

**ORDER ADOPTING DROUGHT CONTINGENCY PLAN**

THE STATE OF TEXAS §  
COUNTY OF GALVESTON §  
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 §

WHEREAS, 30 T.A.C., Section 288.30(3) (B) of the Rules of the Texas Commission on Environmental Quality (the "TCEQ") require all retail public water suppliers with less than 3,300 connections to prepare and adopt a drought contingency plan to be available for inspection by the Executive Director of the TCEQ upon request, for implementation during periods of water shortage and drought;

WHEREAS, the Board of Directors (the "Board") of Galveston County Municipal Utility District No. 12 of Galveston County, Texas (the "District"), has determined that the adoption of this Drought Contingency Plan (the "Plan") is necessary.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 THAT:

**ARTICLE 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, the District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this 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 VI of this Plan.

**ARTICLE II  
DEFINITIONS**

**SECTION 2.1: DEFINITIONS.**

- A. The following terms shall have the meaning assigned to them below:
  - 1. "Aesthetic water use" means water used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
  - 2. "Commercial and institutional water use" means water 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.

3. “Conservation” means 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.
4. “Customer” means any person, company, or organization using water supplied by the District.
5. “Domestic water use” means 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.
6. “Even number address” means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6 and 8 and locations without addresses.
7. “GCWA” means the Gulf Coast Water Authority.
8. “Industrial water use” means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
9. “Landscape irrigation use” means water used for the irrigation and maintenance of landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
10. “Non-essential water use” means water uses that are neither 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 purpose 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.
11. "Odd numbered address" means street addresses, box number, or rural postal routes ending in 1, 3, 5, 7 and 9.

### ARTICLE III IMPLEMENTATION

#### SECTION 3.1: PUBLIC INVOLVEMENT.

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of scheduling and providing notice of a public meeting and mail-outs to all District customers to accept input on the Plan.

#### SECTION 3.2: 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 (i) direct mailing of brochures, water bill inserts or newsletters to water users regarding the District's water conservation program; (ii) public meetings and events; and/or (iii) posters or public displays.

#### SECTION 3.3: COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the District is located within the Gulf Coast Water Authority, and the District has provided a copy of this Plan to the Gulf Coast Water Authority.

#### SECTION 3.4: AUTHORIZATION.

The President of the District's Board, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination by the Board of Directors that such implementation is necessary to protect public health, safety, and welfare. The President of the District's Board, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

#### SECTION 3.5: APPLICATION.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

ARTICLE IV  
CRITERIA FOR INITIATION AND TERMINATION  
OF DROUGHT RESPONSE STAGES

The President of the District's Board or his/her 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.

The triggering criteria described below are based on the triggering criteria established by the most recent revision to the Drought Contingency Plan of the Gulf Coast Water Authority as may be modified herein or by other District specific triggers as exceeding the prior year's three month average daily consumption are herein established.

SECTION 4.1: STAGE 1 TRIGGERS - MILD WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be requested to voluntarily conserve water and adhere to prescribed restrictions on certain water uses, defined in Section 2.1 – Definitions when:

Stage 1A: Pursuant to requirements specified in the Drought Contingency Plan of the Gulf Coast Water Authority notification is received by the District requesting initiation of Stage 1 of the Drought Contingency Plan.

Stage 1B: When total daily water demand equals or exceeds 90% of the GCWA amount for 4 consecutive days of the prior year's three month daily average.

- B. Requirements for Termination. Stage 1A of the Plan may be rescinded when notification of termination has been received from the Gulf Coast Water Authority that Stage 1 conditions have been terminated. Stage 1B may be rescinded, when initiated in the absence of a Stage 1A initiation, when all of the conditions listed as triggering events listed for a Stage 1B condition have ceased to exist.

SECTION 4.2: STAGE 2 TRIGGERS - MODERATE WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in this Plan when:

Stage 2A: Pursuant to requirements specified in the Drought Contingency Plan of the Gulf Coast Water Authority notification is received by the District requesting initiation of Stage 2 of the Drought Contingency Plan.

Stage 2B: When total daily demand equals or exceeds 80% of the GCWA amount for 4 consecutive days of the prior year's three month average

- B. Requirements for Termination. Stage 2A may be rescinded when notification of termination has been received from the Gulf Coast Water Authority that that Stage 2 conditions have been terminated. Stage 2B may be rescinded, when initiated in the absence of a Stage 2A initiation, when all of the conditions listed as triggering events have ceased to exist for a period of 4 consecutive days.

SECTION 4.3: STAGE 3 TRIGGERS - SEVERE WATER SHORTAGE CONDITIONS.

- A. Requirements for Initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in this Plan.

Stage 3A: Pursuant to requirements specified in the Drought Contingency Plan of the Gulf Coast Water Authority notification is received by the District requesting initiation of Stage 3 of the Drought Contingency Plan.

Stage 3B: When total daily water demand equals or exceeds 70% of the GCWA amount for 4 consecutive days of the prior year's three month average.

- B. Requirements for Termination. Stage 3A may be rescinded when notification of termination has been received from the Gulf Coast Water Authority that Stage 3 conditions have been terminated. Stage 3B may be rescinded, when initiated in the absence of a Stage 3A initiation, when all of the conditions listed as triggering events have ceased to exist.

SECTION 4.4: STAGE 4 TRIGGERS – EMERGENCY WATER SHORTAGE CONDITIONS.

- A. 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:

Stage 4A: Pursuant to requirements specified in the Drought Contingency Plan of the Gulf Coast Water Authority notification is received by the District requesting initiation of Stage 4 of the Drought Contingency Plan.

Stage 4B: When a distribution system failure has occurred that precludes delivery of water to customers or maintenance of minimum pressure or a contamination of the water supply has occurred.

- B. Requirements for Termination. Stage 4A may be rescinded when notification of termination has been received from the Gulf Coast Water Authority that Stage 4 conditions have been terminated. Stage 4B may be rescinded, when initiated in the absence of a Stage 4A initiation, when all of the conditions listed as triggering events have ceased to exist.

ARTICLE V  
DROUGHT RESPONSE MEASURES

SECTION 5.1: IMPLEMENTATION.

The President of the District’s Board, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section IV of this Plan, shall determine that a mild, moderate, severe, or emergency water shortage condition exists and shall implement the notification procedures set forth in this Article.

SECTION 5.2: NOTIFICATION.

A. Notification of the Public. The President of the District's Board or his/her designee shall notify the public by means of publication in a newspaper of general circulation, public service announcements, or signs posted in public places.

B. Additional Notification: The President of the District's Board or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor
- Fire Chief(s)
- City and/or County Emergency Management Coordinator(s)
- County Judge and Commissioner

SECTION 5.3: STAGE 1 RESPONSE – MILD WATER SHORTAGE CONDITIONS.

- A. Target. The District will seek to achieve a 10% reduction in daily water demand.
- B. Best Management Practices for Supply Management. Additional measures to be implemented directly by the District to manage limited water supplies and/or reduce water demand shall include discontinued flushing of water mains.
- C. Voluntary Water Use Restrictions for Reducing Demand:
  - 1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Mondays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 and 8), and Tuesdays and Friday for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. on designated watering days. Note: FRIDAY CUSTOMERS ARE ONLY TO USE DURING THE MORNING HOURS.
  - 2. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

SECTION 5.4: STAGE 2 RESPONSE - MODERATE WATER SHORTAGE CONDITIONS.

- A. Target. The District shall seek to achieve a 20% reduction in daily water demand.
- B. Best Management Practices for Supply Management. Additional measures to be implemented directly by the District to manage limited water supplies and/or reduce water demand shall include discontinued flushing of water mains and discontinued IRRIGATION OF PUBLIC LANDSCAPED AREAS.
- C. Water Use Restrictions for Demand Reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
  - 1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Monday and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Tuesday and Friday for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. on designated watering days. FRIDAY CUSTOMERS ARE ONLY TO USE DURING THE MORNING HOURS.
  - 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or any other vehicle will be RESTRICTED TO WEEKENDS ONLY and not during the week and not before 3 PM Friday and shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
  - 3. 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 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m.
  - 4. 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.
  - 5. 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.
  - 6. All restaurants are prohibited from serving water to patrons except upon request of the patron.

7. The following uses of water are defined as non-essential and are prohibited:
  - a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - c. use of water for dust control;
  - d. flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - e. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

**SECTION 5.4: STAGE 3 RESPONSE - SEVERE WATER SHORTAGE CONDITIONS.**

- A. Target. The District shall seek to achieve a 30% reduction in daily water demand.
- B. Best Management Practices for Supply Management. Additional measures to be implemented directly by the District to manage limited water supplies and/or reduce water demand shall include discontinued flushing of water mains and discontinued irrigation of public landscaped areas
- C. Water Use Restrictions for Demand Reduction. All requirements of Stage 2 shall remain in effect during Stage 3 except:
  1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, and drip irrigation. Permanently installed sprinklers systems and the use of hose-end sprinklers are prohibited at all times.
  2. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

**SECTION 5.5: STAGE 4 RESPONSE - EMERGENCY WATER SHORTAGE CONDITIONS.**

- A. Target. The District shall seek to achieve a 40% reduction in daily water demand.
- B. Best Management Practices for Supply Management: Additional measures to be implemented directly by the District to manage limited water supplies and/or reduce water demand shall include discontinued flushing of water mains and discontinued irrigation of public landscaped areas.
- B. Water Use Restrictions for Reducing Demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
- C. NO EXTERNAL USE OF WATER IS ALLOWED.



ARTICLE VI  
ENFORCEMENT

SECTION 6.1: PENALTIES.

A. No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board's President, or his/her designee, in accordance with provisions of this Plan.

- D. Any person, who violates this Plan, will be issued a letter with the following penalties.
1. First offense: A written warning with a copy of the drought and rate plan.
  2. Second offense: A copy of the rate plan and an adjustment to the customer's bill of \$50.00.
  3. Third offense: A copy of the rate plan and an adjustment to his account for \$200.00
  4. Fourth offense: Termination of service and a payment of all penalties before service can be restored.

C. Any person, including a person classified as a water customer of the District 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 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 has 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.

ARTICLE VII  
VARIANCES

SECTION 7.1: VARIANCES.

The Board President, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- A. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

- B. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this 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 Board and shall include the following:

1. Name and address of petitioner(s);
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 the Order;
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; and
8. Other pertinent information.

ADOPTED this 23rd day of May, 2016

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

(SEAL)