

CERTIFICATE FOR RESOLUTION

We, the undersigned officers of the Board of Directors of FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT – MONUMENT HILL (“District”) hereby certify as follows:

1. The District Board of Directors convened in Regular session on the 5th day of September, 2013, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of the Board, to wit:

<u>Ben Bohuslav</u>	President
<u>Seth Gunn</u>	Vice-President
<u>Margaret Burton</u>	Secretary
<u>James Benes</u>	Treasurer
<u>Chester Johnson</u>	Director

and all said persons were present except NA, thus constituting a quorum. Whereupon among other business, the following was transacted at the meeting; a

FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT –
MONUMENT HILL
RESOLUTION ADOPTING DISTRICT
DROUGHT CONTINGENCY PLAN

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

2. That a true, full and correct copy of the aforesaid RESOLUTION adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; and that the RESOLUTION has been duly recorded in the Board’s minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and chapter 54, Texas Water Code.

SIGNED AND SEALED the 5th day of September, 2013.

Margaret Burton
SECRETARY OF THE BOARD

Ben Bohuslav
PRESIDENT OF THE BOARD

District Seal

**Drought Contingency Plan
For
Fayette County Water Control & Improvement District – Monument Hill
P.O. Box 164
La Grange, Texas 78945
PWS #750009
September 5, 2013**

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 Fayette County Water Control & Improvement District – Monument Hill (FCWC&ID-MH) hereby adopts the following Drought Contingency Plan (the Plan).

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

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by FCWC&ID-MH by invitation to a public meeting that was announced in the local newspaper and on the local radio station.

Section III: Public Education

The FCWC&ID-MH 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 and/or press releases in the local newspaper or on the local radio station.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the FCWC&ID-MH is located within the Region K Water Planning area, and the FCWC&ID-MH has provided a copy of the Plan to Region K Planning Group.

Section V: Authorization

The President of the Board of Directors for FCWC&ID-MH, 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 President 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 FCWC&ID-MH. The terms "person" and "customer" 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 FCWC&ID-MH.

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:

- (1) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) 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 President, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media and radio station will also be informed.

The triggering criteria described below are based on: water usage on daily basis; water well out of service; booster pumps or storage tanks out of service; or other required facilities that maintain water supply and pressure.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation – The FCWC&ID-MH will recognize that a mild water shortage condition exists when:

1. Average daily water use reaches 331,200 gallons per day (50% of plant capacity – 460 gpm water well) for three consecutive days.
2. Consideration will be given to weather conditions, time of year, and customer complaints of low water pressure.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation – The FCWC&ID-MH will recognize that a moderate water shortage condition exists when:

1. Average daily water use reaches plant capacity of 397,400 gallons per day (60% of plant capacity – 460 gpm water well) for three consecutive days.

2. Net storage in water storage is continually decreasing on a daily basis and falls below 50,000 gallons (40% capacity of 125,000 gallons) at the bottom plant and 63,200 gallons (40% capacity of 158,000) at the top plant for 48 hours.
3. Water pressure reaches 35 psi in the distribution system as measured by the pressure gauges in the system.

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation – The FCWC&ID-MH will recognize that a severe water shortage exists when:

1. Average water demand use reaches 496,800 gallons per day (75% of plant capacity – 460 gpm water well) for three consecutive days.
2. All available standby water supply, such as Fayette Water Supply Corporation, is being used by its members.

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

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation – The FCWC&ID-MH will recognize that an emergency water shortage exists when:

1. The imminent or actual failure of a major component of the system which would cause an immediate health or safety hazard, i.e. water well or plant equipment.
2. Natural or man-made contamination of the water supply source(s).
3. Water demand is exceeding the system capacity of 596,200 gallons per day (90% of plant capacity – 460 gpm water well) for two (2) consecutive days.

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 two (2) consecutive days.

Section IX: Drought Response Stages

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

Notification

Public notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media and radio station will also be informed. All commercial customers will be contacted.

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary ten percent (10%) reduction in daily water demand.

Best Management Practices for Supply Management:

The interconnect between Fayette Water Supply Corp. and FCWC&ID-MH will be used. Also, the original water well (250 gpm) could be used to supplement the supply.

Voluntary Water Use Restrictions for Reducing Demand:

1. The President, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices. Customers should be aware of high usage and the need to use water wisely and smart.
2. 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 12:00 midnight and 10:00 a.m. and 8:00 p.m. to 12:00 midnight on designated watering days.

3. All operations of the FCWC&ID-MH shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
4. 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 ten percent (10%) reduction in daily water demands.

Best Management Practices for Supply Management:

The interconnect between Fayette Water Supply Corp. and FCWC&ID-MH will be used. Also, the original water well (250 gpm) could be used to supplement the supply.

Water Use Restrictions for Reducing Demand:

1. The President, or his/her designee(s), will initiate weekly contact with customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
2. The President, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each customer.
3. The President, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
4. 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.

5. 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.
6. 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.
7. 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.
8. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special permit from FCWC&ID-MH.
9. 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 a water source other than that provided by the FCWC&ID-MH, the facility shall not be subject to these regulations.

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

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a fifteen percent (15%) reduction in daily water demands.

Best Management Practices for Supply Management:

The interconnect between Fayette Water Supply Corp. and FCWC&ID-MH will be used. Also, the original water well (250 gpm) could be used to supplement the supply.

Water Use Restrictions for Reducing Demand:

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

1. The President is authorized to initiate allocation of water supplies according to Section X of the Plan.
2. The President, or his/her designee(s), will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (implement Stage 3 of the drought contingency plan).

3. 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.
4. 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.
5. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
6. 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.
7. 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.
8. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the FCWC&ID-MH.
9. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Best Management Practices for Supply Management:

The interconnect between Fayette Water Supply Corp. and FCWC&ID-MH will be used. Also, the original water well (250 gpm) could be used to supplement the supply.

Water Use Restrictions for Reducing Demand:

1. The President shall:
 - a. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - b. Inform the utility operators or other responsible officials of each water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (notification of the public to reduce water use until service is restored).
 - c. If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - d. Undertake necessary actions, including repairs and/or clean-up as needed.
 - e. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
2. All requirements of Stage 3 shall remain in effect during Stage 4 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.
 - c. Meters will be monitored to avoid higher usages.
 - d. There will be no unnecessary use of water.

Section X: Water Allocation

In the event that the triggering criteria specified in Stage 3 – Severe Water Shortage Conditions (Section VIII of the Plan) have been met, the President is 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

“Household” means the residential premises served by the customer’s 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 customer’s household is comprised of two (2) persons unless the customer notifies FCWC&ID-MH of a greater number of persons per household on a form prescribed by the President. The President 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 FCWC&ID-MH 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 President. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the FCWC&ID-MH 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 FCWC&ID-MH in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the President shall adopt methods to insure the accuracy of the claim. Any person who knowingly or recklessly, falsely reports the number of persons in a household or fails to timely notify the FCWC&ID-MH of a reduction in the number of persons in a household shall be fined not less than \$100.

Residential water customers shall pay the following surcharges:

- \$4.00 for the first 1,000 gallons over allocation.
- \$4.50 for the second 1,000 gallons over allocation.
- \$5.00 for the third 1,000 gallons over allocation.
- \$5.50 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative based on new automatic meter reading system.

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 FCWC&ID-MH of a greater number on a form prescribed by the President. The President 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 FCWC&ID-MH 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 President. If the number of dwelling units served by a master meter is reduced, the customer shall notify the FCWC&ID-MH in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the President shall adopt methods to insure the accuracy of the claim. Any person who knowingly or recklessly, falsely reports the number of dwelling units served by a master meter or fails to timely notify the FCWC&ID-MH of a reduction in the number of dwelling units shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$4.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$4.50, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$5.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$5.50, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative based on new automatic meter reading system.

Commercial Customers

A monthly water allocation shall be established by the President, 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 the corresponding month's billing period from 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, 75 percent of whose monthly usage is less than 10,000 gallons, shall be allocated 8,000 gallons. The

President 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 FCWC&ID-MH to determine the allocation. Upon request of the customer or at the initiative of the President, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one non-residential customer agrees to transfer part of its allocation to another non-residential 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 President or the Board of Directors. Non-residential commercial customers shall pay the following surcharges:

Customers whose allocation is 8,000 gallons through 100,000 gallons per month:

- \$4.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$4.50 per thousand gallons for the second 1,000 gallons over allocation.
- \$5.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$5.50 per thousand gallons for each additional 1,000 gallons over allocation.

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

- 3.0 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 3.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 4.0 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 4.5 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block 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. Consumption will be based on new automatic meter reading system.

Section XI: Enforcement

1. No person shall knowingly or intentionally allow the use of water from the FCWC&ID-MH for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response

stage in effect at the time pursuant to action taken by the President, or his/her designee, in accordance with provisions of this Plan.

2. Any person who violates this Plan may be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is fined three or more times for distinct violations of this Plan, the President 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 \$100.00, and any other costs incurred by the FCWC&ID-MH in discontinuing service. In addition, suitable assurance must be given to the President that the same action shall not be repeated while the Plan is in effect.
3. Any person, including a person classified as a water customer of the FCWC&ID-MH, 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.
4. Any employee of the FCWC&ID-MH, designated by the President, may issue a fine to a person he/she reasonably believes to be in violation of this plan. The fine shall be prepared in duplicate and shall contain the name and address of the alleged violator. Service of the fine shall be complete upon delivery of the fine 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.

Section XI: Variances

The President, or his/her designee, may, in writing, grant a 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:

1. 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.
2. 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 Plan shall file a petition for variance with the FCWC&ID-MH within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the President, 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(s) 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.
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.

Variances granted by the Board of Directors shall be subject to the following conditions, unless waived or modified by the Board of Directors or its designee:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the Board of Directors 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 shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Board of Directors without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Adopted by the Board of FCWC&ID-MH on September 5, 2013.

Signed by: 
Ben Bohuslav
President