

**REGULAR MEETING
TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #10
BOARD OF DIRECTORS
JANUARY 12, 2022**

Members Present:

Paul Barker, President
Jon Luce, Director
Buster McCall, Director
Greg Reynolds, Director

Members Absent:

None

Others Present:

Carla Orts, General Manager, TCWCID #10
Louise Winder, TCWCID #10
Daniel McDowell, TCWCID #10
Taylor Kolmodin, Municipal Accounts
Tom Arndt, DEC
Randall Wilburn, The Carlton Law Firm
Mike Morin, Crossroads Utility Services
Jimmy Romell, Maxwell Locke & Ritter LLP
Ric Thompson, Thompson Land Engineering, LLC
Don Rauschuber, DGR Water

1. MEETING CALLED TO ORDER

The Regular Meeting of the Travis County W.C& I.D #10 Board of Directors was called to order at 12:02 pm, with a quorum present.

2. ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE BOARD OF DIRECTORS AND WILL BE ENACTED BY ONE (1) MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A BOARD MEMBER (GENERAL MANAGER)

(A) Approval of Minutes From:

(i) Regular Meeting December 8, 2021

(B) Discuss, Consider, and Take Action Regarding District Bills and Bookkeeper's Report (Municipal Accounts)

(C) Discuss, Consider, and Take Action as Necessary Regarding Utility Operations Report, Including Possible Action on Account Write-Offs (Crossroads Utility Services)

MOTION WAS MADE by President Barker, seconded by Director Luce to approve the consent agenda items. The motion passed unanimously.

3. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CROSSROADS CUSTOMER UNDER-BILLING ISSUE (GENERAL MANAGER)

The District's attorney has delivered a demand letter to Crossroads utility for the reimbursement of lost revenues.

4. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN (GENERAL MANAGER)

General Manager Orts presented both the updated Drought Contingency plan and Water Conservation Plan for approval. MOTION WAS MADE by President Barker, seconded by Director McCall to approve and adopt Order No. 2022-01-12-02 for the Drought Contingency Plan as presented. The motion passed unanimously. MOTION WAS MADE President Barker, seconded by Director Reynolds to approve and adopt Order No. 2022-01-12-01 for the Water Conservation Plan as presented. The motion passed unanimously.

5. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING DISTRICT FINANCIAL AUDIT REPORT (MAXWELL LOCKE & RITTER)

Jimmy Romell, of Maxwell Locke & Ritter LLP, presented the Auditor's Report for the Year Ended September 30, 2021. MOTION WAS MADE by President Barker, seconded by Director Reynolds to accept and adopt the audit as presented. The motion passed unanimously.

6. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING ANNEXATION REQUESTS (GENERAL MANAGER)

(A) LOWER CAMELOT - Board Attorney Randall Wilburn is working on preparing easements and has filed paperwork with the PUC to transfer the CCN. General Manager Orts informed the Board that she received a proposal from the surveyor for the cost of putting the easements together and it was very expensive. The team is working to come up with a more cost effective approach.

(B) 4315 DUNNING LANE - Mr. Ric Thompson appeared before the Board on behalf of his client requesting to annex 4315 Dunning Lane. MOTION WAS MADE by Director McCall, seconded by Director Luce to give approval for Mr. Thompson to start the annexation process. The motion passed unanimously.

7. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING THE DISTRICT'S CAPITAL PROJECTS, INCLUDING POSSIBLE ACTION ON PAY APPLICATIONS, CHANGE ORDERS, CONTRACTS, AMENDMENTS, AND PROGRESS UPDATES FOR THE FOLLOWING PROJECTS (DEC)

(A) DRUMMOND PUMP STATION – General Manager Orts informed the Board that the on site inspector from Austin Energy was requesting very costly changes to the project even though the site has plans previously approved by Austin Energy. The District met with AE representatives and was able to negotiate a more financially reasonable solution. Due to these changes, a change order will be coming soon for installation of a dual key knox box. Additionally, it is known that a future change order will be needed to address

obsolete PLC cards. Mr. Arndt presented Pay Application No. 19 in the amount of \$113,724.50 to Prota Construction, Inc. MOTION WAS MADE by Director Luce, seconded by Director McCall to approve Pay Application No. 19 as presented. The motion passed unanimously.

(B) WILD CAT HOLLOW – PHASE II - Mr. Arndt presented Pay Application No. 8 in the amount of \$4,113.40 to QA Construction for the change order discussed at last month's meeting. MOTION WAS MADE by Director Reynolds, seconded by President Barker to approve Pay Application No. 8 as presented. The motion passed unanimously. General Manager Orts informed that Board that there will be an upcoming change order for patches in the street.

(C) ROB ROY PUMP STATION & HEDGE LANE – General Manager Orts informed the Board that Austin Energy had denied the bore plan from DEC. DEC provided the District 2 options which were extremely costly. The team has been tasked to come up with a plan that is more financially reasonable yet continues to stand by the project scope.

(D) MCCONNELL PUMP STATION & STANDBY GENERATOR –The project is on schedule and is expected to be completed in April. Mr. Arndt presented Pay Application No. 16 in the amount of \$1,048,420 to MGC Contractors, Inc. MOTION WAS MADE by President Barker, seconded by Director McCall to approve Pay Application No. 16 as presented. The motion passed unanimously. Mr. Arndt presented Change Order No. 14 in the amount of \$4,667 for TMC-PLC output cards. MOTION WAS MADE by President Barker, seconded by Director Reynolds to approve Change Order No. 14. The motion passed unanimously. There will be a change order next month for prosoft convertor. Mr. Arndt presented Change Order No. 15 for the DCS-Prosoft Media Devices in the amount of \$11,179. MOTION WAS MADE by President Barker, seconded by Director McCall to approve Change Order No. 15. The motion passed unanimously.

(E) WAKEFIELD PUMP STATION - Mr. Arndt informed the Board that they are discussing the size of the generator and will present information during the February 2022 meeting.

8. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING SENATE BILL 3 COMPLIANCE ITEMS (GENERAL MANAGER)

DEC is finishing up the EPP plan and will have it available for review next month.

9. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING DEC PREPAREDNESS STUDY OF PRESSURE MONITORS, CELL BASED HYDRANT MONITORING, AND MCCONNELL PUMP STATION BACK-UP OPTIONS (GENERAL MANAGER)

No movement.

10. CUSTOMER SERVICE COMPLAINTS (GENERAL MANAGER)

None.

11. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING GENERAL MANAGER'S REPORT REGARDING FINANCIAL MATTERS, SERVICE AREA ISSUES, UTILITY OPERATIONS, SYSTEM MAINTENANCE, SERVICE

REQUESTS, CUSTOMER ISSUES, WATER SUPPLY STATUS, MANAGEMENT ACTIVITIES AND PERSONNEL (GENERAL MANAGER)

General Manager Orts informed the Board that Trinity Episcopal School is adding a building and the water requirements have been reviewed and plans updated. MOTION WAS MADE by Director McCall, seconded by Director Reynolds to approve DEC's plan review and approve the water service request, contingent on comments being addressed. The motion passed unanimously.

12. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING RAW WATER CONTRACT WITH LCRA (THE CARLTON LAW FIRM)

(A) ORDER AUTHORIZING THE APPLICATION FOR RAW WATER CONTRACT - After a brief discussion, MOTION WAS MADE by Director McCall, seconded by Director Reynolds to approve the Order No. 2022-01-12-01 authorizing The Application For Firm Raw Water Contract with LCRA. The motion passed unanimously.

13. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CITY OF AUSTIN WHOLESALE WATER SUPPLY CONTRACT RENEWAL (THE CARLTON LAW FIRM)

No movement.

14. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING ITEMS DISCUSSED DURING EXECUTIVE SESSION

No action taken.

15. ADJOURNMENT

There being no further business brought before the regular meeting of the Board of Directors, the meeting was adjourned at 1:41 pm.

Respectfully Submitted

Jon Luce, Secretary/Treasurer

TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10
ORDER ADOPTING AMENDED AND RESTATED
DROUGHT CONTINGENCY PLAN

ORDER NO. 2022-01-12-02

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, Travis County Water Control & Improvement District No. 10 (the "District") is a political subdivision of the State of Texas, established pursuant to Article XVI, Section 59 of the State of Texas Constitution, and Chapters 49 and 51 of the Texas Water Code; and

WHEREAS, 30 TAC Chapter 288, Subchapter B, requires the District to adopt a Drought Contingency Plan; and

WHEREAS, the Board of Directors of the District desires to adopt an amended and restated Drought Contingency Plan, as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10 THAT:

Section 1. The Board of Directors confirms that on this date it has reviewed and desires to adopt the District's Amended and Restated Drought Contingency Plan (attached hereto as "Exhibit A").

Section 2. A copy of this Order shall be filed in the official records of the District.

ADOPTED this 12th day of January 2022.

(SEAL)

TRAVIS COUNTY WATER CONTROL &
IMPROVEMENT DISTRICT NO. 10



Paul Barker, President
Board of Directors

ATTEST:



Jon Luce, Secretary
Board of Directors

EXHIBIT "A"

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10'S
AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN**

TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10'S
AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN

Section 1: SCOPE

The Board of Directors hereby amends and updates the Travis County Water Control & Improvement District No. 10 Drought Contingency Plan (the "Plan") as set forth below. The Board of Directors commits to implement the program according to the procedures set forth in the Plan and consistent with the City of Austin's Drought Contingency Plan. Copies of the Plan will be available for inspection or reproduction in the office of the District's Manager.

Section 2: 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 Travis County Water Control & Improvement District No. 10 (the "District") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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 conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 12 of this Plan.

Section 3: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the amended and updated Plan was provided by the District by means of scheduling and providing notice of a public meeting on January 12, 2022 to accept input on the Plan.

Section 4: 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 utility bill inserts, press releases, and/or special mailed notices.

Section 5: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the District is located within the Lower Colorado River Authority Planning Area (Region K) and, upon adoption, the District will provide a copy of this Plan to the regional water planning group.

Section 6: AUTHORIZATION

The District Manager, or the District Manager's 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 District Manager or the designee

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

Section 7: 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.

Section 8: 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.

City Manager: means and refers to the individual appointed to be the City Manager for the City of Austin.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments, governmental entities and the operations of other enterprises 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.

District Manager: the General Manager for 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.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Foundation watering: means an application of water to the soils directly abutting the foundation of a building, structure, or improvement on land.

Hose-end sprinkler: means an above-ground water distribution device that may be attached to a garden hose.

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, including but not limited to, motorbikes, boats, trailers, airplanes or any 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 firefighting.

Odd number address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Outdoor Water Use Schedule: the schedule for any outdoor water use shall occur only on a day designated for the applicable water use activity, property/facility type, and street number address classification indicated in the tables below, located in Section 10.

Review Board: comprised of the District Manager and District staff; decisions by the Review Board can be appealed to the Board of Directors.

Section 9: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The District Manager or the designee shall monitor water supply and/or demand conditions on a daily basis. The District Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Plan by public

notification. The District is a wholesale customer of the City of Austin and, accordingly, the District Manager will take into consideration the criteria promulgated by the City Manager of the City of Austin for determining whether conservation stages should be implemented. The triggering criteria for the various conservation stages are based on the experience of the District and its wholesale water provider, the City of Austin. Public notification of the initiation or termination of drought response stages shall be by means of signs posted in public places, utility bill inserts, publication in the newspaper used by the District for public notices, special mail-outs, and/or other means to be determined by the District Manager and his/or her designee.

Utilization of alternative water sources and/or alternative delivery mechanisms:

The District's only water source is the City of Austin. The District has no alternative water source.

The triggering criteria described below are based on:

- projected supply and demand for water by the District's customers; and
- the triggering criteria established by the City of Austin which provides the District's water supply and requires consistency with the City's requirements.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 1 restrictions. The District Manager will implement Stage 1 restrictions:

- annually, beginning on May 1 through September 30; and
- when the City Manager or District Manager orders that water use restrictions for mild water shortage conditions or Stage 1 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager or District Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager or District Manager supports such action for any lawful purpose. The order is effective immediately following official public notice.

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 three consecutive days. Before rescinding the District's Stage 1 restrictions, the District Manager will take into consideration the City Manager's determination regarding termination of its Stage 1 restrictions.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 2 restrictions. The District Manager will implement Stage 2 restrictions:

- based on projected supply and demand for water by the District's customers; and
- when the City Manager or District Manager orders that water use restrictions for moderate water shortage conditions or Stage 2 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager or District Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager or District Manager supports such action for any lawful purpose. The order is effective immediately following official public notice.

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 three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative, if applicable. Before rescinding the District's Stage 2 restrictions, the District Manager will take into consideration the City Manager's determination regarding termination of its Stage 2 restrictions.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 3 restrictions. The District Manager will implement Stage 3 restrictions:

- based on projected supply and demand for water by the District's customers; and
- when the City Manager or District Manager orders that water use restrictions for severe water shortage conditions or Stage 3 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager or District Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager supports such action for any lawful purpose. The order is effective immediately following official public notice.

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 three consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative. The District Manager will take into consideration the City Manager's determination regarding termination of its Stage 3 restrictions.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 4 restrictions. The District Manager will implement Stage 4 restrictions:

- major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service;
- natural or man-made contamination of the water supply source(s); and/or
- when the City Manager orders that water use restrictions for critical water shortage conditions or Stage 4 of the Plan take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation or drought stage declaration or termination on any condition, occurrence, factor or an assessment of all relevant circumstances that in the judgment of the City Manager supports such action for any lawful purpose. The order is effective immediately following official public notice.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events set forth above have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative. The District Manager will take into consideration the City Manager's determination regarding termination of its Stage 4 restrictions.

Stage 5 Triggers – WATER ALLOCATION

Requirements for initiation

Customers are required to comply with the requirements and restrictions on water uses and prohibitions against waste provided in Section 10 of this Plan when the District Manager implements Stage 5 restrictions.

The District Manager may implement additional, mandatory water restrictions to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, other emergency,

disaster situation, or occurrence necessitating additional restrictions. The City of Austin may require the District's customers to curtail water use on a pro rata basis, in accordance with Section 11.039 of the Texas Water Code and as determined by rules or plans adopted by the City of Austin.

Requirements for termination

Water rationing may be rescinded when all of the conditions listed as triggering events set forth above have ceased to exist.

Section 10: DROUGHT RESPONSE STAGES

The District Manager, or the designee, will monitor water supply and/or demand conditions on a daily basis and determine the extent of conservation required through the implementation or termination of particular conservation stages (i.e., a mild, moderate, severe, critical, emergency or water shortage condition exists) in order for the District to prudently plan for and supply water to its customers. The District Manager may order the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Plan. Such conservation stage will take effect immediately upon the District Manager's announcement.

Notification

Notification of the Public:

The District Manager or the designee shall notify the public by means of official public notice or public service announcement.

Additional Notification:

The District Manager or the designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Board of Directors of the District;
- Local Fire Chief(s);
- Director for Austin Water Utility Department; and
- TCEQ, when mandatory restrictions are imposed.

Stage 1 Response – MILD Water Shortage Conditions

The Outdoor Water Use Schedule below applies during Stage 1 regulations:

CONSERVATION STAGE AND DROUGHT RESPONSE STAGE 1 WATERING SCHEDULE	
PROPERTY TYPE	WATERING DAY
Residential Property – Hose-end EVEN Number Address	Sunday and Thursday

Public Schools	Monday
Commercial / Multi Family – Automatic & Manual EVEN Number Address	Tuesday
Residential – Automatic & Manual ODD Number Address	Wednesday
Residential – Automatic & Manual EVEN Number Address	Thursday
Commercial / Multi Family – Automatic & Manual ODD Number Address	Friday
Residential Property – Hose-end ODD Number Address	Wednesday and Saturday

This section describes Stage 1 regulations and applies during any Stage 1 period ordered by the District Manager or the City Manager:

- A. The District's Customers must comply with the water use restrictions below from May 1 to September 30 of each year.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility except as set out in the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- E. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- F. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.

- G. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Stage 2 Response – MODERATE Water Shortage Conditions

This section describes Stage 2 regulations and applies during any Stage 2 period ordered by the District Manager or the City Manager:

- A. A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated day per the Outdoor Water Use Schedule.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated day per the Outdoor Water Use Schedule.
- E. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- F. A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated day per the Outdoor Water Use Schedule.
- G. A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches other than for aeration necessary to preserve habitat for aquatic life.
- H. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. until midnight
- I. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis

court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

The Outdoor Water Use Schedule below applies during both Stage 2 and Stage 3 regulations:

CONSERVATION STAGE AND DROUGHT RESPONSE STAGE 2 and STAGE 3 WATERING SCHEDULE	
PROPERTY TYPE	WATERING DAY
Residential Property – Hose-end EVEN Number Address	Sunday
Public Schools	Monday
Commercial / Multi Family – Automatic & Manual EVEN Number Address	Tuesday
Residential – Automatic & Manual ODD Number Address	Wednesday
Residential – Automatic & Manual EVEN Number Address	Thursday
Commercial / Multi Family – Automatic & Manual ODD Number Address	Friday
Residential Property – Hose-end ODD Number Address	Saturday

Stage 3 Response – SEVERE Water Shortage Conditions

This section describes Stage 3 regulations and applies during any Stage 3 period ordered by the District Manager or the City Manager:

- A. A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated day per the Outdoor Water Use Schedule.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 6:00 a.m. and midnight even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- C. A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end or manual sprinkler system except between the hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated day per the Outdoor Water Use Schedule.
- D. Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated day per the Outdoor Water Use Schedule.

- E. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle, unless using a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- F. A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated day per the Outdoor Water Use Schedule.
- G. The filling of spas is prohibited.
- H. A person may not operate a splash pad except during the hours and subject to the restrictions set forth in a rule adopted pursuant to Chapter 6-4 – Water Conservation of the Austin Code of Ordinances.
- I. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
- J. A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.
- K. A person may not use or allow the use of water to wash, rinse or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

Stage 4 Response – CRITICAL Water Shortage Conditions

This section describes Stage 4 regulations and applies during any Stage 4 period ordered by the District Manager or the City Manager:

- A. A person may not use or allow the use of water to irrigate vegetation outdoors.
- B. A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.
- C. A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other vehicle and/or mobile equipment.
- D. A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.

- E. A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- F. A person may not operate a splash pad or other similar aesthetic or recreational use of water.
- G. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.
- H. A person may not use or allow the use of water to operate a patio mister.
- I. A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized in accordance with Section 11 of this Plan.
- J. A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking except as specifically authorized in accordance with Section 11 of this Plan.

Section 11: WATER VARIANCES

- A. The District Manager may grant a variance from a requirement of this chapter if the District Manager determines that special circumstances exist and that:
 - 1. strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
 - 2. strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste.
- B. The District Manager may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the District Manager to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.
- C. The District Manager may grant a variance from a requirement of the Drought Response regulations only if the applicant establishes at least one of the following:

1. an Authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; or
 2. the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
 3. watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
- D. The District Manager may grant a variance from a requirement of the Drought Response regulations for a newly installed landscape if:
1. the new landscaping is classified as Xeriscape in accordance with Chapter 6-4 of the Austin Code of Ordinances; and
 2. irrigation for the establishment of the Xeriscaping complies with the following:
 - (a) for the first 10 days following installation, irrigation is permitted daily before 10:00 a.m. and after 7:00 p.m.; and
 - (b) for the 11th through the 40th day following installation, irrigation is permitted twice per week before 10:00 a.m. and after 7:00 p.m.; and
 - (c) if the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single-family home, the applicant shall provide a completed notice of irrigation variance to the director on the form provided by Austin Water at least one full business day before the landscape is installed.
 3. a one-time extension of the approved variance may be granted by the director only upon the submittal by the applicant of a written request which demonstrates a clear need for the extension to establish the new landscaping.
- E. The District Manager may grant a variance to emergency Stage Four regulations when:
- Watering is required to prevent or address foundation cracking. A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.
 - Watering is necessary for the prescribed treatment of tree diseases or for pest control.

- Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.
- F. The District Manager may grant a variance from general regulations if site conditions are such that compliance would present a significant financial hardship or health risk to the applicant or the public.
- G. A person may seek a variance by filing an application with the director and paying the associated fees. The District Manager may require the applicant to provide information the District Manager determines is necessary to evaluate the variance request. If the District Manager approves a variance, the applicant shall keep a copy of the approval provided in a location on the subject property that is accessible and visible to the public.
- H. A variance following its approval by the District Manager may be immediately suspended or revoked if the District Manager or her or his designee determines any of the following:
1. a violation of the terms of the variance occurs at the location during the effective period of the variance;
 2. the application submitted to the director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or
 3. the director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.

Section 12: WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the Board of Directors of the District is hereby authorized to allocate water according to the following water allocation plan:

- A. Single-Family Residential Customers.** The allocation to residential water Customers residing in a single-family dwelling will be 6,000 gallons per month per household, plus an additional 1,000 gallons per month per person per household greater than two.

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the District of a greater number of persons per household on a form prescribed by the District Manager. The District Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such

a form, it shall be the customer's responsibility to go to the District offices 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 District 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 District 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 District in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the District Manager will adopt methods to ensure 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 District of a reduction in the number of persons in a household shall be fined not less than \$200.00.

Residential water customers shall pay the following surcharges:

- \$25.00 for the first 1,000 gallons over allocation.
- \$50.00 for the second 1,000 gallons over allocation.
- \$75.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

B. Master-Metered Multi-Family Residential Customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) will be 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the District of a greater number on a form prescribed by the District Manager. The District Manager will give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the District offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the District Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the District in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the District Manager will adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the District of a reduction in the number of persons in a household shall be fined not less than \$200.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$25.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$50.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$75.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$100.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges will be cumulative.

- C. Commercial Customers.** A monthly water allocation shall be established by the District Manager, or his/her 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 percent 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. The District Manager shall give his/her commercially reasonable 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 District to determine the allocation. Upon request of the customer or at the initiative of the District 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 Board of Directors of the District. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 10,000 gallons per month:

\$25.00 per thousand gallons for the first 1,000 gallons over allocation.

\$50.00 per thousand gallons for the second 1,000 gallons over allocation.

\$75.00 per thousand gallons for the third 1,000 gallons over allocation.

\$100.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 10,001 gallons per month or more:

\$50.00 per 1,000 gallons in excess of the allocation up through 5 percent above allocation.

\$100.00 per 1,000 gallons from 5 percent through 10 percent above allocation.

\$150.00 per 1,000 gallons from 10 percent through 15 percent above allocation.

\$200.00 per 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative.

D. Industrial Customers. A monthly water allocation shall be established by the District Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water 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 billing history exists. The District Manager shall give his/her best effort to see that notice of each industrial 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 District to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the District Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if 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 Directors of the District. Industrial customers must pay the following surcharges:

Customers whose allocation is 0 gallons through 20,000 gallons per month:

\$25.00 per thousand gallons for the first 1,000 gallons over allocation.

\$50.00 per thousand gallons for the second 1,000 gallons over allocation.

\$75.00 per thousand gallons for the third 1,000 gallons over allocation.

\$100.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 20,001 gallons per month or more:

\$50.00 per 1,000 gallons in excess of the allocation up through 5 percent above allocation.

\$100.00 per 1,000 gallons from 5 percent through 10 percent above allocation.

\$150.00 per 1,000 gallons from 10 percent through 15 percent above allocation.

\$200.00 per 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative.

Section 13: ENFORCEMENT

- 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 District Manager, or his/her designee, in accordance with provisions of this Plan.
- B. Proof of a culpable mental state is not required for a conviction of an offense under this Plan. 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 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.

Section 14: VARIANCES

- A. The District Manager, or his/her designee, may, in writing or by other means, 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:

- (i) 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.
 - (ii) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- B. Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the District Manager, or his/her designee, and shall include the following:
 - 1. Name and address of the 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 this Plan.
 - 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.
- C. Until the Review Board has acted on an application, the applicant must comply with all provisions of this Plan. The Review Board may not approve a variance if the terms and conditions do not meet or exceed the purpose and intent of this Plan.
- D. If the Review Board determines there is an economic hardship, it may authorize the implementation of alternative water use restrictions that further the purposes of the Plan. The alternative water use restrictions must be set forth on the face of the variance and the Customer must keep a copy of the variance in a location that is accessible and visible to the public.
- E. The Review Board 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 of the person requesting such variance and if one or more of the following conditions are met:

- (i) 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.
 - (ii) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- F. A fee of \$250.00 will be collected for each application for a landscape establishment permit to defray administrative costs under this section.
- G. Variances granted by the District are subject to the following conditions, unless waived or modified by the Review Board:
 - (i) Variances granted must include a timetable for compliance, and
 - (ii) Variances granted expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements and in which case variances may expire sooner.
- H. No variance may be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 15: SEVERABILITY

It is hereby declared to be the intention of the Board of Directors of the District that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will 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 of this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The undersigned officer of the Board of Directors ("Board") of Travis County Water Control & Improvement District No. 10 hereby certifies as follows:

1. The Board of Travis County Water Control & Improvement District No. 10 ("District") convened in regular session on the 12th day of January 2022, at the District's Board Room at 5324 Bee Cave Road, Austin, Texas 78746, and the following officers and members of the Board:

Paul Barker	-	President
Jon Luce	-	Secretary/Treasurer
E.P. "Buster" McCall	-	Director
Greg Reynolds	-	Director

were present, except Director(s) _____, thus constituting a quorum. Among other business, an:

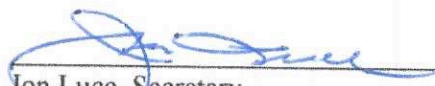
ORDER ADOPTING AMENDED AND RESTATED DROUGHT CONTINGENCY PLAN

was introduced for the consideration of the Board. It was then moved and seconded that the Resolution be adopted, and, after discussion, the motion prevailed and carried by majority vote.

2. A true, full and correct copy of the Resolution adopted at the meeting described above is attached to this certificate. The Resolution has been recorded in the District's minutes of the meeting. The persons named in the paragraph above are the duly chosen, qualified and acting officers and members of the Board as indicated in paragraph 1. Each of the officers and members of the Board was notified officially and personally, in advance, of the time, place and purpose of the Board meeting and that the Resolution would be introduced and considered for adoption at the meeting. Each of the officers and members consented, in advance, to holding 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 of the Government Code.

SIGNED AND SEALED the 12th day of January 2022.

(SEAL)


Jon Luce, Secretary
Board of Commissioners

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

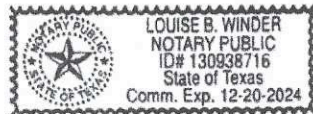
§

This instrument was acknowledged before me on January 12th, 2022, by Jon Luce, Secretary of the Board of Directors of Travis County Water Control & Improvement District No. 10, on behalf of the District.



Notary Public Signature

(seal)



TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10
ORDER ADOPTING AMENDED AND RESTATED
WATER CONSERVATION PLAN

ORDER NO. 2022-01-12-01

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, Travis County Water Control & Improvement District No. 10 (the "District") is a political subdivision of the State of Texas, established pursuant to Article XVI, Section 59 of the State of Texas Constitution, and Chapters 49 and 51 of the Texas Water Code; and

WHEREAS, 30 TAC Chapter 288.2, requires the District to adopt a Water Conservation Plan; and

WHEREAS, the Board of Directors of the District desires to adopt an amended and restated Water Conservation Plan, as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10 THAT:

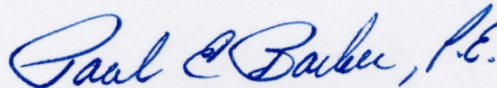
Section 1. The Board of Directors confirms that on this date it has reviewed and desires to adopt the District's Amended and Restated Water Conservation Plan (attached hereto as "Exhibit A").

Section 2. A copy of this Order shall be filed in the official records of the District.

ADOPTED this 12th day of January 2022.

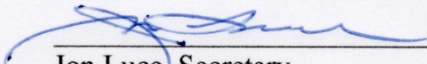
(SEAL)

TRAVIS COUNTY WATER CONTROL &
IMPROVEMENT DISTRICT NO. 10



Paul Barker, President
Board of Directors

ATTEST:



Jon Luce, Secretary
Board of Directors

EXHIBIT “A”

TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10’S AMENDED AND RESTATED WATER CONSERVATION PLAN

**TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10'S
AMENDED AND RESTATED UTILITY PROFILE & WATER CONSERVATION PLAN**

Utility Profile

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).
2. Service area size (in square miles): 7.50 square miles
(Please attach a copy of service-area map)
3. Current population of service area: 9,018
4. Current population served for:
 - a. Water 9,018
 - b. Wastewater Not Applicable
5. Population served for previous five years:

<i>Year</i>	<i>Population</i>
<u>2020</u>	<u>9,018</u>
<u>2019</u>	<u>8,973</u>
<u>2018</u>	<u>8,943</u>
<u>2017</u>	<u>8,889</u>
<u>2016</u>	<u>8,859</u>

6. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2020	9,018
2030	10,993
2040	13,400
2050	16,662
2060	19,912

7. List source or method for the calculation of current and projected population size.

Assumed three people per single family meter.

B. Customer Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: <http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf>

1. Quantified 5-year and 10-year goals for water savings:

	<i>Historic 5-year Average</i>	<i>Baseline</i>	<i>5-year goal for year 2026</i>	<i>10-year goal for year 2031</i>
Total GPCD	218.49		233	221
Residential GPCD	198.3		190	180
Water Loss GPCD	23.28		22.8	22.8
Water Loss Percentage	9.5%		12.0%	12.0%

Notes:

Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

2. Current number of active connections. Check whether multi-family service is counted as
☐ Residential or ☐ Commercial?

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	<i>Totals</i>
Residential			
Single-Family	2,687	0	2,687
Multi-Family	0	0	0
Commercial	284	0	284
Industrial/Mining	0	0	0
Institutional	35	0	35
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

<i>Year</i>	<i>2020</i>	<i>2019</i>	<i>2018</i>
<i>Treated Water Users</i>			
Residential			
Single-Family	2,770	2,754	2,745
Multi-Family	0	0	0
Commercial	201	200	201
Industrial/Mining	0	0	0
Institutional	35	37	35
Agriculture	0	0	0
Other/Wholesale	0	0	0

4. List of annual water use for the five highest volume customers.

<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
Residential Customer 1	1,353.2	Treated
Residential Customer 2	1,530.8	Treated
Residential Customer 3	1,634.6	Treated
Residential Customer 4	2,457.2	Treated
Residential Customer 5	2,719.3	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

- List the amount of water use for the previous five years (in 1,000 gallons).

Indicate whether this is ☐ diverted or ☒ treated water.

<i>Year</i>	2020	2019	2018	2017	2016
<i>Month</i>					
January	41,336.998	27,442.8	46,891	44,590	44,381
February	28,232.051	23,763	38028	41800	53554
March	41,252.9	25,566.3	51,794	50,925	60,436
April	27,849.5	37,558	61,995	60,238	54,456
May	41,260.1	39,597.6	72,147	73,351	53,150
June	48,153.9	41,133.9	82,980	76,485	70,449
July	64,655.95	50,212.7	96,301	106,250	106,173
August	81,244.65	73,493.4	110,855	95,319	84,146
September	91,775.6	94,383	61,237	81,040	80,114
October	55,915.9	86,753.5	47,542	68,558	85,158
November	61,395.8	70,187.4	50,394	60,856	52,527
December	57,493.775	34,192.1	40,730	47,656	45,373
Totals	640,567.124	604,283.7	760,894	807,068	789,917

- Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

- Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

<i>Year</i>	2020	2019	2018	2017	2016
<i>Account Types</i>					
Residential					
Single-Family	640,567.124	604,283.7	614,998.198	611,052.5	556,593.1
Multi-Family	0	0	0	0	0

Commercial	<u>65,131.9</u>	<u>99,666.3</u>	<u>90,343.9</u>	<u>91,986.4</u>	<u>91,158.9</u>
Industrial/Mining	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Institutional	<u>17,585.8</u>	<u>19,425.6</u>	<u>20,630.6</u>	<u>21,267.2</u>	<u>20,300.6</u>
Agriculture	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Other/Wholesale	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

4. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
<u>2020</u>	<u>97,300,176</u>	<u>11.9%</u>
<u>2019</u>	<u>98,006,400</u>	<u>11.9%</u>
<u>2018</u>	<u>26,398,602</u>	<u>3.5%</u>
<u>2017</u>	<u>78,356,900</u>	<u>9.8%</u>
<u>2016</u>	<u>79,808,400</u>	<u>10.7%</u>

B. Projected Water Demands

1. The District is located within the Lower Colorado Regional Water Planning Group, Region K. For projected water supply demands for the next ten years, as well as population trends, historical water use, and economic growth, please see the 2021 LCRWPG Water Plan, generally, and Chapter Two, specifically.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	<u>City of Austin</u>	<u>1,095,000,000</u>
Groundwater	<u>NA</u>	<u>NA</u>
Other	<u>NA</u>	<u>NA</u>

B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 31,000,000 gallons per day
2. Storage capacity (MGD):
 - a. Elevated 2,500,000 gallons
 - b. Ground 30,000 gallons
3. If surface water, do you recycle filter backwash to the head of the plant?
☐ Yes ☒ No If yes, approximate amount (MGD):

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable) - NA

1. Design capacity of wastewater treatment plant(s) (MGD):
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for ☐ plant wash-down, and/or for ☐ chlorination/dechlorination.

If yes, approximate amount (in gallons per month):
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

B. Wastewater Data for Service Area (if applicable) - NA

1. Percent of water service area served by wastewater system: %
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>					
<i>Month</i>					
January	_____	_____	_____	_____	_____
February	_____	_____	_____	_____	_____
March	_____	_____	_____	_____	_____
April	_____	_____	_____	_____	_____
May	_____	_____	_____	_____	_____
June	_____	_____	_____	_____	_____

July					
August					
September					
October					
November					
December					
Totals					

Water Conservation Plan

A. *Record Management System*

The District has adopted a records management plan, including retention schedules, in compliance with the Local Government Code and as provided by the Texas State Library and Archives Commission.

B. *Specific, Quantified 5 & 10-Year Targets*

The District's quantified 5 and 10-year targets are contained in Section I.B.1., above.

C. *Measuring and Accounting for Diversions - NA, intentionally deleted*

D. *Universal Metering*

Automatic meter reading meters were installed to detect leaks and provide District customers a better understanding of water consumption. The electronic water meters, also known as Advanced Metering Infrastructure, takes meter readings on an hourly basis, instead of monthly, and sends data directly to the utility. This technology gives customers better insight and understanding on their water use by providing customers access to their usage in near real time. Additionally, customers can better manage their water consumption by regularly checking water usage and setting up alerts regarding excess usage.

E. *Measures to Determine and Control Water Loss*

A leak study was completed District-wide, and all leaks were repaired. Similar leak studies will be conducted by the District every five years. In addition, the District has adopted a more robust fire hydrant replacement program, which includes replacing older, leaking hydrants. The District is also exploring wireless flow and pressure monitoring for the water distribution system, which would alert the District of leaks, reduce response times, and reduce water loss in the event of a waterline break. Further, the District will conduct the Texas Water Development Board Water Loss Audit and Water Use Survey on an annual basis, to track apparent water loss and real water loss.

F. *Continuing Public Education & Information*

The District provides public education and information on water conservation, including the following elements:

- Water conservation information is provided to customers with the water bills, including materials developed by District staff and material obtained from the Texas Water Development Board, the TCEQ, and other sources;
- The District works with the local newspaper to provide coverage of water conservation issues and the importance of conserving water;
- Water conservation brochures and other water conservation information is publicly available at the District's office;
- Water conservation information is published on the District's website and available to the public;

- District customers may sign up for and obtain access to the “Eye on Water” website, which allows user customers to monitor their water usage, set leak detector alerts, and set alerts created by the customer; and
- Scheduling individual meetings with high water use customers to provide education and information on water conservation.

The District’s employees attended the Texas Water Conservation Association Fall Conference 2021 for education purposes and to implement new strategies in the District.

G. Non-Promotional Water Rate Structure

In an effort to promote water conservation, the District has adopted a tiered rate structure, which charges more per gallon for those customers that consume larger amounts of water, so as to discourage high water use. Customers residing within the District and having a standard $\frac{3}{4}$ ” connection are charged a monthly service fee of \$25.00. Water use is charged at a rate of \$2.50 per 1,000 gallons for the first 5,000 gallons; residents who use 5,001-10,000 gallons are charged \$3.13 per 1,000 gallons. These rates continue to increase until the rate of \$9.71 per 1,000 gallons is charged to consumers who use over 45,000 gallons.

H. Reservoir Systems Operations Plan - NA, intentionally deleted.

I. Enforcement Procedure and Plan Adoption

This Amended and Restated Water Conservation Plan was adopted at a public meeting, duly called and held as required by Chapter 551 of the Government Code, pursuant to Order No. 2022-01-12.01. In addition, the District’s enforcement procedure is laid out in Sections 12 and 13 of the Drought Contingency Plan, which was adopted at a duly called and held public meeting, pursuant to Order No. 2022-01-12-.01.

J. Coordination with the Regional Water Planning Group(s)

The District has reviewed and provided comments on the Lower Colorado Regional Water Planning Group, Region K, 2021 Water Plan and will coordinate with Region K to ensure consistency with the appropriate water plans.

K. Plan Review and Update

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within the next ten years:

A. Leak Detection and Repair

A leak study was completed District-wide, and all leaks were repaired; similar leak studies will be conducted by the District every five years. The District is also exploring wireless flow and pressure monitoring for the water distribution system, which would alert the District of leaks, reduce response times, and reduce water loss in the event of a waterline break. Further, the District will conduct the TWDB Water Loss Audit and Water Use Survey on an annual basis, to track apparent water loss and real water loss.

B. Contract Requirements

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

VII. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of 30 TAC §288.2(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
3. A method for monitoring the effectiveness and efficiency of the water conservation plan; and
4. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The undersigned officer of the Board of Directors (“Board”) of Travis County Water Control & Improvement District No. 10 hereby certifies as follows:

1. The Board of Travis County Water Control & Improvement District No. 10 (“District”) convened in regular session on the 12th day of January 2022, at the District’s Board Room at 5324 Bee Cave Road, Austin, Texas 78746, and the following officers and members of the Board:

Paul Barker	-	President
Jon Luce	-	Secretary/Treasurer
E.P. “Buster” McCall	-	Director
Greg Reynolds	-	Director

were present, except Director(s) _____, thus constituting a quorum. Among other business, an:

ORDER ADOPTING AMENDED AND RESTATED WATER CONSERVATION PLAN

was introduced for the consideration of the Board. It was then moved and seconded that the Resolution be adopted, and, after discussion, the motion prevailed and carried by majority vote.

2. A true, full and correct copy of the Resolution adopted at the meeting described above is attached to this certificate. The Resolution has been recorded in the District’s minutes of the meeting. The persons named in the paragraph above are the duly chosen, qualified and acting officers and members of the Board as indicated in paragraph 1. Each of the officers and members of the Board was notified officially and personally, in advance, of the time, place and purpose of the Board meeting and that the Resolution would be introduced and considered for adoption at the meeting. Each of the officers and members consented, in advance, to holding 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 of the Government Code.

SIGNED AND SEALED the 12th day of January 2022.

(SEAL)

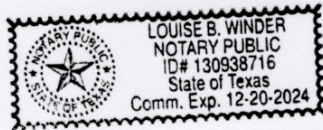


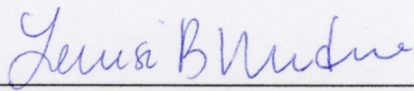
Jon Luce, Secretary
Board of Commissioners

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 12th, 2022, by Jon Luce, Secretary of the Board of Directors of Travis County Water Control & Improvement District No. 10, on behalf of the District.

(seal)





Notary Public Signature

**RESOLUTION AUTHORIZING THE APPLICATION FOR FIRM RAW WATER
CONTRACT WITH LCRA**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, Travis County Water Control and Improvement District 10 (the "District") is a conservation and reclamation district created and operating under Section 59, Article XVI of the Texas Constitution and Chapters 49 and 51 of the Texas Water Code;

WHEREAS, the Lower Colorado River Authority ("LCRA") is a Texas conservation and reclamation district that makes water from its water rights in the lower Colorado River watershed available to purchasers in accordance with State laws, rules, and permits;

WHEREAS, the District desires to apply and enter into a firm raw water contract with LCRA to provide and ensure an adequate water supply for the District's residents; and

WHEREAS, the District is authorized to apply for and enter into contractual agreements with other districts under Sections 49.213 and 51.150 of the Texas Water Code.

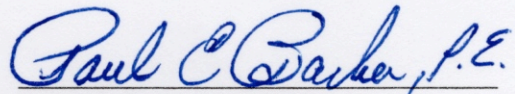
NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 THAT:

Section 1. The District's General Manager is authorized to apply for and enter into an agreement with LCRA for firm raw water in order to procure and provide water services for the residents of the District.

Section 2. The District's General Manager is authorized to take other action as necessary to secure the raw water supply from LCRA on behalf of the District.

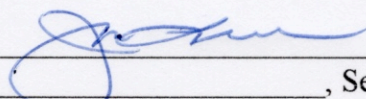
ADOPTED this 12th day of January, 2022.

(SEAL)



Paul Barker, President
Board of Directors

ATTEST:


_____, Secretary
Board of Directors

CERTIFICATE FOR RESOLUTION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The undersigned officer of the Board of Directors of Travis County Water Control and Improvement District No. 10 hereby certifies as follows:

1. The Board of Directors of Travis County Water Control and Improvement District No. 10 convened in a regular meeting on the 12th day of January 2022, at 5324 Bee Cave Road, Austin, Texas 78746, and the roll was called of the duly constituted officers and members of the Board:

Paul Barker	President
Jon Luce	Secretary/Treasurer
E.P. "Buster" McCall	Director
Greg Reynolds	Director

and all of the Directors were present, except Director(s) _____, thus constituting a quorum. Whereupon, among other business, the following:

RESOLUTION AUTHORIZING THE APPLICATION FOR FIRM RAW WATER CONTRACT WITH LCRA

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

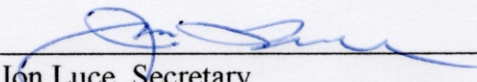
2. A true, full and correct copy of the Resolution adopted at the meeting is attached to this certificate. The Resolution has been recorded in the District's minutes of the meeting. The persons named in the paragraph above are the duly chosen, qualified and acting officers and members of the Board as indicated. Each of the officers and members of the Board was notified officially and personally, in advance, of the time, place and purpose of the meeting, and that the Resolution would be introduced and considered for adoption at the meeting. 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 to the meeting was given as required by Chapter 551 of the Texas Government Code.

[rest of page intentionally left blank; signatures to follow]

SIGNED AND SEALED this 12th day of January 2022.

SIGNED AND SEALED the 12th day of January 2022.

(SEAL)

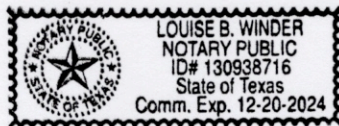


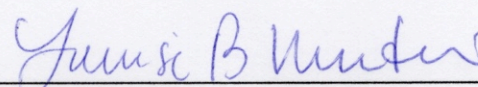
Jon Luce, Secretary
Board of Commissioners

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 12th, 2022, by Jon Luce, Secretary of the Board of Directors of Travis County Water Control & Improvement District No. 10, on behalf of the District.

(seal)





Notary Public Signature