



Drought Contingency Plan for a Retail Public Water Supplier

Texas Commission on Environmental Quality

Instructions: The following form is a model of a drought contingency plan for a retail public water supplier. Not all items may apply to your system=s situation. This form is supplied for your convenience, but you are not required to use this form to submit your plan to the TCEQ. Submit completed plans to: Water Supply Division MC 160, TCEQ, P.O. Box 13087, Austin TX 78711-3087.

El Paso County Water Control and Improvement, District #4

(Name of Utility)

P.O. Box 3880, Fabens, TX 79838

(Address, City, Zip Code)

(CCN#)

TX0710018

(PWS #s)

April 23, 2019

(Date)

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the El Paso County Water Control and Improvement District #4 (EPCWCID #4) hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution (see Appendix C for an example).

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the EPCWCID #4 by means of providing public notice of a public meeting to accept input on the Plan).

Section III: Public Education

The EPCWCID #4 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 a regular monthly or special meeting.

Section IV: Coordination with Regional Water Planning Groups

The service area of the EPCWCID #4 is located within the West Texas and EPCWCID #4 has provided a copy of this Plan to the Far West Texas Region (E) Planning Group.

Section V: Authorization

The General Manager, or his/her 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 General Manager, or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the EPCWCID #4. The terms *Aperson@* and *Acustomer@* as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

Customer: any person, company, or organization using water supplied by EPCWCID #4.

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.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire-fighting.

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

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

The General Manager or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified Atriggers@ are reached.

The triggering criteria described below are based on the vulnerability of the water source under drought of record conditions or based on known system capacity limits.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII B Definitions, when the water supply available to the EPCWCID #4 is equal to or less than 80 percentage of storage.

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 3 consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when average daily water use reaches the EPCWCID #4 capacity of 90% for 3 consecutive days.

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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers B SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when average daily water use reaches the EPCWCID #4 capacity of 100% for 3 consecutive days.

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 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when actual failure of system components is reduced to only one well.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when General Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers -- WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when groundwater storage of treated water for EPCWCID #4 decreases rapidly daily.

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Section IX: Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The General Manager or his/ her designee shall notify the public by means of:

- Publication in a newspaper of general circulation,
- Direct mail to each customer,
- Public service announcements,
- Signs posted in public places
- Take-home fliers at schools.

Additional Notification:

The General Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Fire Chief(s)
- County Judge & Commissioner(s)
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Critical water users, i.e. Health Clinics

Stage 1 Response - MILD Water Shortage Conditions

Target: Achieve a voluntary 15 percent reduction in total water use.

Best Management Practices for Supply Management:

1. Reduced or discontinued flushing of water mains
2. Use of reclaimed water for non-potable purposes

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the EPCWCID #4 shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response - MODERATE Water Shortage Conditions

Target: Achieve a 25 percent reduction in total water use.

Best Management Practices for Supply Management:

1. Reduced or discontinued flushing of water mains
2. Reduced or discontinued irrigation of public landscaped areas;
3. Use of reclaimed water for non-potable purposes.
4. Enforce restrictions

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at

anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the EPCWCID #4.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes water source other than that provided by the EPCWCID #4, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 - 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and

5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 50 percent reduction in total water use.

Best Management Practices for Supply Management:

1. Reduced or discontinued flushing of water mains
2. Reduced or discontinued irrigation of public landscaped areas
3. Use of reclaimed water for non-potable purposes
4. Enforce restrictions
5. Certain industrial and commercial water uses that are not essential to the health and safety of the community will be prohibited from water use

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the EPCWCID #4.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Target: Achieve a 75 percent reduction in total water use.

Best Management Practices for Supply Management:

1. Enforce all restrictions
2. Use of reclaimed water for non-potable purposes
3. Acquisition of alternative water supplies (e.g. interconnection with a neighboring water supply, temporary water purchases, emergency water rights transfers)

Water Use Restrictions for Reducing Demand: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Target: Achieve a 75 percent reduction in total water use.

Best Management Practices for Supply Management:

The EPCWCID #4 will reduce water demand as follows:

- reduced or discontinued flushing of water mains;
- reduce or discontinued irrigation of public landscaped areas;
- use of an alternative supply source(s) such use of reclaimed water for non-potable purposes.

Water Use Restrictions for Reducing Demand. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response -- WATER ALLOCATION

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

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

A Household means the residential premises served by the customers meter. Persons per household include 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 customers household is comprised of two (2) persons unless the customer notifies the EPCWCID #4 of a greater number of persons per household on a form prescribed by the General Manager. The General 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 customers responsibility to go to the EPCWCID #4 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 General 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 EPCWCID #4 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 EPCWCID #4 in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager shall adopt methods to insure 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 EPCWCID #4 of a reduction in the number of person in a household shall be fined not less than \$200 .

Residential water customers shall pay the following surcharges:

- \$2 for the first 1,000 gallons over allocation.
- \$4 for the second 1,000 gallons over allocation.
- \$6 for the third 1,000 gallons over allocation.
- \$8 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

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) shall be allocated 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 EPCWCID #4 of a greater number on a form prescribed by the General Manager. The General Manager shall 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 EPCWCID #4 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 General Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the EPCWCID #4 in

writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the General Manager shall adopt methods to insure 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 EPCWCID #4 of a reduction in the number of person in a household shall be fined not less than \$200. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$2 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$4, thereafter, for each additional 1,000 gallons over allocation up through second 1,000 gallons for each dwelling unit.

\$6, thereafter, for each additional 1,000 gallons over allocation up through third 1,000 gallons for each dwelling unit.

\$ 8, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the General 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. Provided, however, a customer, 100 percent of whose monthly usage is less than 12,000 gallons, shall be allocated 10,000 gallons. The General Manager shall give his/her best 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 EPCWCID #4 to determine the allocation. Upon request of the customer or at the initiative of the General 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 General Manager. Nonresidential (Out of District) commercial customers shall pay the following surcharges:

Customers whose allocation is 12,000 gallons through 18,000 gallons per month:

\$3 per thousand gallons for the first 1,000 gallons over allocation.

\$6 per thousand gallons for the second 1,000 gallons over allocation.

\$9 per thousand gallons for the third 1,000 gallons over allocation.

\$12 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 18,000 gallons per month or more:

1 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

1 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

1 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

1 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, Ablock rate@ means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customers 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 third 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 3 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 General 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 EPCWCID #4 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 General Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customers 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 General Manager. Industrial customers shall pay the following surcharges:

Customers whose allocation is 50,000 gallons through 100,000 gallons per month:

\$3 per thousand gallons for the first 1,000 gallons over allocation.

\$6 per thousand gallons for the second 1,000 gallons over allocation.

\$9 per thousand gallons for the third 1,000 gallons over allocation.

\$12 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 100,000 gallons per month or more:

1 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

1 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

1 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

1 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, Ablock rate@ means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the EPCWCID #4 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 General Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than 200 dollars (\$200) and not more than 500 dollars (\$500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations

of this Plan, the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$800, and any other costs incurred by the EPCWCID #4 in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the EPCWCID #4, 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 persons 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.
- (d) Any employee of the EPCWCID #4, police officer, or other employee designated by the General Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

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

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the EPCWCID #4 within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

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

If you have any questions on how to fill out this form or about the Drought Contingency program, please contact us at 915/764-2212.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at **915/764-2212**.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

BOARD OF DIRECTORS REGULAR MEETING TUESDAY, APRIL 23, 2019 at 6:00 P.M. BOARD ROOM @ 117 EAST MAIN ST., IN FABENS, TEXAS

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider and take action on meeting agenda.
5. Take up, consider and take action on Regular Meeting Minutes for March 26, 2019.
6. Audience comments: 3-minute speaking time limit per person.
7. Take up, consider and take action regarding claims threaten by Elsa A. Rivera.
8. Take up, consider and take action to replace the existing warehouse roof to avoid water damage to the new computer room, offices, handicap restroom and kitchen.
9. Take up, consider and take action to discuss change orders associated with the remodeling of the warehouse.
10. Take up, consider and take action to approve an hourly rate for manpower and equipment usage services for charging non-residential customers.
11. Take up, consider and take action to increase CDM Smith ongoing Professional Engineering Service Contract by \$75,000.00.
12. Take up, consider and take action for the Cypress Well #6 Construction Management service Fee.
13. Take up, consider and take action to revise Drought Resolution violation fine fees for noncompliance of water usage.
14. Take up, consider and take action on the transition of the Mesa Del Norte water and wastewater infrastructure to the Lower Valley Water District.
15. Kemp Smith Update.
16. CDM Smith Update.
17. General Manager Report.
18. Executive Session.
 - Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:
 - A. Attorney Consultation Code 551.071
 - B. Real Property Code 551.072
 - C. Personnel Matters Code 551.074
 - Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.
19. Return to open session for possible discussion and action on executive session item(s).
20. Board member availability for the May 28, 2019 Regular Meeting.
21. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and at the District Office Bulletin Board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item posted for executive session. In no event; however, will the board take action on any agenda item in executive session.

Mike L. Terrazas, Jr., General Manager
El Paso County Water Control & Improvement District #4



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212

117 E. MAIN ST.
FAX (915) 764-4840

FABENS, TX 79838-3880

REGULAR MEETING MINUTES

April 23, 2019

1. Call Meeting to Order.

President Magda C. Flores called meeting to order at 6:00 p.m.

2. Roll Call & Determination of Quorum.

Quorum existed. Meeting proceeded.

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Ms. Magda C. Flores	President	X		
Ms. Juana Gutierrez	Vice President		X	
Mr. Jose Ramirez	Secretary	X		
Ms. Thelma Quiñonez	Member	X		
Mr. Israel Martinez	Member	X		

District Staff:

Mr. Mike L. Terrazas, Jr.	General Manager
Mr. Martin Madrid	Field Manager
Ms. Lala Garcia	Office Manager
Ms. Patricia Cruz	Administrative Assistant
Ms. Romie Martinez	Inventory Specialist

Consultants:

Mr. Horacio Juarez	Consulting Engineer (CDM Smith)
--------------------	---------------------------------

Visitors:

3. Pledge of Allegiance.

4. Take up, consider and take action on meeting agenda.

Discussion: Mr. Terrazas noted Item 14 will be moved up after Item #4 and Item 13 should read "Drought Contingency Plan" instead of "Drought Resolution".

Motion made by Mr. Ramirez to approve meeting agenda with changes noted.

Seconded by Mr. Martinez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

5. Take up, consider and take action on Regular Meeting Minutes for March 26, 2019.

Discussion: No discussion.

Motion made by Mr. Ramirez to approve Regular Meeting Minutes for March 26, 2019.

Seconded by Mr. Martinez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Regular Meeting
April 23, 2019

6. Audience Comments: 3 minutes speaking time limit per person.

Audience comments were as follows:

Item#	Speaker	Item Discussed
	Ms. Elsa Rivera	MDN Subdivision – Release them to LVWD
	Ms. Lorena V. Tarango	MDN Subdivision – Release them to LVWD

7. Take up, consider and take action regarding claims threaten by Elsa A. Rivera.

Discussion: Item #7 was tabled.

Motion made by Mr. Ramirez to table Item #7.

Seconded by Mr. Martinez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

8. Take up, consider and take action to replace the existing warehouse roof to avoid water damage to the new computer room, offices, handicap restroom and kitchen.

Discussion: Mr. Juarez is requesting the Boards' permission to replace the existing warehouse roof not to exceed \$32,000.00 in costs based on the three quotes the District receives. The roof will be replaced with white PBR sheet metal roof with 22 gauge panels.

Motion made by Mr. Martinez to approve the replacement of the existing warehouse roof to avoid water damage to the new computer room, offices, handicap restroom and kitchen not to exceed \$32,000.00.

Seconded by Mr. Ramirez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

9. Take up, consider and take action to discuss change orders associated with the remodeling of the warehouse.

Discussion: Mr. Terrazas reviewed the following change orders associated with the remodeling of the warehouse:

1. The HVAC was changed from roof to floor mounted units.
2. Electrical - Two additional electrical runs from breaker box to new unit position.
3. A window was added to Ms. Martinez office.
4. Mr. Madrid door was changed from regular to an observation door.

Motion made by Mr. Martinez to approve change orders associated with the remodeling of the warehouse not to exceed \$6,000.00.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.

FAX (915) 764-4840



FABENS, TX 79838-3880

Regular Meeting
April 23, 2019

Seconded by Mr. Ramirez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

10. **Take up, consider and take action to approve an hourly rate for manpower and equipment usage services for charging non-residential customers.**

Discussion: Mr. Terrazas stated the current hourly rate for equipment usage for charging non-residential customers is a flat rate of \$60.00. The current rate is not covering the actual costs it takes to do the job. Mr. Terrazas is requesting the Boards' approval to change the current flat rate of \$60.00 to the total number of hours and employees required to complete the job. The hourly rate will be based on the wages of the employees assigned to perform the work required.

Motion made by Mr. Ramirez to approve an hourly rate for manpower and equipment usage services for charging non-residential customers on a rate to be determined based on the costs of providing the service.

Seconded by Mr. Martinez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

11. **Take up, consider and take action to increase CDM Smith ongoing Professional Engineering Service Contract by \$75,000.00**

Discussion: Mr. Juarez is requesting the Boards' approval to increase the CDM Smith ongoing Professional Engineering Service Contract by \$75,000.00. The contract agreement provides engineering calculations, technical memorandums, equipment submittal review, attending meetings or any other work as directed by El Paso County WCID #4 representative. The last increase was given in 2016.

Motion made by Mr. Ramirez to increase CDM Smith ongoing Professional Engineering Service Contract by \$75,000.00.

Seconded by Mr. Martinez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT No. 4

P.O. BOX 3880
(915) 764-2212

117 E. MAIN ST.
FAX (915) 764-4840

FABENS, TX 79838-3880

Regular Meeting
April 23, 2019

12. Take up, consider and take action for the Cypress Well #6 Construction Management Service Fee.

Discussion: Mr. Juarez provided a fee proposal for the Construction Management Services for the Cypress Well #6 in the amount of \$154,000.00. The fee is higher than the Walker Well #7 because the District will be starting from scratch and the duration to complete and place the well in service will be in December 2019. The scope of services for this project includes Office Engineering Services, Field Engineering & Inspection Services, Sub consultant Services, Owner's Services and Special Services.

Motion made by Mr. Martinez to approve the Cypress Well #6 Construction Management Service Fee not to exceed \$154,000.00.

Seconded by Mr. Ramirez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

13. Take up, consider and take action to revise Drought Contingency Plan violation fine fees for noncompliance of water usage.

Discussion: Mr. Juarez reviewed and discussed the revised violation fine fees for the Drought Contingency Plan. The revision will be effective April 23, 2019.

Motion made by Mr. Ramirez to approve the revised Drought Contingency Plan violation fees for noncompliance of water usage.

Seconded by Ms. Quiñonez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

14. Take up, consider and take action on the transition of the Mesa del Norte water and wastewater infrastructure to the Lower Valley Water District.

Discussion: Item 14 was discussed in Executive Session. Mr. Drew Miller, District Attorney provided an update on MDN.

No action required for this item.

15. Kemp Smith Update.

Discussion: Refer to Item #14.

No action required for this item.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212

117 E. MAIN ST.

FAX (915) 764-4840

FABENS, TX 79838-3880

Regular Meeting
April 23, 2019

16. CDM Smith Update.

Discussion:

- Mr. Juarez discussed the TCEQ Well Approval Stages for Cypress Well No. 06 and Walker Well No.07.
- The Walker Well No. 7 is completed and Cypress Well No. 06 will be up and running by December 2019.
- The District RO System received the conditionally approved letter from TCEQ.
- Mr. Juarez provided an update on the presentation he did at the Texas Water 2019 Conference Program.
- Mr. Juarez notified the Board the Tnemec Company (Paint Vendor) has a yearly contest for Tank of the Year. He would like to enter the District tank for the 2019 contest.

No action required for this item.

17. General Manager Report.

Discussion:

- The account collection rate for March 2019 was 99% with 25 cut-offs and 9 remain unpaid.
- The District purchased two 2019 F150 trucks. They will be placing the company logo, installing exterior hazard lights and side steps.
- On April 22, 2019 Mr. Terrazas had a phone interview with KFOX in regards to Mesa del Norte.
- The Texas RioGrande Legal Aid filed a Petition with PUC.
- Mr. Terrazas submitted his Resignation letter to Ms. Flores.
- Mr. Terrazas provided the Board a copy of the General Manager Job Description & Qualifications.
- Mr. Terrazas and the Board agreed to set up a Special Meeting on April 30, 2019 to review the General Manager position.
- Ms. Garcia provided an update on the Catholic Diocese of El Paso Irrigation Well.
- Ms. Garcia made a comment on what Ms. Rivera had stated during the Audience Comments.

No action required for this item.

18. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:

A. Attorney Consultation Code 551.071

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

Board convened into Executive Session at 6:02 p.m.

Time in Executive Session: ___ Hours .54 Minutes

From 6:02 p.m. to 6:56 p.m.

19. Return to open session at 6:56 p.m. for possible discussion and action on Executive Session item(s).

Not applicable



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880

117 E. MAIN ST.

FABENS, TX 79838-3880

(915) 764-2212

FAX (915) 764-4840

Regular Meeting
April 23, 2019

20. Board Member availability for the May 28, 2019 Regular Board Meeting.

Discussion: All Board Members present will be available for the May 28, 2019 Regular Board Meeting.
No action required for this item.

21. Motion to adjourn.

Discussion: No discussion.
Motion made by Mr. Ramirez to adjourn.
Seconded by Ms. Quiñonez.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. M. Flores	X			
Ms. J. Gutierrez				
Mr. J. Ramirez	X			
Ms. T. Quiñonez	X			
Mr. I. Martinez	X			

Motion: Passed

Meeting Adjourned at 8:30 p.m.



Signature

5-28-19

Date Approved