



# City of Mission, Texas Drought Contingency Plan 2024

# Drought Contingency Plan - CITY OF MISSION

## Contents

|  |    |
|--|----|
| Section I: Declaration of Policy, Purpose, and Intent .....                            | 3  |
| Section II: Public Involvement .....   | 3  |
| Section III: Public Education.....   | 3  |
| Section IV: Coordination with Regional Water Planning Group.....                       | 4  |
| Section V: Authorization .....   | 4  |
| Section VI: Application .....  | 4  |
| Section VII: Definitions .....   | 4  |
| Section VIII: Criteria for Initiation and Termination of Drought Response Stages ..... | 7  |
| Section IX: Drought Response Stages .....  | 9  |
| Notification.....  | 9  |
| Stage One: Voluntary Conservation .....  | 9  |
| Stage Two: Mandatory Compliance Water Alerts .....                                     | 10 |
| Stage Three: Mandatory Compliance Water Warning.....                                   | 11 |
| Stage Four: Mandatory Compliance Water Shortages .....                                 | 12 |
| Stage Five: Mandatory Compliance Water Shortage Emergency.....                         | 13 |
| Stage 6: Water Allocation – Emergency Order.....                                       | 13 |
| Section X: Additional Water Sources.....   | 15 |
| Section XI: Review Committee – Formation, Powers and Duties.....                       | 15 |
| Section XII: Variances .....   | 15 |
| Section XIII: Violations, Penalties, and Enforcement .....                             | 16 |

The amount of water that The CITY OF MISSION 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 Mission   |
| Address:                               | 1201 E. 8 <sup>th</sup> Street, Mission, TX 78501       |
| Telephone Number:                      | (956) 580-8651 Fax: (956) 580-8650                      |
| Water Right No.(s):                    | 580-001, 581-000, 806-001, 806-005, 828-003, 845-000    |
| Regional Water Planning Group:         | Rio Grande Regional Planning Group M                    |
| Form Completed by:                     | David Flores  |
| Title:                                 | ACM, EMC  |
| Person responsible for implementation: | Juan Pablo Terrazas, P.E.,<br>ACM Phone: (956) 580-8780 |
| 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 MISSION hereby adopts the following regulations and restrictions on the delivery and consumption of water.

## Section II: Public Involvement

The CITY OF MISSION provided an opportunity for the public to provide input during the Drought Plan development through public notices posted on CITY OF MISSION website and social media Facebook. and physically at official buildings through the use of QR Codes.

## 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 means of press releases, periodic publications in the local newspaper, social media posts and utility bill inserts or mail-outs.

## Section IV: Coordination with Regional Water Planning Group

The water service of the CITY OF MISSION is located within the Region M Water Planning Group. A copy of the approved CITY OF MISSION Drought Contingency Plan will be shared with Region M upon adoption.

## Section V: Authorization

The City Manager of the CITY OF MISSION, or his/her designee, is authorized to determine the appropriate water conservation stage and implement the corresponding provisions as outlined in this Plan. Similarly, the City Manager of the CITY OF MISSION or his/her designee is authorized to take immediate actions deemed necessary 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 by the City Manager of the CITY OF MISSION.

## Section VI: Application

The provisions of the CITY OF MISSION DCP apply to all persons, customers, and property utilizing water services provided by CITY OF MISSION. 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, water gardens, splash pads.

Commercial Carwash: means a commercial or industrial building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self-service car washes.

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

Mission.

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.

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

Hydrant Traveling Meter: A hydrant traveling meter is used to provide water for construction projects and other non-permanent applications when a fire hydrant is the source of water.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Interconnect: The City of Mission has an interconnect contract with McAllen PUB, we are allowed to open the meter interconnections “In case of pipe failures or equipment damage or power outages at the Water Treatment Plant, the meter interconnects with McAllen will be opened with McAllen’s approval to help us meet demand and sustain water pressure”.

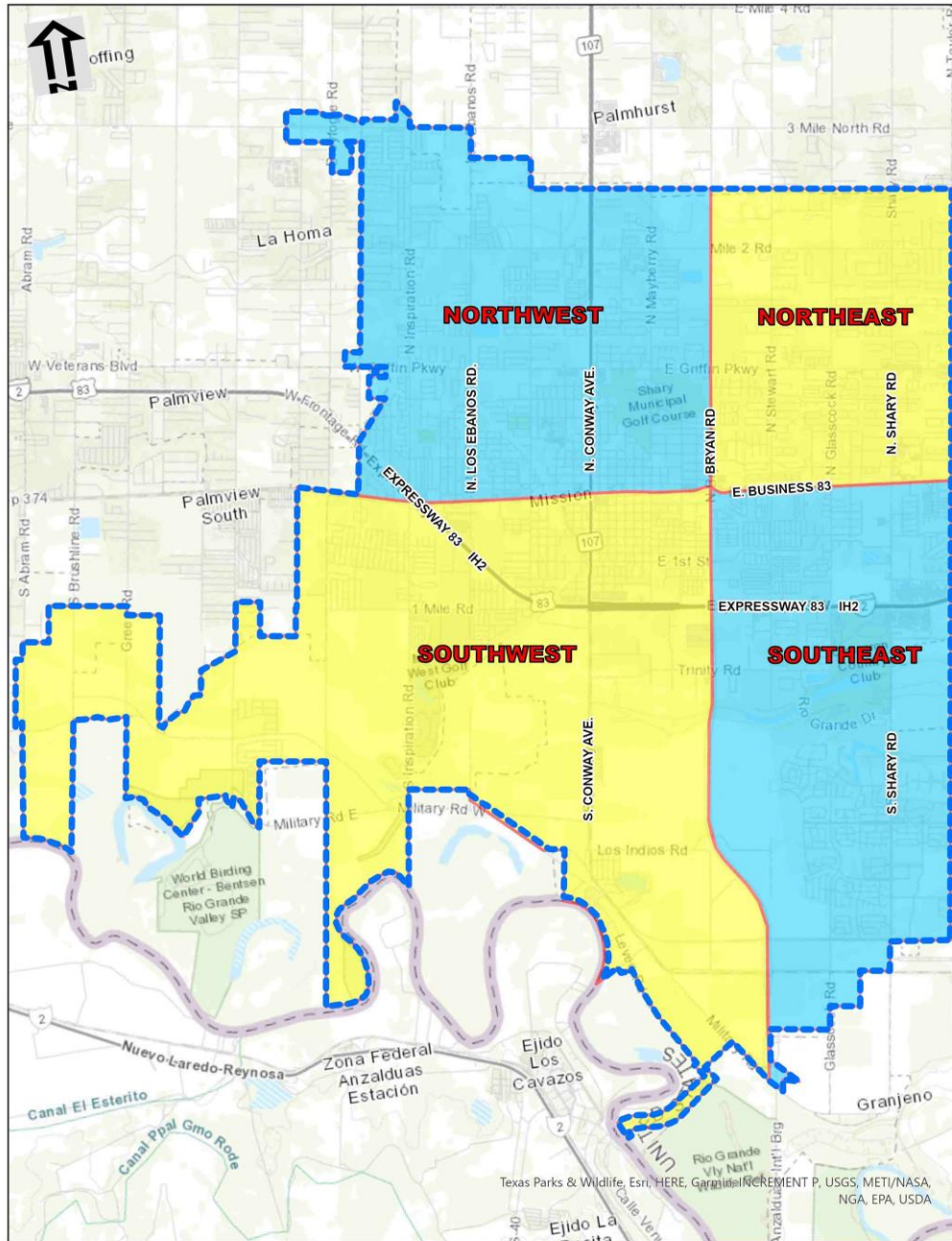
Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

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 vehicles except for Commercial Carwashes as outlined separately;
- 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, waterslides, other water use games;
- 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 any purpose other than firefighting or construction.

Peak Hours: Watering between peak hours of 7am – 9am & 4pm – 6pm, is not recommended so that our water distribution system can service our community at these times.

**Quadrangle (Quad):** The City is divided into 4 Quads divided north/south along Business 83 or Loop 374 and divided east/west by Bryan Road. Therefore, the Northeast Quadrangle is north of Business 83 and east of Bryan Road. The Northwest Quadrangle is north of Business 83 and west of Bryan Road. The Southwest Quadrangle is south of Business 83 and west of Bryan Road. The Southeast Quadrangle is south of Business 83 and east of Bryan Road.



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

The City Manager *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 MISSION 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 Water master, demand on the municipal system capacity, and availability of treated water through interconnections. The stages of the drought plan may be initiated or terminated when all of the conditions listed as triggering events have started or ceased for a period of thirty (30) 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 Plant Capacity:

|                                |  |              |            |
|--------------------------------|--|--------------|------------|
| <b>Water Treatment Plants:</b> | South Plant Downtown, 514 Perkins      | 8.00         | MGD        |
|                                | North Plant, 2801 N. Holland St.       | 17.50        | MGD        |
|                                | <b>Total System Treatment Capacity</b> | <b>25.50</b> | <b>MGD</b> |

### Texas Water Development Board (TWDB) Reservoir Data:

The links below are a source of information on the Falcon-Amistad Reservoir levels. This is not encompassing of a decision point; this information is for reference only.

<https://www.waterdatafortexas.org/reservoirs/individual/amistad>

<https://www.waterdatafortexas.org/reservoirs/individual/falcon>

### Interconnect(s):

The City of Mission has an interconnect contract with McAllen PUB, we are allowed to open the meter interconnections (not limited to) in case of pipe failures, equipment damage, or power outages at the Water Treatment Plant. The meter interconnect with McAllen PUB will be opened with McAllen's approval to help us meet demand and sustain water pressure to avoid triggering water conservation stages as necessary.

**Voluntary Water Restrictions shall be in effect at all times, unless  
INTERNAL or EXTERNAL Demand Trigger Table BELOW Applies**

| TYPE                            | TRIGGER   | ACTION  |
|---------------------------------|---|---|
| <b>INTERNAL DEMAND TRIGGERS</b> | Water demand reaches or exceeds seventy percent (70%) of delivery capacity of 25.5 MGD or exceeds 18 MGD for 5 consecutive days or 21 MG on a single day.   | CITY OF MISSION may enact Stage Two Moderate water restrictions                         |
|                                 | Water demand reaches or exceeds seventy-five percent (75%) of delivery capacity of 25.5 MGD or exceeds 19 MGD for 5 consecutive days or 22 MG on a single day.  | CITY OF MISSION may enact Stage Three Severe water restrictions                         |
|                                 | Water demand reaches or exceeds eighty percent (80%) of delivery capacity of 25.5 MGD or exceeds 20 MG for 5 consecutive days or 23 MG on a single day.   | CITY OF MISSION may enact Stage Four Critical water restrictions                        |
|                                 | Water demand reaches or exceeds ninety percent (90%) of delivery capacity of 25.5 MGD or exceeds 23 MG for 5 consecutive days or 24 on a single day.  | CITY OF MISSION may enact Stage Five Emergency water restrictions                       |
|                                 | Water demand reaches or exceeds ninety-five percent (95%) of delivery capacity of 25.5 MGD or exceeds 24 MG for 5 consecutive days or 25.5 MG on a single day or recorded water pressure drops below 30 psi for more than 12 hours throughout the system. | CITY OF MISSION may enact Stage Six Water Allocation restrictions                       |
| <b>EXTERNAL SUPPLY TRIGGERS</b> | Reservoir levels of Amistad/Falcon reach below forty percent (40%) of capacity for 30 consecutive days  | CITY OF MISSION may enact Stage Two Moderate water restrictions                         |
|                                 | Reservoir levels of Amistad/Falcon reach below thirty percent (30%) of capacity for 30 consecutive days   | CITY OF MISSION may enact Stage Three Severe water restrictions                         |
|                                 | Reservoir levels of Amistad/Falcon reach below twenty percent (20%) of capacity for 30 consecutive days   | CITY OF MISSION may enact Stage Four Critical water restrictions                        |
|                                 | Reservoir levels of Amistad/Falcon reach below fifteen percent (15%) of capacity for 30 consecutive days  | CITY OF MISSION may enact Stage Five Emergency water restrictions                       |
|                                 | As determined by City Manager, including but not limited to system outage, equipment failure, or supply source contamination  | Reduce water use to levels deemed necessary – Stage Six – Water Allocation restrictions |

**Table 1: Demand, Supply and Emergency Triggers**



## Section IX: Drought Response Stages

The City Manager, 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 Manager or his/ her designee shall notify the public by means of but not limited to:

#### *Examples:*

- *publication in a newspaper of general circulation,*
- *City website, social media, City Facebook, QR Codes*
- *direct mail to each customer,*
- *public service announcements,*
- *signs posted in public places,*
- *take-home fliers at schools.*

#### Additional Notification:

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

#### *Examples:*

- *Mayor and members of the City Council*
- *City and/or County Emergency Management Coordinator(s)*
- *Fire Chief and Police Chiefs*
- *County Judge & Commissioner(s)*
- *State Disaster District (DDC21)/ Department of Public Safety*
- *TCEQ (required when mandatory restrictions are imposed)*
- *Major water users*
- *Critical water users, i.e. hospitals and medical facilities*
- *Parks / street superintendents & public facilities managers*

The CITY OF MISSION 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 Manager through appropriate notifications as outlined above at his or her discretion.

Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays, Wednesdays, and Fridays for customers within the northeast and southwest quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the northwest and southeast quadrangles and to irrigate landscapes only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. (See Quad Map on P. 5).

## Stage Two: Mandatory Compliance Water Alerts

During Stage Two, CITY OF MISSION will aim to reduce per capita consumption by two percent (2%). 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 between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

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 midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. 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, ambulances, and vehicles to transport food and perishables.

### **Schedule:**

The washing or sprinkling of foundations is prohibited except on designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

The filling or refilling of water to residential swimming and/or wading pools is prohibited except on designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

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.

The use of water for irrigation for golf course tees is prohibited exception designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

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.

Parks Ballfields to continue watering twice weekly on designated days, as well as,

High end facilities, i.e.: City Hall, Mission Event Center, Central PD, Central Fire and Museum on designated days.

Parks and other facilities to be watered once weekly and when available, Laurel Hill Cemetery, Bannworth Dog Park and Bentsen Palm Community Park to be watered with non-potable water.

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 MISSION.

Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Wednesdays, and Fridays for customers within the northeast and southwest quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the northwest and southeast quadrangles and irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 6:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

All restaurants are prohibited from serving water to patrons except upon request of the patron.

The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. Flushing of Fire hydrants.

### Stage Three: Mandatory Compliance Water Warning

During Stage Three, the following restrictions shall apply. All elements of Stage Two, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect in Stage Three except that:

Irrigation of landscaped areas shall be limited to Sundays and Wednesdays for customers within the northeast and southwest quadrangles and Saturdays and Tuesdays for water customers within the northwest and southeast quadrangles between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. and shall be by means of hand- held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

The irrigation of the Golf Course T-boxes is absolutely prohibited. Provided, however, any golf course utilizing wastewater effluent or raw water is exempted from this provision.

Reduce Parks Ballfields to watering once weekly, also reduce watering to City Hall, Mission Event Center, Central PD, Central Fire and Museum to once weekly.

When available, all parks and cemeteries to be watered with non-potable water.

The following uses of water are defined as non-essential and are prohibited:

1. Municipal Street Sweepers.
2. Golf Course Fairways

## Stage Four: Mandatory Compliance Water Shortages

During Stage Four, the following restrictions shall apply. All elements of Stage Two and Three, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect during 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:**

Irrigation of landscaped areas shall be limited to Sundays for customers within the northeast and southwest quadrangles and Saturdays for water customers within the northwest and southeast quadrangles between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a Commercial Carwash and commercial service stations and not in the immediate interest of public health, safety, shall occur only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

Commercial Carwashes 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 City Manager shall enforce this subsection by doubling their consumption rate.

The filling or refilling of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

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.

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

Applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be reviewed to ensure every effort is made to save and conserve water and reduce water loss or consumption.

Commercial nurseries, commercial turfgrass farming, and similarly situated establishments shall water only on designated days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days and shall use only handheld hoses, drip irrigation systems, or handheld buckets.

## Stage Five: Mandatory Compliance Water Shortage Emergency

During Stage Five, the following restrictions shall apply. All elements of Stage Two through Four, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect in Stage Five except that:

All allocations of water use to non-essential industrial and commercial customers shall be reduced to amounts as established by the CITY OF MISSION.

The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the City Council on recommendation by the CITY OF MISSION.

Best management practices for supply management. The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.

The following uses of water are defined as non-essential and are prohibited:

1. Irrigation of landscaped areas.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle

## Stage 6: Water Allocation – Emergency Order

During Stage Six, the following restrictions shall apply. All elements of Stage Two through Five, and will meet the criteria outlined in this stage, including in the event that water shortage conditions threaten public health, safety, and welfare, the 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

The following uses of water are defined as non-essential and are prohibited:

1. Use of Hydrant Traveling Meters.

**Master-metered multi-family, Residential, Trailer-Park, Outside, and Inactive customers.** The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 5,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the city of a greater number on a form prescribed by the city manager. The city

manager 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 to the city offices to complete and sign the form claiming more than two 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 city manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the city manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than \$250.00.

**Institutional and Governmental customers.** A monthly water allocation shall be established by the city manager, 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 75 percent 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, 25 percent of whose monthly usage is less than 5,000 gallons, shall be allocated 5,000 gallons. The city manager shall give his/her best effort to see that notice of each nonresidential 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 city to determine the allocation. Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased.

**Commercial customers.** A monthly water allocation shall be established by the city manager, 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 75 percent 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, 25 percent of whose monthly usage is less than 8,000 gallons, shall be allocated 8,000 gallons. The city manager shall give his/her best effort to see that notice of each nonresidential 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 city to determine the allocation. Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased.

**Industrial customers.** A monthly water allocation shall be established by the city manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 75 percent of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be

further reduced to 75 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of stage 2 of the plan. If the industrial water 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 billing history exists. The city manager 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 city 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 city, the allocation may be reduced or increased.

## Section X: Additional Water Sources

The CITY OF MISSION 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 Manager will establish a Review Committee to review hardship and special cases involving customers, persons, or property utilizing the CITY OF MISSION'S water that cannot abide by the provisions of this plan. The City Review Committee will consist of the City Manager, Water Operations Manager, Wastewater Operations Manager, and a member/ customer chosen by the City Council. The City Manager will be the Chairman of the Review Committee.

All requests for a variance to the provisions of this Plan must be submitted to the City Review Committee in writing and must state the circumstances supporting the request. The City 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 City Review Committee will be reported to the City Council at the next regularly scheduled City Council Meeting. If the City Review Committee denies a request for a variance, an appeal can be made to the City Council at the next regularly scheduled City Council Meeting. If a protest is received after the granting of a variance, the City Review Committee will refer the protest to the City Council and City Manager at the next regularly scheduled City Council Meeting. The decisions of the City Council are final.

## Section XII: Variances

The City Manager, 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 MISSION within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City 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 City Review Committee will be reported to the City Council and City Manager at the next regularly scheduled City Council meeting. If the City Review Committee denies a request for a variance, an appeal can be made to the City Council and City Manager at the next regularly scheduled City Council meeting. If a protest is received after the granting of a variance, the City Review Committee will refer the protest to the City Council and City Manager at the next regularly scheduled City Council meeting. The decisions of the City Council and City manager and are final.

## Section XIII: Violations, Penalties, and Enforcement

No person shall knowingly or intentionally allow the use of water from the CITY OF MISSION's system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this Plan.

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 additional fines imposed by the City Manager. If a customer receives a notice of violation for two or more distinct violations in any one-day period, the City 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.

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 City 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.

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.

The CITY OF MISSION Code Enforcement or Health Department 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.

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.

Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$200.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the city manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established by ordinance and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city manager that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.

Any employee of the city, police officer, or other city code enforcement employee

designated by the city manager, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 16 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

### **Variations**

- (a) The city manager, 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:
  - (1) 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.
  - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variations shall be reviewed by the city manager, 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 article.
  - (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.
- (c) Variations granted by the city shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:
  - (1) Variations granted shall include a timetable for compliance.

- (2) Variances granted shall expire when the plan is no longer in effect unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.