

RULES AND REGULATIONS NO.17

RULES AND REGULATIONS GOVERNING THE THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD DROUGHT CONTINGENCY PLAN

BY THE AUTHORITY VESTED IN THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TRUSTEES, UNDER TEXAS GOVERNMENT CODE SECTION 1502.070, CITY ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS MAY 22, 1952, AS AMENDED, TITLE 30 TEXAS ADMINISTRATIVE CODE SECTIONS 288.20 AND 288.22 AND CHAPTER 15.13 WATER CONSERVATION OF THE EL PASO MUNICIPAL CODE; NOW THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULE AND REGULATION NO. 17 CONCERNING THE DROUGHT CONTINGENCY PLAN IS HEREBY ESTABLISHED.

SECTION I GENERAL

The El Paso Water Utilities-Public Board adopts the Drought Contingency Plan in Exhibit “A” of these Rules and Regulations No. 17 in compliance with the requirements with the Texas Administrative Code Sections 288.20 and 288.22. The attached Exhibit “A” is hereby incorporated to these Rules and Regulations No. 17.

SECTION II ENFORCEMENT

In accordance with Section 15.13.080 of the City of El Paso Municipal Code, any person violating any provision of these Rules and Regulations No. 17 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than fifty dollars and not to exceed five hundred dollars. Each separate violation of the Drought Contingency Plan shall be deemed a separate offense and shall be punished accordingly.

Each Wholesale Customer shall be responsible for implementing and enforcing the measures of the Drought Contingency Plan as communicated by EPWater. Additionally, EPWater will seek any and all remedies available under each individual Wholesale Agreement if any Wholesale Customer fails to implement and enforce the provisions of the Drought Contingency Plan.

Nothing shall prevent either the Public Service Board from seeking compliance with or enforcement of these Rules and Regulations No. 17, from seeking injunctive relief in a court of competent jurisdiction, or from utilizing any other civil or equitable remedy to enforce these Rules and Regulations No. 17. The Public Service Board's attorneys are authorized to institute injunctive relief or any other civil action deemed necessary to enforce compliance with the provisions of this chapter.

SECTION III VARIANCES

Customer-specific variances may be granted in cases of hardship or special conditions. After recommendation by the Water Conservation Manager, the President/CEO, Vice President of Operations and Technical Services, Vice President of Financial and Management Services, will consider a hardship or special conditions case to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern.

SECTION IV RIGHT OF APPEAL

For matters other than variances, the Customer may appeal in writing any ruling or action of the Utility or its agents to the PSB in accordance with the procedures established in Rules and Regulations No. 8. Any Customer who does not appeal such a ruling or action in accordance with these procedures within 60 days of the date of the issuance of the ruling or action shall waive any right to contest such action or ruling. The PSB, at its own discretion, may affirm, modify, limit or condition the ruling of the Utility or may defer final decision on the appeal in accordance with Rules and Regulations No. 8.

SECTION V SEVERABILITY

These Rules and Regulations are part of the other Rules and Regulations of the PSB and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any provision, paragraph, section, subsection, sentence, clause or phrase of these Rules and Regulations No. 17 or the application of same to any person or set of circumstances is for any reason invalidated by any court of competent jurisdiction, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Rules and Regulations No. 17. The remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

SECTION VI SAVINGS

These Rules and Regulations No. 17 are part of the other Rules and Regulations adopted by the El Paso Water Utilities Public Service Board, and, save and except as amended hereby, the remaining provisions of the El Paso Water Utilities Public Service Board's Rules and Regulations shall remain in full force and effect.

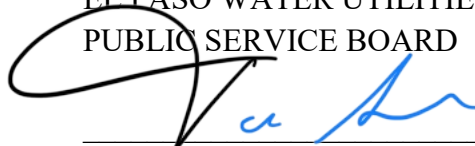
SECTION VII EFFECTIVE DATE

These Rules and Regulations No. 17 shall be and become effective from and after its adoption hereby and shall remain in effect until otherwise amended by the El Paso Water Utilities Public Service Board.

PASSED, APPROVED and ADOPTED this 14th day of March, 2012 by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

PASSED, APPROVED and ADOPTED this 10th day of April, 2024 by the El Paso Water Utilities Public Service Board,

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD



Ivonne Santiago, Chair

ATTEST:



Charlie Intebi,
Secretary-Treasurer

APPROVED AS TO FORM:



Daniel Ortiz,
General Counsel

Exhibit "A"

Drought Contingency Plan