

RESOLUTION 2024-621

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS SUPPORTING THE CITY OF FULSHEAR'S PARTICIPATION IN THE 2024 WATER PROVIDER WATER CONSERVATION PROGRAM ESTABLISHED BY THE NORTH FORT BEND WATER AUTHORITY, AND TO ESTABLISH A LEADERSHIP WATER CONSERVATION COMMITTEE

WHEREAS, the City Council of Fulshear desires to be good stewards and to include water conservation initiatives in its long-range planning efforts; and

WHEREAS, the City is desirous of participating in the Water Provider Water Conservation Program established by the North Fort Bend Water Authority; and

WHEREAS, the North Fort Bend Water Authority (the "Authority") is a political subdivision and regional water authority created pursuant to Senate Bill 1798, Act of the 79th Legislature, Regular Session, 2005, as amended and codified in Chapter 8813 of the Texas Special District Code, and Article XVI, § 59 of the Texas Constitution; and

WHEREAS, the Fort Bend Subsidence District (the "Subsidence District") was created by the Texas Legislature to reduce subsidence by regulating the withdrawal of groundwater within Fort Bend County; and

WHEREAS, pursuant to the Subsidence District's Regulatory Plan (as may be amended from time to time, the "Regulatory Plan") certain water well permit holders in the Subsidence District's Regulatory Area A ("Regulatory Area A"), in which the Authority is located, must convert (or be part of a group of water well permit holder that converts) to alternative water supplies (e.g., surface water), instead of groundwater supplies, by certain dates as set forth in the Regulatory Plan; and

WHEREAS, the Authority was created by the Texas Legislature for the purpose among others, of developing a regional groundwater reduction plan (the "GRP") for the area within Regulatory Area A that is within the Authority's boundaries; and

WHEREAS, the Authority developed the GRP, on behalf of the municipal utility districts, cities, and other entities that are within the Authority's boundaries or otherwise participate in the Authority's GRP, to meet the Regulatory Plan requirements, pursuant to which the Authority has commenced conversion to alternative water supplies on behalf of its members; and

WHEREAS, the Authority's Board of Directors (the "Board") has determined to include water conservation initiatives as a part of the Authority's long-term water planning strategy to assist in meeting the Regulatory Plan conversion requirements by reducing reliance on groundwater within the Authority's boundaries; and

WHEREAS, in order to facilitate the implementation of water conservation initiatives within the Authority's boundaries, the Authority developed the Water Provider Water Conservation Program (the "Program") consisting of various water conservation initiatives which participants ("Participants") may choose to participate in to earn points towards eligibility for a water conservation rebate payment; and

WHEREAS, the City desires to continue the Program for the calendar year 2024, as detailed below;

Section 1. Program Term. The Resolution shall govern the Program for the period from January 1, 2024, through December 31, 2024 (the "2024 Program Term").

Section 2. Program Enrollment. The 2024 Program Guide, attached hereto as **Exhibit A** (the "2024 Program Guide"), contains detailed descriptions of the Program initiatives that the Authority is offering for the 2024 Program Term, as well as the Initiative completion requirements and successfully completing the program. Participants desiring to participate in the Program shall review the 2024 Program Guide and submit the applicable interest form (the "2024 Program Enrollment Form"), attached hereto as **Exhibit B**, to the Authority by March 31, 2024, and the applicable 2024 Water Provider Conservation Program Form, attached hereto as **Exhibit C**, providing for contact information, Core Initiatives, establishing a Leadership Water Conservation Committee, with the following City Council members and Community Liaison:

1. Council member: Jason Knape
2. Council member: Abhijeet Utturkar
3. Council member: Patrick Powers
4. Community Liaison: _____

Section 3. Program Participation. In order to qualify for the water conservation rebate payment Participants must use their best efforts to: i) implement the Initiatives in the manner set forth in the 2024 Program Guide, ii) meet the goal requirements set forth for each Initiative in the 2024 Program Guide, and iii) provide any data required to be submitted to the Authority in conjunction with each Initiative by the deadlines provided in the 2024 Program Guide.

Section 4. Water Conservation Rebate Payment. In exchange for meeting the goal and data submission requirements for each Initiative, Participants make progress towards eligibility for a water conservation rebate payment in the amount of \$0.10 per 1,000 gallons (the "Water Conservation Rebate Payment") of water pumped from well(s) or received from the Authority on which an Authority GRP Fee or Surface Water Fee (as such terms are used in the Authority's Amended Rate Order) would be charged by the Authority, as based on that Participant's 2024 reported usage for the applicable usage period set forth in the table in Section 6 below. In order to be eligible for the Water Conservation Rebate Payment, each municipal utility district and city Participant must successfully complete (i) three core initiatives and (ii) three "Pick Three" Initiative OR one Pick One Initiative (the "Rebate Requirement")

Homeowners Associations and Groundwater Reduction Plan Participants will be evaluated on a case-by-case basis for eligibility requirements. No credit will be awarded for partially meeting the goal and data submission requirements for the Program.

Section 5. Water Conservation Rebate Payment Administration. Each Participant must: i) meet the goal for each Initiative according to the requirements of the 2024 Program Guide, and ii) submit all required data to the Authority by the deadlines set forth in the 2024 Program Guide. Upon receipt of all necessary documentation for Program compliance, the Authority will review the data submitted and determine, in the Authority's sole and reasonable discretion, whether the Participant has fulfilled the requirements necessary to successfully complete the Rebate Requirement for the 2024 Program Term. The Authority shall make such determination by March 1, 2025. Each Participant is encouraged to maintain regular communication with the Authority throughout the 2024 Program Term to ensure that the Participant is submitting the quality and type of data necessary for the Participant to obtain the Program credit anticipated by the Participant. If a Participant has fulfilled the Rebate Requirement for the 2024 Program Term, the Authority shall use reasonable efforts to award the Water Conservation Rebate Payment to the Participant in four installments on the dates set forth below (each a "Water Conservation Rebate Payment Award Date"):

Usage Period Water Conservation	Rebate Payment Award Date
January 1, 2025 – March 31, 2025	June 2025, Regular Board of Directors Meeting
April 1, 2025 – June 30, 2025	September 2025, Regular Board of Directors Meeting
July 1, 2025 – September 30, 2025,	December 2025, Regular Board of Directors Meeting
October 1, 2025 – December 21, 2025,	March 2026, Regular Board of Directors Meeting

The Authority reserves the right, in its sole and reasonable discretion, to adjust any Water Conservation Rebate Payment Award Date. While each Participant is encouraged to complete as many Initiatives as desired, the Participant shall not receive any additional compensation or payment from the Authority for completing Initiatives in excess of the Rebate Requirement. Participants shall not be eligible for any portion of the Water Conservation Rebate Payment in the event that Participant: i) fails to meet the Rebate Requirement (as determined in the sole and reasonable discretion of the Authority) or ii) withdraws from the Program prior to completion of the 2024 Program Term. The Authority shall have no financial obligation to the Participants for Program participation other than payment of the Water Conservation Rebate Payment and contribution to certain Initiatives as set forth in the 2024 Program Guide and associated agreements detailing the terms and conditions of the Authority's participation in such Initiative.

Section 6. The President and Secretary of the Board, the Authority's engineers, the Authority's operators, and the Authority's attorneys are authorized and directed to do any and all things necessary and proper in furtherance of the Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FULSHEAR, TEXAS: That the City's participation in the Water Provider Water Conservation Program established by the North Fort Bend Water Authority for the calendar year 2024 (January 1 - December 31) is approved and hereby authorizes the City to implement the Initiatives in the manner set forth in the 2024 Program Guide, meet the goal requirements set forth for each Initiative in the 2024 Program Guide, and provide any data required to be submitted to the Authority in conjunction with each Initiative by the deadlines provided in the 2024 Program Guide.

ADOPTED by the City Council of Fulshear on this 21st day of May 2024.

APPROVED:
(Head of jurisdiction's governing body)

Aaron Groff, Mayor

ATTEST
(Jurisdiction representative)

Mariela Rodriguez, City Secretary

(SEAL)