures implemented in the preceding stages of the plan, the utility will evaluate emergency water supply options.

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

- (a) Irrigation of landscaped areas shall be limited to designated outdoor water use days between the hours of 6:00 a.m. and 10:00 a.m. and between 7:00 p.m. and 10:00 p.m. and shall only be by means of hand-held hoses or hand-held buckets. The use of hose-end sprinklers, soaker hoses, drip irrigation systems or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Demand Management Measures:

Under threat of penalty for violation, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions:

- Irrigation of landscaped areas is absolutely prohibited, except with hand-held hoses, hand-held buckets, or drip irrigation. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- No new landscapes may be installed.
- These restrictions do not apply to a golf course if the course utilizes an alternate water supply as its only irrigation source, such as reclaimed water, rainwater, or graywater.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- 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 re-circulation system.

- 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.

Demand Management Goals:

Reduce demand by five percent (5%) from stage 3 for a cumulative reduction of twenty percent (20%).

Stage 4 Response – EMERGENCY Water Shortage Conditions

Demand Management Measures

Under threat of penalty for violation, all retail customers are required to further reduce non-essential water uses as follows. All requirements of Stage 3 shall remain in effect during stage 4, with the following modifications and additions.

- Irrigation of landscaped areas is absolutely prohibited.
- Use of water for irrigation of golf course greens, tees, and fairways is prohibited unless the golf course utilizes an alternate water supply source, such as reclaimed water, rainwater or graywater.
- Irrigation of landscaped areas is absolutely prohibited unless the water supply is form a non-potable, non-LCRA/PUA source.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited, except in the immediate interest of public health, safety and welfare.
- The filling, refilling or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- 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 re-circulation system unless the make-up water supply is a non-potable, non-LCRA/PUA source.
- 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.

Demand Management Goals

Reduce demand by ten percent (10%) from Stage 3 goals for a cumulative reduction of 35%.

Section X: Enforcement and Penalties

The following enforcement and penalty provisions shall apply to all Customers:

- (1) No person shall knowingly or intentionally allow the use of water from the water utility system 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 District, in accordance with provisions of the Plan.
- (2) Any person who violates this Plan shall be subject to the following penalties and conditions on service:
 - (a) following the first documented violation, the violator shall be given a notice of violation specifying the type of violation and the date and time the violation was observed, and the penalties and restrictions on service that may result from additional violations;
 - (b) following the second documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a penalty in the amount of \$200.00;
 - (c) following the third documented violation, the violator shall be sent by certified mail a notice of violation and shall be assessed a penalty in the amount of \$700.00;
 - (d) following the fourth, documented violation, the utility 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 \$500.00, and any other costs incurred by the utility in discontinuing service, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500.00 must be given to the utility, that the same action shall not be repeated while the Plan is in effect. The utility may apply the deposit to any surcharges or penalties subsequently assessed against a customer under this Plan. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.

- (3) Compliance with this Plan may also be sought through injunctive relief in the district court.
- (4) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including a person classified as a water customer of the utility, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator. Any such person, however, shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of the minor child, 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. If any person or entity violates any provision of this Plan more than three times (which violation shall constitute an unauthorized use of District services and/or facilities), then, in addition to disconnection as provided in Subsection (2)(d) of this Section, the Board of the District, after providing required notice, may impose a penalty up to the maximum jurisdictional amount of Texas small claims court, currently \$10,000.00, 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 XI: Variances

The District operator 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 order shall file a petition for variance with the District within five days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the District operator and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.

- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the General Manager or his/her 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 XIII: Severability

It is hereby declared to be the intention of the District 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 District without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIV: Uniformity of Application

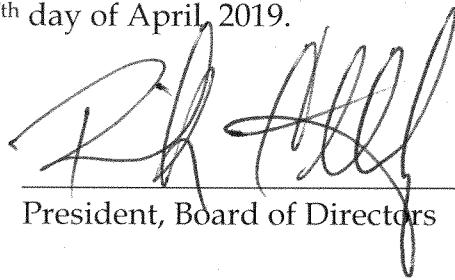
Notwithstanding anything to the contrary, if the LCRA/PUA causes the District to enforce the provisions of this Drought Contingency Plan, the District shall only enforce such provisions to the extent LCRA/PUA's other similarly situated wholesale and retail water customers are required to initiate and implement substantially similar water conservation measures at the same time. In the event LCRA/PUA allows other customers to adopt less restrictive standards, the District may at its option implement those standards.

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 distribute shall be divided in accordance with Texas Water Code, Section 11.039. Any such wholesale water contracts shall require the wholesale customer, or successive wholesale customer, to develop and implement a drought contingency plan meeting LCRA/PUA requirements.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 17th day of April, 2019.



President, Board of Directors

ATTEST:



Secretary, Board of Directors

(SEAL)

