

RESOLUTION NO. 2023-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT OF ELLIS COUNTY, TEXAS, ADOPTING AN UPDATED WATER CONSERVATION & DROUGHT CONTINGENCY PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Buena Vista-Bethel Special Utility District (the "District") is a political subdivision of the State of Texas created under authority of Section 59, Article XVI, Texas Constitution, and operating pursuant to Chapters 49 and 65 of the Texas Water Code; and

WHEREAS, the Board recognizes that the amount of water available to the District and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the Board recognizes that the natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water systems in Texas to prepare a drought contingency plan;

WHEREAS, the District desires to comply with the rules of the Texas Water Development Board financial assistance programs found in Title 31, Texas Administrative Code Chapter 363; and

WHEREAS, as authorized under law, and in the best interests of the customers of the District, the Board deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

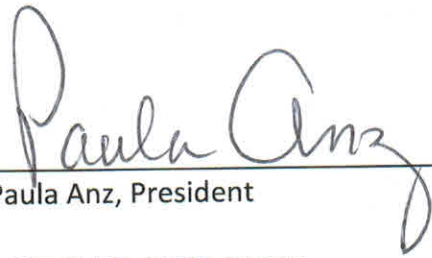
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT THAT:

SECTION 1. Adoption. The attached Water Conservation & Drought Contingency Plan is hereby adopted as the official policy of the District.

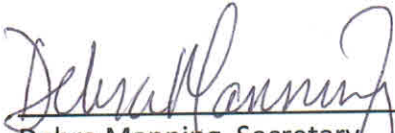
SECTION 2. Implementation. The General Manager of the District is hereby directed to implement, administer, and enforce the Water Conservation & Drought Contingency Plan.

SECTION 3. Effective Date. This Resolution shall take effect immediately from and after its passage by the Board.

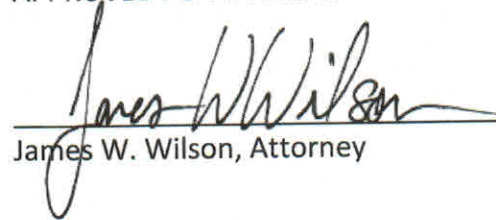
PASSED and ADOPTED on the 20th day of March, 2023, by the Board of Directors of Buena Vista-Bethel Special Utility District.


Paula Anz, President

ATTEST:


Debra Manning, Secretary,
or Diana Hanes, Assistant Secretary

APPROVED AS TO FORM:


James W. Wilson, Attorney

WATER CONSERVATION & DROUGHT CONTINGENCY PLAN

Buena Vista-Bethel Special Utility District
312 S. Oak Branch Road
Waxahachie, Texas 75167
972-937-1212

Updated March 20, 2023
Updated October 21, 2014
Original adopted: August 15, 2000

WATER CONSERVATION PLAN

BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT

Section 1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to 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, Buena Vista-Bethel Special Utility District (sometimes, the "District") adopts this Water Conservation Plan.

Buena Vista-Bethel Special Utility District is a small retail public water utility with a certificated service area covering 74 square miles in Ellis County, Texas. The District owns and operates a water distribution system consisting of 155 linear miles of pipe and five (5) wells. The District has no wastewater facilities and its customers are primarily residential.

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

Section 2. Review and Modification of Plan

This Water Conservation Plan will be reviewed and updated, as appropriate, based on an assessment of previous 5-year and 10-year targets and any other new or updated information. The District will review and update the next revision of this Water Conservation Plan not later than April 1, 2023 and every five (5) years after that date to coincide with the regional water planning group.

Section 3. Authorization, Implementation and Enforcement

The Manager, or his/her designee, is hereby authorized and directed to implement and enforce this Water Conservation Plan.

The resolution to adopt the Water Conservation & Drought Contingency Plan is included.

Section 4. Application

The provisions of this plan shall apply to all persons, customers and property utilizing water provided by the Buena Vista-Bethel Special Utility District. The terms person and customer as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 5. 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 Buena Vista-Bethel Special Utility 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.

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, rights-of-way, medians and agriculture.

Livestock: water use for all livestock will be available-monitor water troughs, water float devices should be monitored for possible problems of overflowing.

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 firefighting.

Section 6. Water Conservation Plan

A. Specification of Conservation Goals and Objectives

In accordance with 30 TAC Part 1, Chapter 288, Subchapter C, Rule 288.2(a)(1)(C), the District has established five (5) and ten (10) year objectives. The objectives of this water conservation plan are as follows:

- (1) To reduce water consumption from the levels that would prevail without conservation efforts.
- (2) To reduce the loss and waste of water.
- (3) To improve efficiency in the use of water.

Five-year targets based on 5-year rolling averages.

- (1) Reduce average per capita per day consumption by 2% from the current level of 159 gallons per day per person.
- (2) Reduce the level of unaccounted water losses to 18% from the current average annual level of 27.6 %.

Ten-year targets based on 5-year rolling averages.

- (1) Reduce average per capita per day consumption by an additional 2%.
- (2) Reduce the level of unaccounted water losses to 15%.

To accomplish these goals the District will utilize the programs and policies in this plan such as accurate metering devices, meter testing and repair, periodic meter replacement, control of unaccounted water, public education, non-promotional water rates, and leak detection and repair. Areas of the water system in which numerous leaks and line breaks occur are targeted for replacement as funds are available. As well as, installation of pressure reducing valves to help in areas of excessive pressure.

Since the District is essentially all residential the 5-year and 10- year targets noted above are residential targets.

B. Metering

The Buena Vista-Bethel Special Utility District meters 100% of the connections to the distribution system. Meters range in size from 3/4" to 8". All meters are designed to provide accurate flows to within +/- 5%.

Additionally, selected meters are randomly field tested for accuracy. The water wells have meters for all water produced. Certified calibration is performed annually.

C. Determination and Control of Unaccounted-for Water

- (1) Buena Vista-Bethel Special Utility District makes monthly accounting of water delivery efficiencies. At the end of each month, the business office calculates the difference between water pumped to the system and water sold through the meters. This calculation is reduced to a percentage of water losses. This is maintained and reviewed on an annual basis.
- (2) Leaks are reported by any employee as well as the general public.
- (3) Sizable leaks can be noticed on the SCADA system and attended to as needed.
- (4) All leaks are repaired as soon as possible. Water operators continuously inspect the system and look for leaks along the distribution lines.
- (5) Excessive high meter reading and non-registering meters are checked monthly.

D. Public Education

Buena Vista-Bethel Special Utility District will periodically provide the public with information about conservation measures including information about the conditions under which conservation measures are to be employed. This information will be provided by means of public notice, press releases and mailings.

E. Water Rates

Buena Vista-Bethel Special Utility District has an escalating water rate scale that promotes conservation. When the customer reaches a specified consumption, the rate increases for all usage above the specified amount. *A copy of the District's Service Rate Fee Sheet effective 4/15/2022 is attached as Appendix A.*

Together with this Water Conservation Plan, the District has adopted a Drought Contingency Plan that, when activated; violators of the plan can be assessed, penalized and/or fined.

F. Coordination with Regional Water Planning Groups

The water service area of the Buena Vista-Bethel Special Utility District is located within the Regional C Water Planning area and Buena Vista-Bethel Special Utility District has provided a copy of this plan to the North Texas Municipal Water District (NTMWD), P.O. Box 2408 Wylie, TX 75098. A copy of the transmittal letter to NTMWD is attached hereto as Appendix B.

G. Record Management System

The District's office maintains the following records:

- (1) water pumped from wells into the distribution system daily;
- (2) water meters within the system monthly; and
- (3) water loss calculations monthly.

H. Other Conservation Measures

Buena Vista-Bethel Special Utility District recognizes that in order to accomplish the goals and objectives of this Water Conservation Plan, other conservation measures may be required that are not outlined within the body of this document. The District is aware of the Water Conservation Best Management Practices Guide (BMP) published by the Water Conservation Implementation Task Force in November 2004. As deemed necessary, the District will implement other measures either from the BMP guide or as otherwise seen fit to assure compliance with the plan.

Section 7. Utility Profile

The Buena Vista-Bethel Special Utility District Utility Profile is included in this Water Conservation Plan.

Section 8. Additional Attachments

Appendix C. Certificate of Convenience and Necessity (CCN) from the TCEQ (Public utility commission certification)

Appendix D. Projected water demands.

Appendix E. Ground water sites and well capacity

DROUGHT CONTINGENCY PLAN

BUENA VISTA-BETHEL SPECIAL UTILITY DISTRICT

Section 1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water district facilities, with particular regard for domestic water use, sanitation and fire protection, and to protect and preserve public health, welfare and safety, and to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Buena Vista-Bethel Special Utility District (sometimes, the "District") hereby adopts the regulations and restrictions on the delivery and consumption of water set forth in this Drought Contingency Plan.

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 of this Plan.

Section 2. Coordination with Regional Water Planning Groups

The service area of Buena Vista-Bethel Special Utility District is located within the Region C Water Planning area and Buena Vista-Bethel Special Utility District has provided a copy of this Plan to the North Texas Municipal Water District, P.O. Box 2408 Wylie, TX 75098-2408.

Section 3. 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 4. Application

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

Section 5. 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 Buena Vista- Bethel Special Utility 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.

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.

Livestock: water use for all livestock will be available-monitor water troughs, water float devices. should be monitored for possible problems of overflowing.

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 firefighting.

Section 6. 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 daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

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

Stage 1 Triggers - MILD Water Shortage Conditions

Requirements for initiation: The District will ask Customers to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 5- Definitions. Voluntary conservation will begin annually on March 1 through September 30.

RESPONSE: Voluntary water use restrictions:

- (a) Water customers are requested to voluntarily limit the watering of lawns and any unnecessary water usage. Water only between the hours of midnight and 8:00 am and 8:00 pm to midnight.
- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes

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 5 of this Plan when average daily well pump run-time is eighteen (18) hours for three (3) consecutive days and the net water storage is continually decreasing on a daily basis.

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 ten (10) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

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

- (a) Customers are required to limit landscape irrigation to TWICE a week on designated days. Customers with odd numbered addresses (ending in 1, 3, 5, 7, 9) may water on Mondays and Wednesdays. Customers with even numbered addresses (ending in 2, 4, 6, 8, 0) may water on Tuesdays and Thursdays. Watering with a hand-held hose with positive shutoff nozzle, or a faucet filled bucket, or watering can of five (5) gallons or less, or drip irrigation is permitted at any time.
- (b) Washing vehicle washing with bucket and hand-held hose with positive shutoff nozzle is allowed.
- (c) Watering of home foundations with a hand-held hose with positive shutoff nozzle or soaker hose is permitted at any time.

All non-essential watering is restricted and defined as follows:

- (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface 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 Triggers- SEVERE 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 IV of this Plan when average daily well pump run time is twenty (20) hours for three (3) consecutive days and the net water storage is continually decreasing on a daily basis.

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 five (5) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

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

- (a) Customers are required to limit landscape irrigation to once a week on designated days. Customers with odd numbered addresses (ending in 1, 3, 5, 7, 9) may water on Mondays. Customers with even numbered addresses (ending in 2, 4, 6, 8, 0) may water on Thursdays. Watering with a hand-held hose with positive shutoff nozzle, a

faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation is permitted at any time.

- (b) Vehicle washing with open ended hose, bucket washing and held-held hose with positive shutoff nozzle is allowed.
- (c) Watering of home foundations with a hand-held hose with positive shutoff nozzle or soaker hose is permitted at any time.
- (d) No water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools.
- (e) Limit fire hydrant water use to firefighting use only.
- (f) No watering golf courses or recreational ball fields.

All non-essential watering is restricted and defined as follows:

- (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface 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 4 Triggers - SEVERE/EMERGENCY 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 average daily well pump run time is twenty-two (22) hours for three (3) consecutive days.

The imminent or actual failure of a major component of the system, which would cause an immediate health or safety hazard.

Water demand is exceeding the supply capacity for three (3) consecutive days.

All available water supply (water wells) level is so low that the pumps cannot pump and meet the daily water demand.

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 three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

RESPONSE: All the requirements of Stage 3 shall remain in effect during Stage 4 except:

- (a) All outside watering is absolutely prohibited.
- (b) All vehicle washing is absolutely prohibited.

Section 7. Drought Response Stages

The general manager, or his/her designee, shall monitor water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 6 of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notifying the Public. The general manager or his/her designee shall notify the public by means of billing inserts, public radio announcements, direct mail to customers, text alerts, notice on the District website, and/or signs posted in public places.

Additional Notifications. The general manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- (a) District Board of Directors
- (b) Ellis County Commissioner Fire Chiefs
- (c) Texas Commission on Environmental Quality
- (d) Ellis County Emergency Management Coordinator

Section 8. Drought Contingency Measures

The District has rules and regulations in which water can be partially or totally restricted, in the judgment of the general manager and as necessitated by the emergency.

The manager can amend, add, or delete any of these rules and regulations and shall notify the Board of Directors of any changes during the next at the Districts regular or special board meetings.

Any violations of the rules and regulations adopted by the District shall carry a penalty fine and termination of water service.

During Stage 1 MILD water shortage conditions there will be no fines assessed for failing to voluntarily conserve water.

During Stage 2 & 3 & 4 MODERATE to SEVERE water shortage conditions violators will have their service disconnected and a reconnect fee of \$60.00 will be charged. Full payment of the reconnect fee and water service charges must be paid before service will be reinstated.

During Stage 4 EMERGENCY water shortage conditions the water service of violators will be terminated and fines will be assessed in addition to the reconnect fee of \$60.00 as follows:

First Offense.....\$500.00 fine
 Second Offense \$1,000.00 fine
 Third Offense.....\$1,000.00 fine

Section 9. Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Buena Vista-Bethel Special Utility 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 general manager, or his/her designee, in accordance with provisions of this Plan.
- (b) The District may institute a temporary Drought Surcharge during Drought Stages 2, 3 and 4. Residential accounts using over 20,000 gallons a month will be assessed a surcharge in addition to the normal monthly rate.

<u>Water Usage</u>	<u>Drought Surcharge per 1,000 Gallons</u>
0 to 20,000 gallons	\$0.00
20,001 to 40,000 gallons	\$5.00
40,001 to 60,000 gallons	\$6.00
60,001 to 75,000 gallons	\$7.00
75,001 to 100,000 gallons	\$10.00
Over 100,000 gallons	\$12.50

Section 10. Variances

The Board of Directors 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 a 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 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 general manager or his/her designee, and shall include the following:
 - (i) Name and address of the petitioner(s).

- (ii) Purpose of water use.
- (iii) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (iv) 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.
- (v) Description of the relief requested.
- (vi) Period of time for which the variance is sought.
- (vii) 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.
- (viii) Other pertinent information.

Variances granted by the District are subject to the following conditions, unless waived or modified by the Board of Directors or the manager.

- (a) Variances granted shall include a timetable for compliance.
- (b) 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.