



Meeting Date: March 30, 2023 **Agenda Type:** Consent Items for Action

From: Andrew Cummings **Reviewed by:** David Hubbard
Chief Administrative Officer

Submitted by: David Hubbard **Approved by:** Ian Taylor
Chief Administrative Officer Chief Executive Officer

RECOMMENDED ACTION: Discuss and Consider Adopting Resolution #2023-170 by the Board of Trustees of New Braunfels Utilities Approving Proposed Amendments to Chapter 130, Article IV, Section 130-228, Code of Ordinances of the City of New Braunfels, Texas Relating to Drought Management Plan, and Authorizing the Presentation of Same to the New Braunfels City Council for Consideration and Passage

BACKGROUND

New Braunfels entered Stage III drought conditions on June 21, 2022. The New Braunfels Code of Ordinances Drought Management Plan prohibits the construction, installation and filling of new swimming pools during stage III drought conditions.

Immediately following the announcement of stage III restrictions in June 2022, a public meeting between NBU, the City, and the builder community and pool installers was held. It was recognized that a complete prohibition of the construction of pools and spas would create a financial hardship for the local pool and spa installer community. NBU, in consultation with the City of New Braunfels' Building Department and pool installers, made a concession on July 1, 2022 to allow for the construction of swimming pools, without the subsequent filling thereof, for customers utilizing the standard NBU variance request process. This would allow the contractor community to continue to conduct business in New Braunfels while maintaining the water conservation measure as defined in Divisions 5, 6, and 7 of the Ordinance.

There have been 91 variances approved under this plan in the last 9 months. To date this has conserved an estimated 2.3 million gallons (MG) or more (1.6 MG from initial filling and 0.7 MG assumed through evaporation loss prevention). This requires the customer to either not construct the pool, construct it and not fill it (not an option for some pool types) or truck the water in from another source. NBU staff is recommending a change in this section of the ordinance.

NBU staff does not recommend removing NBU's ability to prohibit the issuance of permits for new pools because it can be an important strategy for responding to the impacts of exceptional drought. The recommendation is to change the trigger level for prohibition because the prohibition only delays water usage, it does not promote long-term water savings and as such is only a critical period management tool.

This is especially true when compared to the evaluation that well-maintained pools can save water when compared to similar areas that would contain turf grass. Additionally, NBU does not have the resources to inspect new pools to ensure they have not been filled.

New Pools, Filling New Pools, Hot Tubs etc.	I, II, III	Construction, installation, and filling of new pools will be allowed.
	III	Construction, installation, and filling of new pools will not be allowed. If a building permit has already been issued for pool construction, before the drought management stage was declared, construction, installation, and filling of new pools is allowed. Property owners, prior to construction, installation, or filling of pools should submit by mail, facsimile, or e-mail to the NBU Conservation Coordinator their name, address where the new pool is to be installed, the date of installation, and copy of the approved building permit in order to receive an approval letter from NBU.

Language within the current Drought Ordinance would allow additional restrictions during periods of exceptional drought, beyond stage III, to include not issuing pool permits.

Sec. 130-226. - Implementation of additional water use reduction measures, ("aquifer risk").

- (a) Implementation of additional water use reduction measures, such as declaring stage IV in periods of exceptional drought conditions, need not be based on the trigger levels set forth in [section 130-224](#) but may instead be based on consideration of aquifer water quality or on other aquifer, seasonal or weather conditions not based on water levels in J-17.
- (b) Whenever aquifer quality measures 30 percent TDS above historical average and above the maximum TDS value for any public supply water well, the mayor of the city, in consultation with NBU, shall declare additional measures to protect the aquifer and shall be implemented by the city council as necessary.
- (c) Regardless of consideration of aquifer quality, whenever the mayor of the city in consultation with NBU may determine that the NBU water supply, or other aquifer, seasonal, or weather conditions not based on water levels in J-17 warrant, the mayor may also impose additional restrictions for all water uses.

FINANCIAL IMPACT

The financial impact of authorizing Resolution #2023-170 is \$0.

LINK TO STRATEGIC PLAN

Customers and Community

Stewardship

EXHIBITS

1. Resolution #2023-170
2. Ordinance