

ORDINANCE NO. 2024-07

AN ORDINANCE ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF ELSA IN ACCORDANCE WITH TEXAS WATER CODE CHAPTER 11 AND TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 288.

WHEREAS, the City Council plans to adopt this plan with the intent of preserving the reliability and stability of public water facilities while mitigating impact of and emergency water shortage, and

WHEREAS, the plan prioritizes the protection of public, health, welfare and safety through maintaining domestic water usage, sanitation services and fire protection, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELSA:

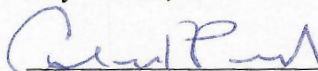
SECTION 1. the City of Elsa hereby adopts the Drought Contingency Plan following regulations and restrictions on the delivery and consumption of water, attached hereto and made part hereof for all purposes be,

SECTION 2. That the City Manager is hereby direct to implement, administer, and enforce the Drought Contingency Plan.

SECTION 3. Emergency Clause, the importance of the subject matter hereof creates an emergency and an imperative public necessity requiring the suspension of the rule that Ordinances be read on two (2) separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote or not less than a majority of all the members of the Council.

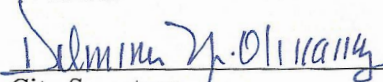
PASSED, APPROVED AND ADOPTED this the 18th day of June, 2024

City of Elsa, Texas



Alonzo R. Perez, Mayor

ATTEST:



City Secretary

City of Elsa Drought Contingency Plan-June 2024

City of Elsa
102 S. Diana St.
Elsa, Texas
956-262-2127

Water Rights No.: 10567

Public Water System No.: 1080005

Regional Water Planning Group: Region M Water Planning Group

Completed by: Juan Jose Ybarra

Title: City Manager

Personal responsible for implementation: City Manager

Signature: _____ Date _____

Phone: _____

Drought Contingency Plan – CITY OF ELSA

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The City of Elsa Drought Contingency Plan ("Plan" or "DCP") has been developed and adopted to establish a protocol for conserving water supply during emergency drought conditions and water shortages.

Name: City of Elsa
Address: 102 S. Diana St.
Telephone Number: (956) 262-2127 Fax: (956) 262-5002
Water Right No.(s): 10567
Regional Water Planning Group: Region M Water Planning Group
Form Completed by: Juan Jose Ybarra
Title: City Manager
Person responsible for implementation: Juan Jose Ybarra Phone: (956) 262-2127
Signature: _____ Date: / /

Section I: Declaration of Policy, Purpose, and Intent

In compliance with Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, the Plan is to be adopted with the intent of preserving the reliability and stability of public water facilities while mitigating impacts of an emergency water shortage. The Plan prioritizes the protection of public health, welfare, and safety through maintaining domestic water usage, sanitation services, and fire protection. The City of Elsa, hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Section II: Public Involvement

The City of Elsa provided an opportunity for the public to provide input during the Plan development through bill inserts and public notices posted on City of Elsa website and physically at official buildings.

Section III: Public Education

Following adoption, continued education to inform customers of any changes to the Plan and to continuously increase awareness of triggers, response measures, and importance of the plan will be conducted through:

- Social media posts
- Bill inserts
- Public notices
- Press releases
- Other: _____

Section IV: Coordination with Regional Water Planning Group

The City of Elsa is located within the Region M Water Planning Group. A copy of the approved City of Elsa Drought Contingency Plan will be shared with Region M upon adoption.

Section V: Authorization

The City Council is authorized to determine the appropriate water conservation stage and implement the corresponding provisions as outlined in this Plan. Similarly, City Manager is authorized to initiate or terminate the drought or other water supply emergency response measures as outlined in this Plan.

The provisions of this Plan may be amended, supplemented, changed, or repealed at any time during a duly called, noticed, and convened meeting of the City Council.

Section VI: Application

The provisions of the City of Elsa DCP apply to all persons, customers, and property utilizing water services provided by City of Elsa. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

The highest priority for water usage during all stages is the protection of public health, welfare, and safety by providing water for human consumption, sanitation services, fire protection, and when alternative water sources are not available, the watering of livestock.

Section VII: 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 the City of Elsa

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.

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

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

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 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 fire fighting.

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

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Council *or* his or her designee shall monitor water supply and demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Notification will be made through major media outlets and mailings. The designated City of Elsa representative will notify

water users when water use restrictions have been eased due to lessening of drought conditions.

The triggering criteria described below are based on the level of the United States share of water in the Falcon-Amistad Reservoirs as reported by the TCEQ Rio Grande Watermaster, and demand on the municipal system capacity. The stages of the drought plan may be rescinded when all of the conditions listed as triggering events have ceased for a period of three (3) consecutive days. Any one of the triggers listed below *may* cause the utility to initiate water restrictions. Please refer to Table 1: Demand, Supply and Emergency Triggers.

Current as of July 2024 Water Treatment Plan Capacities:

WATER TREATMENT PLANT: rated/rerated in 2005, 2.592 MGD

TREATMENT PLANT GROUND WELL: NONE

Total System Treatment Capacity: 2.592MGD

Table 1: Demand, Supply and Emergency Triggers

TYPE	TRIGGER	ACTION
WATER TREATMENT PLANT DEMAND TRIGGERS	Water demand reaches or exceeds eighty five percent (85%) of delivery capacity for three (3) consecutive days (<i>currently</i> _____ MGD)	City of Elsa may enact Stage Two water restrictions
	Water demand reaches or exceeds ninety percent (90%) of delivery capacity for three (3) consecutive days (<i>currently</i> _____ MGD)	City of Elsa may enact Stage Three water restrictions
	Water demand reaches or exceeds ninety five percent (95%) of delivery capacity for three (3) consecutive days (<i>currently</i> _____ MGD)	City of Elsa may enact Stage Four water restrictions
	Water demand reaches or exceeds one hundred percent (100%) of delivery capacity at any time (<i>currently</i> _____ MGD)	City of Elsa may enact Stage Five water restrictions
STAGE ONE WATER RESTRICTIONS AT ALL TIMES UNLESS:		
DROUGHT RAW WATER SUPPLY TRIGGERS	Reservoir levels of Amistad/Falcon reach twenty five percent (25%) of capacity	City of Elsa may enact Stage Two water restrictions
	Reservoir levels of Amistad/Falcon reach fifteen percent (15%) of capacity	City of Elsa may enact Stage Three water restrictions
	Reservoir levels of Amistad/Falcon reach ten percent (10%) of capacity	City of Elsa may enact Stage Four water restrictions
	Reservoir levels of Amistad/Falcon reach five percent (5%) of capacity	City may enact Stage Five water restrictions
EMERGENCY TRIGGER	As determined by City Council/City Manager, including but not limited to system outage, equipment failure, or supply source contamination	Reduce water use to levels deemed necessary

Section IX: Drought Response Stages

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

Notification

Notification of the Public:

The City Council or his/ her designee shall notify the public by means of:

Examples:

*publication in a newspaper of general circulation,
direct mail to each customer,
public service announcements,
signs posted in public places
take-home fliers at schools.*

Additional Notification:

The City Council or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Examples:

*Mayor / Chairman and members of the City Council / Utility Board
Fire Chief(s)
City and/or County Emergency Management Coordinator(s)
County Judge & Commissioner(s)
State Disaster District / Department of Public Safety
TCEQ (required when mandatory restrictions are imposed)
Major water users
Critical water users, i.e. hospitals
Parks / street superintendents & public facilities managers*

The City of Elsa has an emergency conservation plan that outlines six stages for possible water shortage and/ or emergency conditions. A brief description of the six stages are summarized below.

Stage One: Voluntary Conservation

Voluntary conservation is the first stage of the conservation program and is always in force unless a higher stage is required and enacted. During Stage One, the public is requested to voluntarily limit the amount of water used and only use the amount absolutely necessary for health, business, and irrigation. Notice of such request shall be given by the City Council through Utility billing notice, social media, appropriate circulars, television, radio, and newspaper media at his or her discretion.

Stage Two: Mandatory Compliance Water Alerts

During Stage Two, the City of Elsa will aim to reduce per capita consumption. The following restrictions shall apply to all persons:

Irrigation of outdoor vegetation shall be limited except for during the days and times as provided in this section and in such zones as designated herein. Irrigation by drip method or hand-held buckets is permitted at any time in any zone.

Irrigation may only be conducted during the hours of midnight to 10:00 a.m. and 6:00 p.m. to midnight on the authorized days.

- a. The washing of automobiles, trucks, trailers boats, airplanes and other types of mobile equipment is prohibited, except on designated irrigation days between the hours of 6:00 p.m. to 10:00 a.m. Such washing, when allowed, shall be done with a handheld bucket or a handheld hose equipped with a positive shutoff nozzle for quick rinses.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this provision if the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles to transport food and perishables.

Schedule:

- b. The washing or sprinkling of foundations is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 12:00 midnight.
- c. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated irrigation days between the hours of 8:00 p.m. to 10:00 a.m.
- d. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- e. The use of water for irrigation for golf greens and tees is prohibited except on designated irrigation days between the hours of 6:00 p.m. to 10:00 a.m.

The irrigation of golf course fairways is absolutely prohibited. Provided, however, any golf course utilizing wastewater effluent or raw water is exempted from this provision.

- f. Use of water from fire hydrants shall be limited to firefighting and related activities, and/or other governmental use activities necessary to maintain the health, safety, and welfare of the City of Elsa.

The following uses of water are defined as waste of water and are absolutely prohibited:

1. Allowing irrigation water to run off into a gutter, ditch or drain;
2. Failure to repair a controllable leak;
3. Washing sidewalks, driveways, parking areas, tennis courts or other paved areas, except to alleviate immediate fire hazards.

No bulk water sales shall be made from the City of Elsa or other sources for any purpose when such water will be transported by a tanker truck or similar type vehicle.

Stage Three: Mandatory Compliance Water Warning

During Stage Three, the following restrictions shall apply. All elements of Stage Two, shall remain in effect in Stage Three except that:

- a. It shall be unlawful for any person to irrigate any outdoor vegetation other than on the days as designated in Stage Two and only during the hours of midnight to 10:00 a.m. and 7:00 p.m. to midnight on such designated days. Irrigation by drip or hand-held buckets is permitted at any time.
- b. The watering of golf fairways areas is prohibited unless done with treated wastewater, reclaimed water, or well water.

When Stage 3-Mandatory conservation stage has been implemented, a water surcharge shall be levied against all customers in the following amounts:

1. Residential/domestic, Commercial and Multi-family metered customers (5/8-inch 3/4-inch 1-inch meters) shall pay a surcharge of **\$1.00** for each **1,000** gallons above **10,000 gallons** monthly usage.
2. Industrial and Institutional customers, a surcharge of \$.25 for each **1,000** gallons above 10,000 gallons used will be imposed. These surcharges are in addition to the current rate structure.

Stage Four: Mandatory Compliance Water Shortages

During Stage Four, the following restrictions shall apply. All elements of Stage Three, shall remain in effect in Stage Four except that it shall be unlawful for any person to irrigate any vegetation outdoors except on the following designated days in the zones established herein:

Schedule:

And only during the times established under Stage Three of this section.

- a. All outdoor irrigation of vegetation shall be allowed only between the hours of midnight to 10:00 a.m. and 8:00 p.m. to midnight on designated days.
- b. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited except on designated irrigation days and only on the owners of such vehicles, etc., premises.

- c. Car washes and commercial service stations in the immediate interest of the public health, safety and welfare shall be limited to fifty percent (50%) of their monthly average usage based on the last twelve (12) billing periods for each of such customer. After such usage, the General Manager shall enforce this subsection by terminating water service.
- d. Commercial nurseries, commercial sod farmers, and similarly situated establishments shall water only on designated days between the hours of 10:00 p.m. and 5:00 a.m. and shall use only handheld hoses, drip irrigation systems, or handheld buckets.
- e. The filling, refilling or adding of water, except to maintain the structure integrity of the pool, to swimming and/or wading pools is prohibited.
- f. The operation of any ornamental fountain or similar structure is prohibited.
- g. A water surcharge shall be levied against all customers during Stage Four in the following amounts:
 - 1. Residential/domestic, Commercial and Multi-family metered customers (5/8-inch 3/4-inch 1-inch meters) shall pay a surcharge of **\$2.00** for each **1,000** gallons above **10,000 gallons** monthly usage.
 - 2. Industrial and Institutional customers, a surcharge of **\$.50** for each **1,000** gallons above **10,000** gallons used will be imposed. These surcharges are in addition to the current rate structure.

Stage Five: Mandatory Compliance Water Shortage Emergency

During Stage Five, the following restrictions shall apply. All elements of Stage Four, shall remain in effect in Stage Five except that:

- a. No applications for new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed except as approved by the City of Elsa.
- b. All allocations of water use to non-essential industrial and commercial customers shall be reduced to amounts as established by the City of Elsa.
- c. The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the Board of Directors on recommendation by the City of Elsa.
 - 1. Irrigation is permitted only by:

- i. Handheld or faucet filled bucket;
 - ii. Continuously handheld hoses;
 - iii. Drip irrigation during the hours from 6:00 a.m. to 8:00 a.m., once every ten (10) days, by a schedule established by the City Council or City Manager
- d. The washing of automobiles, trucks, trailers boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited.
- e. A water surcharge shall be levied against all customers during Stage Five in the following amounts:
 1. Residential/domestic metered customers shall pay a one hundred percent (100%) surcharge for any water used over an amount of 8,000 gallons per month.
 2. Those irrigation-metered customers shall pay a one hundred percent (100%) surcharge for any water used.
 3. Those commercial and industrial metered customers shall pay a ten percent (10%) surcharge for any water used over an amount equal to twenty percent (20%) of the maximum monthly consumption over any one billing cycle out of the last twelve (12) months preceding the month in which the Stage Five designation was implemented.

Stage 6: Water Allocation

In the event that water shortage conditions threaten public health, safety, and welfare, the City Council or City Manager is hereby authorized to allocate water according to the following priorities so that the remaining water is available for essential health- and safety-related uses. The priority list for water use during severe drought will be the following:

- Priority 1 – Hospitals and Medical Facilities, including Dialysis Centers
- Priority 2 – Emergency Water Facilities
- Priority 3 – Fire Protection
- Priority 4 – Residential
- Priority 5 – Schools
- Priority 6 – Industrial
- Priority 7 – Commercial
- Priority 8 – Recreation/Aesthetics

Section X: Additional Water Sources

The City of Elsa will take necessary measures to acquire an additional water source such as adjoining water suppliers and reservoirs.

Section XI: Review Committee – Formation, Powers and Duties

Upon approval of this Drought Contingency Plan, the City Council or City Manager will establish a **Review Committee** to review hardship and special cases involving customers, persons, or property utilizing the City of Elsa water that cannot abide by the provisions of this plan. The Review Committee will consist of the Corporation's General Manager, Water Operations Manager, Wastewater Operations Manager, and Office Manager, and a member/ customer chosen by the Board of Directors. The General Manager will be the Chairman of the Review Committee, and the Water Operations Manager will be the Vice-Chairman.

All requests for a variance to the provisions of this Plan must be submitted to the Review Committee in writing and must state the circumstances supporting the request. The Review Committee is authorized to grant variances from the provisions of this Plan if, owing to peculiar circumstances, an undue hardship will result, and the granting of the variance will not be contrary to the public interest.

All decisions of the Review Committee will be reported to the City Council at the next regularly scheduled Board Meeting. If the Review Committee denies a request for a variance, an appeal can be made to the Board of Directors at the next regularly scheduled Board Meeting. If a protest is received after the granting of a variance, the Review Committee will refer the protest to the Board of Directors at the next regularly scheduled Board Meeting. The decisions of the Board of Directors are final.

Section XII: Variances

The City Council, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such 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 Ordinance shall file a petition for variance with the City of Elsa within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Review Committee, or his/her designee, and shall include the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.

4. 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.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. 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.
8. Other pertinent information.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

All decisions of the Review Committee will be reported to the Board of Directors at the next regularly scheduled Board meeting. If the Review Committee denies a request for a variance, an appeal can be made to the Board of Directors at the next regularly scheduled Board meeting. If a protest is received after the granting of a variance, the Review Committee will refer the protest to the Board of Directors at the next regularly scheduled Board meeting. The decisions of the Board of Directors are final.

Section XIII: Violations, Penalties, and Enforcement

- a. No person shall knowingly or intentionally allow the use of water from the City of Elsa system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this Plan.
- b. Any person or customer who violates this Plan will be issued a warning on the first offense. Each day that anyone or more of the provisions of this Plan are violated will constitute a separate offense. Upon receiving a notice of violation on the second offense, the customer's meter is subject to being locked. If a customer receives a notice of violation for two or more distinct violations in any one-day period, the General Manager will, upon due notice, be authorized to discontinue water service to premises where the violations occurred, and a fee will be required to be paid before service is restored. Should any person or customer receive a third notice of violation, water service will be discontinued, and a flow restriction device will be installed at the customer's meter at the customer's expense, and a second fee will be required to be paid before service is restored. Should a customer's water service be discontinued for a third time, then the fee for restoring water service shall be doubled.
 1. For any customer whose meter equivalent is 1, water service will be restored after the first disconnection for a fee of \$50. For any customer whose meter equivalent is more than 1, water service will be restored after the first disconnection for a fee of \$50 per meter equivalent. After the second disconnection, water service will be restored only after a second fee of \$50 per meter equivalent has been paid and a flow restriction device has been installed at the customer's meter at the customer's expense. This device will remain connected to the customer's meter until the Corporation returns to Stage 2 or less. After the third disconnection, water service will be restored only after a third fee of \$100 per meter equivalent has been paid.

2. The above surcharges and termination provisions will not apply if the water used resulted from a loss of water (i.e., water leak) through no fault of the customer. The customer will have to prove that immediate steps were taken to correct the leak after its discovery and that the customer was not in any way negligent in causing or permitting the loss of water.
- c. Any City of Elsa employee may issue a notice of violation to a person he/she reasonably believes to have committed a violation of this Plan. The notice of violation will be prepared in duplicate and will contain the name of the member and the tenant, if any, the address, the alleged violation, and the date.
 - d. The customer in apparent control of the property where a violation occurs or originates will be presumed to be the violator, but the customer will have the right to show that he/she did not commit the violation. The customer will be presumed to be responsible for minor children and for anyone residing in the customer's household who commits a violation.