

EXHIBIT A

DROUGHT CONTINGENCY PLAN (Updated October 20, 2009)

INTRODUCTION

This chapter details the City's Drought Contingency Plan, also known as the Emergency Water Use Plan. Emergency water use planning is not the same as conservation planning. While water conservation involves permanent water use efficiency or reuse practices, the Emergency Water Use Plan establishes temporary methods or techniques designed to be used only as long as an emergency exists.

In order to conserve the available water supply and protect the integrity of its water system 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 City of Grand Prairie hereby adopts the following regulations and restrictions on the delivery and consumption of water.

It is important that the City of Grand Prairie initiate this Drought Contingency Plan (the Plan) to manage available water resources and ensure that sufficient water is available to maintain water pressure, firefighting supply drinking and sanitation requirements. This plan also includes provisions for enforcement

Water uses regulated or prohibited under this Plan are considered to be non-essential and the continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Chapter 26, Article VII, Sections 26-135 through 26-146.

The City of Grand Prairie has multiple water connections, for regular supply as well as supplemental connections for emergencies only. Water supply sources include two connections to the City of Dallas (Capacity = approx 40 MGD), one to the City of Fort Worth (Capacity = 2.5 MGD), and eleven (11) Trinity wells (Capacity = 9 MGD). In terms of emergency provisions, we have emergency only connections with Arlington and Mansfield. Additionally we have raw water supplies in Joe Pool Lake allowing an annual average withdrawal of up to 1.6 MGD (contracted from the Trinity River Authority) part of which is currently being used for irrigation of a golf course and for sale to gas well drillers, but is available for other non-potable uses, such as firefighting if necessary.

The City's average usage is about 25 MGD with peak usage about 44 MGD. These supplies are for the developed portions of the side north of and around Joe Pool Lake.

In addition we have a contract with Midlothian for 2.0 MGD and a second contract with Midlothian for an unspecified quantity. We are currently negotiating a contract with Mansfield for up to 12 MGD. The Midlothian and Mansfield contracts are to provide a separate water supply to the developing area south of Lake Joe Pool and not connected to the portions of the

distribution system north of Joe Pool Lake. Currently none of this southern supply is being used, but has been provided for future development. The non-potable supplies in Joe Pool Lake are available for this area as well.

PUBLIC INVOLVEMENT

The City of Grand Prairie provided several opportunities for public input into the preparation of the original plan. The emergency water use plan and stages requirements are similar to those in the original plan.

The City provided opportunity for the public input in the development of this drought contingency plan by the following means:

- City Council Public Hearing – October 20, 2009
- Making the draft available on the City's web site, www.gptx.org
- Providing a draft plan to anyone requesting a copy

PUBLIC EDUCATION

The Grand Prairie Water Utilities will periodically provide the public with information about the plan, including information about the trigger conditions under which each Plan stage is initiated or terminated and the water use restrictions which will be implemented under each stage. Public education and information will be provided by various methods, including: publication in newspapers of general circulation in the city; press releases to local and area media; announcements and discussions on the City's cable access channel; and utility bill inserts.

The Grand Prairie Water Utilities staff will also provide the City Council with status reports on drought response programs, water emergencies and their results.

AUTHORIZATION

The Grand Prairie City, Chapter 26, Article VII establishes the city's policy in the event of shortages or delivery limitations in the City's water system. Under the City Code, the City Manager is authorized to implement measures prescribed in this Emergency Water Use Plan.

The Grand Prairie Director of Public Works, or his designee, (hereafter referred to as the Director) is authorized to enforce the measures implemented and to promulgate regulations authorized by the Plan. The Director, upon determination that critical conditions exist, advises the City Manager who orders the implementation of the appropriate stage of this Emergency Water Use Plan to protect the public health, safety and welfare.

Public notification of the initiation or termination of emergency use response stages shall be by means that may include, but are not limited to, website publication, publication in newspapers of

general circulation, Grand Prairie's cable television access channel, direct mail to each customer, signs posted in public places, press releases to local and area media, and utility bill inserts.

The triggering criteria described herein for each response stage are based on historical analysis and recognized vulnerability of the water supply source and water distribution system during high water use demands and drought conditions. The City Manager shall inform the City Council of the order as quickly as feasible. The emergency order can be effective for up to, but not more than 60 days from the date of publication. Upon the recommendation of the Public Works Director, the City Manager may upgrade or downgrade the stage of emergency in accordance with the appropriate triggering conditions. Any change in the stage of the order must be made in the same prescribed manner. The Council may, upon the recommendation of the City Manager, extend the duration of the emergency order for additional time periods, each time period not to exceed 120 days. The City Manager may terminate the order when a determination has been made that the conditions creating the emergency no longer exist. The termination order shall be issued in the same manner as the initiation order.

CORRDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of Grand Prairie is located within the Region C regional planning area and the City of Grand Prairie has provided a copy of this Plan to the Region C regional planning group and will provide all updates to the Region C planning group.

The City of Grand Prairie purchases a majority of its water from the City of Dallas; the supply is supplemented with purchased water from the City of Fort Worth and eleven ground water wells. The Dallas Water Utilities (DWU) and Fort Worth Water Utilities (FWWU) have implemented their own Drought Contingency Plans that includes water use restrictions that are applicable to its retail and wholesale customers. A portion of irrigation water for some golf courses is supplied with reuse water from Lake Joe Pool under contract with the Trinity River Authority (TRA). This plan was also coordinated with the TRA.

The proposed stages and triggering conditions in this Emergency Water Use Plan are similar to provisions established by DWU and FWWU. The primary responsibility of DWU and FWWU is to assure sufficient supplies for its own retail customers. DWU and FWWU have assured the City of Grand Prairie that it can meet its contractual wholesale obligations to the City. However, DWU and FWWU requires its wholesale customers to impose water use restrictions equal to or greater than those imposed in Dallas or Fort Worth or they may reduce their maximum contracted wholesale flow rate to the wholesale customers by five percent. In addition, the DWU and FWWU drought regulations require its wholesale customer cities to enforce similar standards and procedures in their systems. If a Stage 4 (Water Crisis) occurs, the customer cities of DWU and FWWU are expected to deduce their flow rate, as established by the wholesale contract, equivalent to that imposed on their retail customers.

APPLICATION

The provisions of this plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Grand Prairie Water Utilities. The terms "person" and "customer"

as used in the Plan include individuals, corporations, partnerships, associations and all other legal entities.

The water use restrictions imposed under this Plan do not apply to the use of non-potable sources or water sources other than that provided by Grand Prairie Water Utilities.

DEFINITIONS

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 building.

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

Customer – any person, company, or organization using water supplied by the City of Grand Prairie.

Demand Period – 6:00 am to 5:59 am of any 24 hour period.

Director – Director of Public Works

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.

DWU – Dallas Water Utilities

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

FWWU – Fort Worth Water Utilities

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 Uses – Water use that does not directly benefit or maintain health, personal cleanliness, or firefighting purposes.

- (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 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 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.
- (j) Use of water from public drinking supply for gas well fracturing

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

psi – Pounds per square inch.

Pressure plane – Any area of the water system distinguished by the high water level of its elevated storage tanks and/or designed pressure ranges.

TRA – Trinity River Authority

LAWN AND LANDSCAPE IRRIGATION CONSERVATION

A. Lawn and Landscape Irrigation Restrictions.

1. Customers shall not permit the irrigation or watering of a lawn or landscape located on premises owned, leased or managed by the customer in a manner that causes:
 - (a) a substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - (b) an irrigation system or other lawn or landscape watering device to operate during any form of precipitation.
2. Customers shall not operate a lawn or landscape irrigation system or device that:
 - (a) has any broken or missing sprinkler head; or
 - (b) has not been properly maintained in a manner that prevents the waste of water.
3. Except for hand watering and the use of soaker hoses, irrigation or watering of any lawn or landscape shall be prohibited between the hours of 10:00 a.m. and 6:00 p.m. during the period from April 1 through October 31 of any year.

B. Rain Sensing Devices, Wind and Freeze Sensors.

1. Any commercial or industrial customer class irrigation system installed within the City on or after June 1, 2009 must be equipped with rain wind and freeze sensors.
 - (a) All rain and freeze sensors for commercial customer class lawn irrigation systems shall under go annual inspection and testing.
2. Any residential customer class irrigation system installed within the City on or after June 1, 2009 must be equipped with rain, wind and freeze sensors.

STAGE ONE (1) – MILD WATER SHORTAGE

- A. REQUIREMENTS FOR INITIATION. Stage 1 may also be initiated at other times during the year if one or more of the following occur:

Condition 1: Pursuant to requirements specified in the wholesale treated water purchase contracts with either wholesale water supplier, notification is received from either supplier requesting initiation of water restrictions.

Condition 2: Combined storage fall below 200 gallons per capita at the beginning of a 24-hour demand period.

Condition 3: Water demand exceeds ninety percent (90%) of the current maximum flow rate contracted with DWU for three (3) consecutive days.

Condition 4: Other – situations that limit distribution of water, as determined by the Director such as:

- a. Short or long term equipment failure or failure to maintain 35-psi pressure at up to 500 service locations or up to 10 fire hydrants in localized areas.
- b. Short term deficiencies within an entire pressure district.
- c. Power failure or restrictions.
- d. Short term disruptions of major water supply lines.

B. REQUIREMENTS FOR TERMINATION Stage 1 will be automatically rescinded on September 30 of each year, unless one or more of the triggering conditions listed above have ceased to exist for a period of three consecutive days.

C. Customers shall be requested to voluntarily conserve water and voluntarily adhere to the following water use restrictions:

1. The City Manager, Public Works Director, Water Utilities Manager or other designated official requests voluntary reductions in water use including reduction of lawn irrigation, based on the last digit of the service address, according to the following schedule:
 - Even Numbered addresses watering on Mondays and Thursdays.
 - Odd numbered addresses water on Tuesdays and Fridays.
2. City government may schedule landscape watering so that a particular facility location will be watered no more than two days per week.
3. City government may eliminate street washing (except when used water can be captured for reuse.)
4. City government may reduce vehicle washing, except when the water can be captured for reuse, or if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing (such as animal control vehicles and vehicles used to transport food and perishables.)
5. Review operations of ornamental fountains and any other non-essential use of water and try to minimize loss or excess use.
6. Recommend irrigation of landscaped areas by means of hand-held garden hose, soaker hose, bucket, or drip irrigation system.

7. Acceleration of public information efforts to educate customers in best landscape management practices, enlist their support of voluntary water use restrictions, and to remind customers that the summer water surcharge rate structure is in effect.
8. Notify major water users and request voluntary water use reductions.
9. Encourage less water use on construction projects.
10. Initiate or increase production from Water wells
11. To the extent allowed by law and contractual obligations, withdrawal of water from Joe Pool Lake for non-potable uses will be permitted and encouraged subject to City authorization and payment arrangements

E. GOAL Achieve a voluntary reduction in water use

STAGE TWO (2) – MODERATE WATER SHORTAGE

A. REQUIREMENTS FOR INITIATION STAGE 2 MAY BE IMPLEMENTED WHEN ONE OR MORE of the following conditions occur:

Condition 1 Pursuant to requirements specified in the wholesale treated water purchase contract, notification is received from one or more wholesale supplier requesting water restrictions.

Condition 2 Total water supply reduced by 10% on a continuous basis during high water usage months.

Condition 3. Water use exceeds one hundred percent (100%) of the current maximum flow rate contracted from wholesale water suppliers for five consecutive days.

Condition 4. Combined storage falls below 150 gallons per capita at the beginning of a 24-hour demand period.

Condition 5. Failure to maintain 35 psi pressure in any pressure plane.

Condition 6. Water use exceeds one hundred and three percent (103%) of the current maximum flow rate contracted from either wholesale water supplier for three (3) consecutive days.

Condition 7. Short-term deficiencies in the City's distribution system limit supply capabilities, such as system outage due to the failure or damage of major water system components.

B. REQUIREMENTS FOR TERMINATION Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering have ceased to exist for a period of three (3) consecutive days or until the water system has fully recovered to normal operating conditions.

Upon termination of Stage 2, Stage 1 becomes operative unless also rescinded.

C. AVAILABLE MEASURES All restrictions/requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water use restrictions shall apply during Stage 2.

1. City Manager, or other designated City official, announces the beginning of mandatory water restrictions.
2. Landscape watering will be limited to twice per week, based on the last digit of the service address, according to the following schedule:
 - Even Numbered addresses watering on Mondays and Thursdays.
 - Odd numbered addresses water on Tuesdays and Fridays.
 - Restrict watering between the hours of 10 am to 6 pm
 - a. Properties having multiple addresses will be identified by the lowest address number. If no address exists, the Director or his/her designee will assign one.
 - b. The lowest address number will identify apartments, office complexes, or other property containing multiple addresses.
 - c. Public spaces, and large landscape watering involving multiple watering stations and unable to reasonably comply with the odd even schedule will be conducted in accordance to a schedule determined by the Director that is at least as restrictive as address based schedules.
 - d. Foundations and new plantings may only be watered using a hand-held garden hose, soaker hose, bucket, or drip irrigation system for up to two (2) hours on any day. Nurseries may water plant stock only without restrictions.
3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is restricted, except on the designated landscape watering days. 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 rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
4. Use of water for the draining and refill of any indoor or outdoor swimming pool or jacuzzi-type pool is prohibited, except for water used to refill pools which have undergone repair or are newly constructed.

5. 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.
6. Use of water from fire hydrants shall be limited to fire fighting 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 Grand Prairie Water Utilities.
7. Golf courses may water greens and tee boxes without restrictions. Irrigation of golf course fairways and other areas must comply with the twice per week rotation schedule specified for landscape watering.
8. Water for non-potable uses from Lake Joe Pool may be may be required wherein determined to be practical
9. 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 or in preparation for painting;
 - c. Use of water for dust control;
 - d. Flushing gutters or permitting water to run in any gutter of street;
 - e. Failure to repair leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
 - f. Use of water for gas well drilling operations

D. GOAL Reduce the average daily water demand below 100 percent of the combined water from City of Grand Prairie water wells and maximum wholesale flow rates contracted from DWU and FWWU.

STAGE THREE (3) – SEVERE WATER SHORTAGE

A. REQUIREMENTS FOR INITIATION Stage 3 may be implemented when one or more of the following conditions occur:

Condition 1 Pursuant to requirements specified in the wholesale purchase contract, notification is received from either wholesale water supplier requesting initiation of water restrictions.

Condition 2 Total water supply reduced by 20% on a continuous basis during high water usage months.

Condition 3 Combined storage falls below 140 gallons per capita at the beginning of a 24-hour demand period.

Condition 4 Stage 2 restrictions fail to alleviate continued potable water storage depletion

Condition 5 Long term deficiencies in supply within and entire pressure district.

Condition 6 Failure to maintain 35 psi pressure in any portion of the distribution system.

Condition 7 Any unanticipated situations that limit distribution of water, as determined by the Director.

Condition 8 Power failure or restrictions.

B. REQUIREMENTS FOR TERMINATION Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering have ceased to exist for a period of three (3) consecutive days or until the water system has fully recovered to normal operating conditions.

Upon termination of Stage 3, Stage 2 becomes operative unless also rescinded.

C. Available Measures: All restrictions from Stage 1 and Stage 2 shall remain in effect during Stage 3. Under threat of penalty for violation, the following water use restrictions shall apply during Stage 3

1. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is *prohibited*. Such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station using recirculation water.
2. Landscape watering will be limited to *once per week*, based on the last digit of the service address, according to the following schedule:
 - Even addresses north of Spur 303 (Pioneer Parkway) may water on Mondays
 - Even addresses south of Spur 303 (Pioneer Parkway) may water on Thursdays
 - Odd addresses north of Spur 303 (Pioneer Parkway) may water on Tuesdays
 - Odd addresses south of Spur 303 (Pioneer Parkway) may water on Fridays

- a. Properties having multiple addresses will be identified by the lowest address number. If no address exists, the Director or his/her designee will assign one.
 - b. The lowest address number will identify apartments, office complexes, or other property containing multiple addresses.
 - c. Public spaces, and large landscape watering involving multiple watering stations and unable to reasonably comply with the odd even and north south schedule will be conducted in accordance to a schedule determined by the Director that is at least as restrictive as address based schedules.
 - d. Landscape water will be prohibited between the hours of 10 am and 6 pm.
3. Foundations and new plantings may only be watered with a hand-held garden hose soaker hose, bucket, or drip irrigation system for up to two (2) hours.
 4. Nurseries may water plant stock only between the hours of 6 pm and 10 am.
 5. Golf courses will be prohibited from watering greens and tee boxes between the hours of 10 am and 6 pm.
 6. Alert neighboring watering systems with emergency connections that some water supplies may be requested. Set meters at predetermined sites.

D. GOAL Reduce the average daily water demand below ninety five percent (95%) of the combined water from City of Grand Prairie water wells and maximum wholesale flow rates contracted from DWU and FWWU.

STAGE FOUR (4) – CRITICAL WATER SHORTAGE

A. REQUIREMENTS FOR INITIATION Stage 4 may be implemented when one or more of the following conditions occur:

Condition 1 Pursuant to requirements specified in the wholesale purchase contracts, notification is received from either wholesale water supplier requesting initiation of water restrictions.

Condition 2 Total water supply reduced by greater than 25% on a continuous basis.

Condition 3 Combined storage fall below 130 gallons per capita

Condition 4 Failure of Stage 3 restrictions to reduce usage below supply capability.

Condition 5 Any unanticipated situations that limit distribution of water, as determined by the Director.

Condition 6 Power failure or restrictions.

B. REQUIREMENTS FOR TERMINATION Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering have ceased to exist for a period of three (3) consecutive days or until the water system has fully recovered to normal operating conditions.

Upon termination of Stage 4, Stage 3 becomes operative unless also rescinded.

C. Available Measures All restrictions from Stage 1, Stage 2, and Stage 3 shall remain in effect during Stage 4. Under threat of penalty for violation, the following water use restrictions shall apply during Stage 4

1. All landscape watering is *prohibited*, with the following exceptions:

- a. Nurseries may water plant stock only between the hours of 6 pm and 10 am.
- b. Foundations and new plantings may only be watered with a hand-held garden hose soaker hose, bucket, or drip irrigation system for up to two (2) hours.

2. The use of water for construction purposes under special permit is prohibited.

3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not in the immediate interest of health, safety, and welfare of the public is prohibited.

4. The filling, refilling or adding water to swimming pools and jacuzzi-type pools is prohibited.

D. Goal: Reduce the average daily water demand below ninety percent (90%) of the combined water from City of Grand Prairie water well and maximum wholesale flow rates contracted from DWU and FWWU..

STAGE FIVE (5) EMERGENCY WATER SHORTAGE

A. Requirements for Initiation. Stage 5 may be implemented when the Director determines that a water supply emergency exists, based on one or more of the following conditions:

Condition 1: Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

Condition 2: Natural or man-made contamination of the water supply source(s).

B. Requirements for Termination Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering have ceased to exist for a period of three (3) consecutive days or until the water system has fully recovered to normal operating conditions.

Upon termination of Stage 5, Stage 4 becomes operative unless also rescinded.

C. Available Measures. The Director will determine what stage or stages of this Plan that should be implemented and the specific water use restrictions necessary to protect the water system and provide adequate water supply for public consumption and hygiene.

D. Goal: Restrict water usage to allow the water system to recover from the emergency condition.

WATER RATIONING PLAN

In the event that water shortage conditions threaten public health, safety, and welfare, the Director is hereby authorized to ration water. The Director may combine water rationing with any or all stages and/or individual water use restriction of the Emergency Water Use Plan as necessary. If necessary and available, water will be taken from emergency sources identified earlier in this plan.

A water Rationing Plan will be developed to meet the critical water shortage condition. Water will be rationed according to an allocation plan for different customer classifications. The allocations shall be determined by the Director and approved by the City Manager but shall not exceed the following:

A. SINGLE-FAMILY RESIDENTIAL CUSTOMERS

The allocation to residential water customers residing in 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” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the Grand Prairie Water Utilities of a greater number of persons per household on a form prescribed by the Director. The Director 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 the Grand Prairie Water

Utilities 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 Director. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Grand Prairie Water Utilities on such form and the change will be implemented in next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Grand Prairie Water Utilities in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Director 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 Grand Prairie Water Utilities of a reduction in the number of persons in a household may be fined. Residential water customers shall pay the following surcharges:

- \$3.00 for the first 1,000 gallons over allocation.
- \$6.00 for the second 1,000 gallons over allocation
- \$10.00 for the third 1,000 gallons over allocation
- \$15.00 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 (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that a customer's meter serves two (2) dwelling units unless the customer notifies the Grand Prairie Water Utilities of a greater number of persons per household on a form prescribed by the Director. The Director 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 the Grand Prairie Water Utilities 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 Director. If the number of dwelling units served by master meter is reduced, the customer shall notify the Grand Prairie Water Utilities in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Director 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 Grand Prairie Water Utilities of a reduction in the number of persons in a household may be fined.

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.

\$8.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$12.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$15.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

B. COMMERCIAL CUSTOMERS

A monthly water usage allocation shall be established by the Director, 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 eighty-five percent (85%) 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, whose monthly usage is less than 10,000 gallons, shall be allocated 10,000 gallons. The Director 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 Grand Prairie Water Utilities to determine the allocation. Upon request of the customer or at the initiative of the Director, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Director. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is less than 30,000 gallons per month:

\$5.00 per thousand gallons for the first 1,000 gallons over allocation.

\$10.00 per thousand gallons for the second 1,000 gallons over allocation.

\$15.00 per thousand gallons for the third 1,000 gallons over allocation.

\$20.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 30,000 gallons per month or more:

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

1.20 times the block rate for each 1,000 gallons from five percent (5%) through ten percent (10%) above allocation.

1.30 times the block rate for each 1,000 gallons from ten percent (10%) through fifteen percent (15%) above allocation.

1.50 times the block rate for each 1,000 gallons more than fifteen percent (15%) 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.

C. INDUSTRIAL CUSTOMERS

A monthly water usage allocation shall be established by the Director, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately ninety percent (90%) 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 eighty-five percent (85%) of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the prior twelve (12) month period. If the industrial water customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The Director 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 Grand Prairie Water Utilities 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 Director, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shut down 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 usage is limited, or (5) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Director.

Industrial customers shall pay the following surcharges:

Customers whose allocation is less than 50,000 gallons per month:

- \$7.50 per thousand gallons for the first 1,000 gallons over allocation.
- \$15.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$20.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$25.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 50,000 per month or more:

- 1.10 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent (5%) above allocation.
- 1.15 times the block rate for each 1,000 gallons from five percent (5%) through ten percent (10%) above allocation.

- 1.20 times the block rate for each 1,000 gallons from ten percent (10%) through fifteen percent (15%) above allocation.
- 1.30 times the block rate for each 1,000 gallons more than fifteen percent (15%) 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.

ENFORCEMENT

The City Manager, or a designated official, is authorized to enforce the measures set forth in this plan, and to promulgate regulations, not in conflict with this plan, or state or federal laws, in aid of enforcement. A person who makes, causes, or permits use of water contrary to the measures implemented by the City Manager shall be punishable as provided for in the accompanying ordinance.

VARIANCES

During the times the various stages of the Emergency Water Use Plan are in operation, the City Manager, or a designated official, may grant variances in special cases after evaluation of hardship, need or customer efforts to conserve water.

- I. Variances shall be granted only under the following circumstances and conditions:
 - A. The applicant must sign a compliance agreement on form provided by the City, agreeing to use the water only in the amount and manner permitted by the variance;
 - B. Granting of variance must not cause an immediate significant reduction in the City's water supply, or shortages within certain pressure zones or areas;
 - C. The applicant must demonstrate extreme hardship or need relating to their health, safety, or welfare, and show evidence of substantial water conservation efforts
 - D. The health, safety and welfare of other persons must not be adversely affected by the granting of the variance.
- II. A granted variance may be revoked under the following circumstances:
 - A. That the conditions of the above section (Section I, A – D) are no longer being met;
 - B. The terms of the compliance agreement are violated; or
 - C. The health and safety of other persons requires that the variance be revoked.

SEVERABILITY AND SAVINGS CLAUSE

Should any section, sentence, clause or phrase of this plan be declared unconstitutional or unlawful, said portion shall be severed and have no effect on the remaining sections, or enforceability of the plan. Nothing within this plan shall be construed to limit the authority of the Mayor, The City Council, of the City Manager to seek emergency relief under the provisions of any state or federal disaster relief regulations.