

WATER DROUGHT AND EMERGENCY RESPONSE PLAN

RESOLUTION NUMBER 2014-1

Rural Water District Number 6 Douglas County, Kansas

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Be it resolved by Rural Water District No. 6 of Douglas County, Kansas:

Section 1: Purpose: The purpose of this resolution is to provide for the declaration of a water supply watch, warning, or emergency; establish procedures and voluntary conservation measures; authorize the issuance of certain regulations; and prescribe various penalties for noncompliance with regulations.

Section 2: Definitions:

- (a) "The District" shall mean Rural Water District No. 6 of Douglas County, Kansas.
- (b) "Water" shall mean water available to Rural Water District No. 6 of Douglas County, Kansas, for public distribution by virtue of its water rights or any treated water introduced by the District into its water distribution system.
- (c) "Customer" shall mean the customer of record using water for any purpose from the District's water distribution system.
- (d) "Waste of water" includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.
- (e) "Notice" shall mean such notice as the governing body of the District determines appropriate including direct mail to the District's customers, publication in one or more newspapers having circulation within the territory of the District, television or radio news releases broadcast by stations serving the territory of the District, email and other forms of social media, or any combination thereof.
- (f) "Governing body" shall mean the Board of Directors of the District.
- (g) "Personal notice" shall mean written notice; hand delivered to the person to whom notice is directed. Personal notice is accomplished on the date that the notice is delivered.
- (h) "Mailed notice" shall mean written notice, placed in the United States mail, First Class postage prepaid, addressed to the person to whom notice is directed at the last known address for such person according to the records

of the District. Mailed notice is accomplished on the date that the notice is placed in the mail as directed above.

Section 3: Classes of Water Use:

- (a) Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
- (b) Class 2: Water used for any commercial or industrial activity.
- (c) Class 3: Water used for agricultural purposes apart from the domestic usage at an agricultural facility.
- (d) Class 4: Water used for domestic purposes other than that which would be included in either classes 1 or 2.
- (e) Class 5: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 4: Declaration of Water WATCH: Whenever the governing body of the District finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage are present, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared, by resolution of the governing body, to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their adoption by the governing body of the District and giving of notice thereof.

Section 5: Declaration of Water WARNING: Whenever the governing body of the District finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare, by resolution, that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared, by resolution of the governing body, to have ended. The resolutions declaring the existence and end of a water warning shall be effective upon their adoption by the governing body of the District and giving of notice thereof.

Section 6: Declaration of Water Supply EMERGENCY: Whenever the governing body of the District finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare, by resolution, that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared, by resolution of the governing body, to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their adoption by the governing body of the District and giving of notice thereof.

Section 7: Voluntary Conservation Measures:

(a) Upon the declaration of a water watch, as provided in Section 4, the governing body is authorized to call upon all water users to employ voluntary water conservation measures to limit or eliminate nonessential water uses with emphasis on:

- (1) Class 1 uses of water; and
- (2) Waste of water

(b) Upon the declaration of a water warning, as provided in Section 5, the governing body is authorized to call upon all water users to employ voluntary water conservation measures to limit or eliminate nonessential water uses with emphasis on:

- (1) Class 1 uses of water;
- (2) Class 2 uses of water; and
- (3) Waste of water

Section 8: Mandatory Conservation Measures: Upon the declaration of a water supply emergency, as provided in Section 6, the governing body is also authorized to implement certain mandatory water conservation measures including, but not limited to, the following:

- (a) Suspension of new connections to the District's water distribution system except those approved by the governing body prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the use of water in classes 1 and 2, wholly or in part;

- (c) Restrictions, in part, on the use of water in classes 3 and 4;
- (d) The imposition of water rationing based on any reasonable formula;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the forgoing measures.

Section 9: Emergency Water Rates: Upon the declaration of a water supply emergency, as provided in Section 6, the governing body may adopt emergency water rates designed to conserve water supplies. Such emergency water rates may take whatever form the governing body deems equitable and appropriate.

Section 10: Regulations: During the effective period of any water supply emergency, as provided for in Section 6, the governing body is empowered to promulgate such regulations as may be necessary to carry out the provisions of this resolution, any water supply emergency resolution, or emergency water rate resolution.

Section 11: Violations, Disconnections, and Penalties:

- (a) Upon violation of any water use restrictions imposed pursuant to Section 8 of this resolution a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person, known to the District to be responsible for the violation or its correction, shall be provided with either personal or mailed notice. Such notice shall contain the following information:
 - (1) The customer(s) name(s), Benefit Unit number, and address where service is being provided;
 - (2) The nature of the violation, the corrective action required, and the deadline for the completion of such corrective action;
 - (3) A statement that the customer has the right to request a hearing and be heard at a hearing to be conducted in accordance with subsection (b) below: and
 - (4) A statement that water service shall be terminated unless corrective action is taken by the stated deadline.

- (b) Any party receiving a notice of violation, as provided above, shall have the right to a hearing prior to service termination. The request for hearing must be made by the party within 10 days of the date of service of such notice or hearing will be deemed irrevocably waived. The Chair of the governing body shall appoint a hearing officer to conduct such hearing at a convenient site which is communicated to the party requesting the hearing. The hearing shall be held within 10 days of the request for hearing. At such hearing the party requesting the hearing and the District shall each have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses. Formal rules of evidence shall not apply. The hearing officer shall promptly make his or her findings and shall enter his or her order accordingly. The hearing officer may adopt the finding of violation contained in the notice; may modify or reject such finding; and, may make new or additional findings or violation and order corrective action in accordance with the resolution. Unless otherwise ordered by the hearing officer, water service shall be terminated the day after the date that the order of termination is issued by the hearing officer unless the required corrective action has been made prior to termination. The hearing officer's order shall be filed in the District's records and a copy thereof shall be provided to the party in the same manner as set forth in subsection (a) above.
- (c) Any party aggrieved by the decision of the hearing officer may appeal the same by filing a written notice of appeal with the District. Notwithstanding the order of termination, service shall not be terminated if the notice of appeal has been received prior to termination. Any such appeal shall be set for hearing before the governing body at its next regularly scheduled meeting or special meeting. The determination of the governing body shall be final. The determination of the governing body shall be recorded in the minutes of its official proceedings and notice thereof shall be provided to the party in the same manner described in subsection (a) above. Violations of this resolution shall be an offense of the District's rules and regulations and may result in termination of service.
- (d) Reconnection of service terminated, as provided above, shall be made only after the governing body has determined that the necessary corrective action has been completed and the fees provided by subsection (e) below have been paid.

(e) A fee of \$50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (b) above. In the event of subsequent violations the reconnection fee shall be \$100.00 for the second reconnection and \$200.00 for any additional reconnections.

Section 12: Emergency Termination: Nothing in this resolution shall limit the ability of any properly authorized District official from terminating the supply of water to any or all customers upon the determination by such District official that emergency termination of water service is required to protect the health and safety of the public and/or the protection of property.

Section 13: Severability: If any provision of this resolution is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the resolution and its applicability to other persons and circumstance shall not be affected thereby.

Passed by the governing body this _____ day of _____, 20____.

District Board Chair

ATTEST:

District Board Secretary