

**REGULAR MEETING
TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #10
BOARD OF DIRECTORS
NOVEMBER 8, 2023**

Members Present:

Paul Barker, President
Jon Luce, Secretary/Treasurer
Greg Reynolds, Director
Pamela Reed, Director

Members Absent:

Buster McCall, Vice President

Others Present:

Carla Orts, General Manager, TCWCID #10
Daniel McDowell, TCWCID #10
Louise Winder, TCWCID #10
Randall Wilburn, The Carlton Law Firm
Mike Morin, Crossroads Utility Services
Taylor Kolmoldin, Municipal Accounts

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 October 11, 2023

(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 Director Reed, seconded by President Barker to approve the consent agenda items. The motion passed unanimously.

3. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CAPITAL PROJECT PLANNING (GENERAL MANAGER)

(A) WAKEFIELD PUMP STATION IMPROVEMENTS – Nothing to report.

(B) MCCONNELL PUMP STATION – NEW TANK – This item will be discussed in Executive Session.

An offer has been made to the property owner for the District to acquire the 0.1300 acre parcel. If an agreement is not reached by the December meeting a resolution to proceed will be presented to the Board to advance the condemnation. The engineers have completed variance requests to present to the City once the District is able.

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

(A) LOWER CAMELOT – Board Attorney Randy Wilburn informed the Board that the District has approval from the PUC. DEC is finishing up approvals with the City of Austin. General Manager Orts requested that the District do the inspections to save costs and is waiting to hear back.

(B) 8907 BEE CAVE ROAD – Nothing to report.

5. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING PLAT REQUESTS (GENERAL MANAGER)

(A) 4010 BEE CAVE ROAD – NEW CITY HALL – Currently under review with DEC.

6. 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) MCCONNELL PUMP STATION & STANDBY GENERATOR – General Manager Orts informed the Board that the station should be fully automated by February 2024. The bypass skid is working well and a thermostat has been added to monitor the temperature. General Manager Orts has contacted AT&T about alternative means of communication due to them no longer supporting POTS (Plain old telephone service) lines. General Manager Orts will look into adding a security camera to point at the gauges in the pump stations so the Crossroads technicians can monitor the tank levels remotely as needed. Board Attorney Wilburn recommended advising the City of Austin to wait to test their bypass until after the District has completed all of their projects.

General Manager Orts presented Pay Application No. 37 in the amount of \$304,409.45 to MCG Contractors, Inc. MOTION WAS MADE by President Barker, seconded by Director Reed to approve Pay Application No. 37 as presented. The motion passed unanimously.

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

WAKEFIELD PUMP STATION (BOND PROJECT), RISKE PUMP STATION AND ROB ROY PUMP STATION

General Manager Orts requested approval to send the check payable in the approved contract amount to Texas Gas to extend the line on Redbud from Westlake Drive down to the Wakefield Pump Station. This contract was approved by the Board previously and just needs approval to fund the project. MOTION WAS MADE by Director Reed, seconded by President Barker to fund the project as presented. The motion passed unanimously. General

Manager Orts presented a contract with Texas Gas to run the line that will serve Riske. There is no cost for this contract. MOTION WAS MADE by Director Reed, seconded by Director Luce to authorize President Barker to sign the contract with Texas Gas as presented. The motion passed unanimously.

DEC will contact Rob Roy HOA about putting up a fence around the Rob Roy Pump Station. General Manager Orts will request that Crossroads will schedule a test of the generator at McConnell Pump Station before inclement/winter weather season.

8. 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)

MOTION WAS MADE by Director Luce, seconded by President Barker to require the project at 803 Red Bud Trail to install a fire suppression system based on the conveyed percentage of scope by ESD9 and the plans submitted to the District engineer. The motion passed unanimously. Director Luce and Director Reynolds will make themselves available to meet with project representatives to discuss any concerns or items that may change the scope of the project. All changes will need to be submitted for review and re-presented to the Board for consideration.

9. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING DROUGHT CONTINGENCY PLAN REVISIONS (GENERAL MANAGER)

Remains unchanged from the draft as approved the previous month.

10. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING WATER CONSERVATION PLAN REVISIONS (GENERAL MANAGER)

Remains unchanged from the draft as approved the previous month.

11. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING REVISIONS TO THE RATE SCHEDULE TO INCLUDE EXCESS USE FEE (GENERAL MANAGER)

Remains unchanged from the draft as approved the previous month.

12. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CROSSROADS UTILITY SERVICES UNDER BILLING (THE CARLTON LAW FIRM)

– Mike Morin with Crossroads presented an updated list of customers who have not paid yet as well as a list customers that are requesting charges be removed from their accounts. MOTION WAS MADE by President Barker, seconded by Director Luce to authorize Mr. Morin Crossroads to speak to customer John Watson and remove the amount attributed to leak from this account. The motion passed unanimously. MOTION WAS MADE by Director Reed, seconded by President Barker to accept a settlement as presented from customer Owen Carpenter. The motion passed unanimously.

MOTION WAS MADE by Director Reed, seconded by President Barker to add the underbilling charges to all remaining customer accounts who have not paid or set up a

payment plan and go through the normal delinquent process. The motion passed unanimously.

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

The application has been approved, Board Attorney Randall Wilburn will file notice with the commissioner's court. The District is expected to attend the LCRA council meeting possibly in January or February of 2024.

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

In negotiations. Nothing to report.

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

At 12:51pm the Board moved into Executive Session.

At 1:30 pm the Board reconvened into Regular Session with no action taken.

16. ADJOURNMENT

There being no further business brought before the regular meeting of the Board of Directors, the meeting was adjourned at 1:32 pm.

Respectfully Submitted

Jon Luce, Secretary/Treasurer

Travis County Water Control & Improvement District Number 10
Order Adopting Drought Contingency Plan
Order No. 2023-11-08.1

The Board of Directors of Travis County Water Control & Improvement District No. 10 met in a regular meeting, open to the public, held on November 8, 2023, at noon, in the conference room of Travis County Water Control & Improvement District 10, 5324 Bee Cave Rd, Austin, Texas 78746, inside the boundaries of the District, whereupon the roll was called of the members of the Board of Directors, to wit:

Paul Barker	President
Buster McCall	Vice-President
Jon Luce	Secretary
Greg Reynolds	Treasurer
Pamela Reed	Assistant Secretary

All members of the Board were present, except for Pamela Reed, thus constituting a quorum.

WHEREUPON, among other business conducted by the Board, Director McCall introduced the Order set out below and moved its adoption, which motion was seconded by Director Reynolds and, after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" 4; "No" 0

WHEREAS, Texas Water Code Section 11.1272 requires the District to develop and adopt a drought contingency plan to be implemented during period of water shortages and drought;

WHEREAS, the Board of Directors has reviewed and approved its Drought Contingency Plan and has determined what the District's Drought Contingency Plan should be updated to meet current drought restriction requirements;

NOW, THEREFORE:

BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NUMBER 10:

Section 1. That the District's Drought Contingency Plan, attached as Appendix A, is hereby approved as amended.

Section 2. That the rates set out in this Drought Contingency Plan be charged for excess usage of water.

Section 3. That this resolution shall take effect from and after its passage is approved.



Paul Barker
President, Board of Directors



Jon Luce
Secretary, Board of Directors

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

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 and of a public meeting on November 8, 2023.

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 or the individual designated by the City of Austin to determine the application .

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 and the Austin Water Director 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/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.

Conservation Stage

The Conservation Stage will be in effect year-round by default.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers are required to comply with the Stage 1 requirements and 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:

- 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 will be rescinded when the District's General Manager determines that the appropriate conditions exist.

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 the District's General Manager determines that the appropriate conditions exist. Upon termination of Stage 2, Stage 1 becomes operative, if applicable.

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 the District's General Manager determines that the appropriate conditions exist. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

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 the District's General Manager determines that the appropriate conditions exist. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

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 (“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.

Conservation Stage and Drought Response Stage 1 Irrigation Schedule

The Outdoor Water Use Schedule below applies during both the Conservation Stage and Stage 1 (Mild) drought conditions:

CONSERVATION STAGE AND DROUGHT RESPONSE STAGE 1 WATERING SCHEDULE
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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

Conservation Stage

This section describes Conservation stage regulations and applies while the District is in Conservation Stage. These regulations automatically resume by default immediately upon any ordered termination of any drought of emergency stage.

- A. A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
- B. A person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.
- C. 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.
- D. 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 1 Response – MILD Water Shortage Conditions

This section describes Stage 1 regulations and applies during any Stage 1 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 as set out in 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 8:00 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. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- 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 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.
- F. 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.

Drought Response Stage 2 and Stage 3 –Irrigation Schedule

The Outdoor Water Use Schedule below applies during both Stage 2 (Moderate) and Stage 3 (Severe) drought conditions:

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 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.

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. Anyone may report the violation of restrictions in the Plan by calling the District office
- C. If a person is found to have violated restrictions in the Plan (not including Section 12. WATER ALLOCATION), the District will notify the customer of the violation with a warning. If a warning, from a public report or staff witness, had already been issued, then the District will apply an Excess Use Fee, as described in the District's Order Adopting District Water Rates, Appendix C – Rates and Charges, will be applied to the person's bill.
- D. 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.

- E. This Plan may be enforced as far as the powers granted to the District as a water control and improvement district, governed under Chapter 51 of the Water Code. Pursuant to § 51.241 of the Water Code. A person who violates a regulation adopted by the District under this Plan commits an offense and an offense committed this section is a Class C misdemeanor.

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.