ORDINANCE NO. 557

AN ORDINANCE OF THE CITY OF LOS FRESNOS, TEXAS ADOPTING THE UPDATED WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN: ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS' ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING SEVERABILITY; REPEALING ORDINANCE ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Alejandro Flores	___ For ___ Against ___ Abstained
Mayor Pro-Tem Albert Escobedo	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained
Councilmember Gabriela Fernandez	___ For ___ Against ___ Abstained
Councilmember Luis Gonzalez	___ For ___ Against ___ Abstained
Councilmember Terry Vinson	___ For ___ Against ___ Abstained

WHEREAS, the City of Los Fresnos, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of god cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a water conservation and drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Los Fresnos, Texas the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL TO THE CITY OF LOS FRESNOS, TEXAS:

SECTION 1. That the City of Los Fresnos, Texas Water Conservation Plan and Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy to the City of Los Fresnos.

SECTION 2. That all ordinances that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

INTRODUCED AND APPROVED on the first reading this 9th day of April 2024.

APPROVED AND PASSED on the second reading this 9th day of April 2024.

_____
Mayor, Alejandro Flores

ATTEST:

_____
City Secretary, Jacqueline Moya

Exhibit A

Water Conservation Plan

for

The City of Los Fresnos

Adopted by the Los Fresnos City Council on

April 9, 2024

Table of Contents

Water Conservation Plan

Water Conservation Plan for

The City of Los Fresnos

1. Introduction and Objectives

As water supply continues to be a key issue in the development of Texas Cities, it is important that the City of Los Fresnos make efficient use of its water supplies. Additional supplies to meet increased demand will be difficult and expensive to develop. The Rio Grande River is the main water source for our City.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has required water conservation plans from public municipal water suppliers and has developed guidelines and requirements governing the development of these water conservation plans. These TCEQ guidelines and requirements are included in Appendix B. The objectives of this water conservation plan are as follows:

- Reduce the loss and waste of water.
- Improve the efficient use of water.
- Maintain quality of life.

2. Texas Commission on Environmental Quality Rules

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as "a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water." The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans are covered in this report as follows:

TCEQ Rule	Location in Plan	Description
288.2(a)(1)(A)	Section 4.1	Utility Profile
288.2(a)(1)(C)	Section 3	Specification of Goals
288.2(a)(1)(D)	Section 4.3	Accurate Metering
288.2(a)(1)(E)	Section 4.3	Universal Metering
288.2(a)(1)(F)	Section 4.4	Determination and Control of Unaccounted for Water
288.2 (a)(1)(G)	Section 4.5	Public Education and Information Program
288.2(a)(1)(H)	Section 4.6	Non-Promotional Water Rate Structure
288.2(a)(1)(I)	Section 4.7	Reservoir System Operation Plan
288.2(a)(1)(J)	Section 4.8	Means of Implementation and Enforcement
288.2(a)(1)(K)	Section 4.9	Coordination with Regional Water Planning Group
288.2(a)(2)(A)	Section 4.10	Leak Detection, Repair, and Water Loss Accounting
288.2(a)(2)(B)	Section 4.11	Record Management System

Additional Conservation Strategies

TCEQ rules also list optional conservation strategies, which may be adopted.

TCEQ Rule	Location in Plan	Description
288.2(a)(3)(B)	Section 5.2	Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures
288.2(a)(3)(F)	Section 5.2	Considerations for Landscape Water Management Regulations

3. Specific Goals, Quantified 5 & 10-Year Targets

Rule 288.2(a)(1)(C) requires the adoption of specific water conservation goals for a water conservation plan. The City has developed 5-year and 10-year goals for the reduction of per capita municipal use, as expressed in the water utility profile (Appendix C). The TCEQ defines municipal use in gallons per capita per day as “the total average daily amount of water diverted

or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by the population served." In this definition, the "water diverted or pumped" refers to the total volume of water metered at the City's intake at our reservoir and includes the City's water loss.

These reduction goals, expressed in gallons per capita per day (gpcd), are based on the average total gpcd for the City for the last five years (2019-2023) which is 90.0 gpcd.

	Historic 5-year Average	*Baseline*	*5-year goal for year 2029*	*10-year goal for year 2034*
Total GPCD	90.0	90.0	88.75	87.5
Residential GPCD	59.0	59.0	58	57
Water Loss GPCD	9	9	8.68	8.36
Water Loss Percentage	9.86	9.86	9.68	9.5

Notes:
Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

4. Minimum Conservation Plan Requirements

4.1 Utility Profile

POPULATION, SERVICE, AND CUSTOMER DATA

1. Service area size (in square miles): 5.69

   (Please attach a copy of service-area map)

2. Current population of service area: 6,174
3. Current population served for:
   Water 6,174
   Wastewater 8,193

4. Population served for previous five years:

Year	*Population*
2019	6,060
2020	6,009
2021	6,126
2022	6,924
2023	6,174

5. Projected population for service area in the following decades:

Year	*Population*
2020	6,535
2030	7,679
2040	8,801
2050	10,009
2060	11,253

I. Water Accounting Data

1. Amount of treated water use for the previous five years (in 1,000 gallons).

Year	2023	2022	2021	2020	2019
Month					
January	17,266	18,080	18,387	14,324	16,110
February	16,878	16,166	17,456	18,047	14,589
March	19,399	19,053	19,064	21,961	16,056
April	18,328	20,508	18,821	20,389	17,012
May	18,671	22,405	17,842	22,455	19,459
June	19,576	19,248	18,389	18,915	17,131
July	22,473	20,219	18,389	22,306	20,947
August	23,685	23,953	21,187	21,013	24,459
September	21,936	20,003	19,064	17,618	18,490
October	19,237	21,205	18,448	19,809	18,460
November	18,013	16,760	16,633	19,837	17,062
December	17,381	16,570	18,047	19,208	17,092
Totals	232,843	234,170	221,727	235,882	216,867

2. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

Year	2023	2022	2021	2020	2019
Account Types					
Residential	146,594	143,572	138,669	152,881	139,195
Single-Family	121,902	117,607	110,987	124,003	111,704
Multi-Family	24,692	25,965	27,682	28,878	27,491
Commercial	38,261	43,982	33,790	33,219	33,808
Industrial/Mining	0	0	0	0	0
Institutional	17,123	15,330	12,187	13,044	23,829
Agriculture	0	0	0	0	0
Other/Wholesale	0	0	0	0	0

3. Previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

Year	*Amount (gallons)*	*Percent %*
2023	25,802,407	10.80
2022	22,999,733	7.30
2021	27,402,310	11.60
2020	24,741,861	9.90
2019	21,647,294	9.86

4. Water Supply Sources

Water Type	*Source*	*Amount Authorized*
Surface Water	Rio Grande River	1,051,4046
Groundwater	Southmost Regional Water Authority	191,5446
Other	N/A	N/A

4.3 Universal and Accurate Metering

All water distributed throughout the city is monitored by the City of Los Fresnos. Approximately 99% of the City's water meters are electronic and maintenance free (no moving parts). The electronic water meters are monitored remotely on a daily basis. Each water meter is programmed to notify the City of any high volume consumption. The meter is then inspected and replaced as needed. Any non-electronic water meter is monitored on a monthly basis and replaced as needed. The City has a computer system which handles all the billing and assists in monitoring water use, this aids the City in identifying all high and low rate water users. The City's intake meters to our reservoirs and treatment plant are calibrated annually.

4.4 Determination and Control of Unaccounted for Water

Water loss is the difference between the amount of metered water received from the Rio Grande and the amount of water pumped into our distributions system and sold to our customers plus authorized but unmetered uses such as firefighting, releases for flushing of lines, and uses associated with new construction. Water loss can include several categories:

- Inaccuracies in customer meters.
- Unmetered uses such as firefighting.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft.
- Other.

The city's water loss for the last five years is reported in the Utility Profile in Appendix C. This water loss percentage has averaged around 9.89% over the last 5 years.
Other actions the city is taking to reduce loss include the following:

- The City of Los Fresnos is seeking funding to replace a significant amount of the aging distribution system. The amount of funding will determine how quickly this change out will take place.

• City employees and the public works department work together to identify possible leaks in the distribution system. Leaks are fixed as quickly as possible.

4.5 Public Education & Information Programs

As part of this water conservation plan, the city will adopt the following public education programs in order to promote water conservation:

1. The City will include educational fliers in the mail along with monthly water bills during the summer months.
2. New customers will receive an educational packet regarding water conservation.
3. Water conservation information will be available upon request.
4. Community outreach programs for schools and general public.

4.6 Non-Promotional Water Rate Structure

Water suppliers are required to have a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. Current water rates and associated cost are presented in Tables 1 through 5 below:

Table 1 Water Rate Structure March 2024 – Inside City Limits

Water Rates	**Cost**
Base Charge (First 2,000 gallons)	25.09
2,001 to 10,000 gallons per 1,000 gallons	4.41
10,001 to 20,000 gallons per 1,000 gallons	4.56
20,001 to 40, 000 gallons per 1,000 gallons	4.92
40,001 gallons and above per 1,000 gallons	5.34

Table 2 Water Rate Structure March 2024 – Outside City Limits

Water Rates	**Cost**
Base Charge (First 2,000 gallons)	31.36
2,001 to 10,000 gallons per 1,000 gallons	5.51
10,001 to 20,000 gallons per 1,000 gallons	5.71
20,001 to 40, 000 gallons per 1,000 gallons	6.15
40,001 gallons and above per 1,000 gallons	6.68

Table 3 Wastewater Rate Structure March 2024 – Inside City Limits

Wastewater Rates	Cost
Base Charge (First 2,000 gallons)	26.59
Above 2,000 gallons per 1,000 gallons	4.43

Table 4 Wastewater Rate Structure March 2024 – Outside City Limits

Wastewater Rates	Cost
Base Charge (First 2,000 gallons)	33.24
Above 2,000 gallons per 1,000 gallons	5.54

Table 5 Wastewater Rate Structure March 2024 – Outside City EDAP

Wastewater Rates	Cost
Base Charge (First 2,000 gallons)	30.58
Above 2,000 gallons per 1,000 gallons	5.09

4.7 Reservoir System Operations Plan

The City receives its water from three different sources; the Los Fresnos Surface Water Treatment Plant (SWTP), the Southmost Regional Water Authority (SRW A), and the East Rio Hondo Water Supply Corporation (ERHWSC). While the WTP provides the majority of the water supply, water line connections from SRWA and ERHWSC serve to augment the treated water supply on a daily and as-needed basis. The SWTP ground storage and distribution systems serve to supply the City with the combined effluent of the three sources. The following table, Table 6, summarizes sources, volume, frequency, raw water sources, and treatment methods of the current water supply:

Water Supplier	Supply (MGD)	Supply Frequency	Raw Water Source	Water Treatment Method
Los Fresnos Water Treatment Plant	1.000	Main Supply (Daily)	Rio Grande River	Surface Water Treatment
Southmost Regional Water Authority	0.171	Daily	Rio Grande River	Surface Water Treatment

East Rio Hondo Water Supply Corporation	0.500	Emergency Inter-Connection	Rio Grande River and Brackish Water Well	Surface Water Treatment and Reverse Osmosis

The SWTP receives its raw water supply through the irrigation canals from the Rio Grande River Two reservoirs serve as on-site raw water storage for the WTP. Reservoir 1 and Reservoir 2 hold a combined raw water volume of 30.66 million gallons (MG), individually contributing 21.97 MG and 8.69 MG respectively. Because Reservoir 2 supplies the water treatment system, it is maintained at a constant level by a transfer station between Reservoir 1 and 2. The transfer station is currently equipped with a 700 GPM vertical turbine pump to ensure the water level of Reservoir 2 is maintained Based on the projected population, the existing water treatment plant for the City will not have enough capacity to meet future water demands. As a result, The City is planning a project to rehabilitate and expand the SWTP from 1.0 MGD to 1.5 MGD. The project has already been reviewed and approved by TCEQ on September 24, 2018. Based on future water demands, the existing reservoirs will be able to sustain the water treatment plant at 1.5 MGD for approximately 20 days.

4.8 Enforcement Procedure and Plan Adoption

A copy of the ordinance which indicates the official adoption of this water conservation plan by the City can be found in Appendix C.

4.9 Coordination with the Regional Water Planning Group(s)

The City of Los Fresnos is located within the Rio Grande Regional Water Planning Area (M). A copy of this Water Conservation Plan, Water Conservation Implementation Report, and Drought Contingency Plan has been provided to the Region M Planning Group.

4.10 Measures to Determine and Control Water Loss

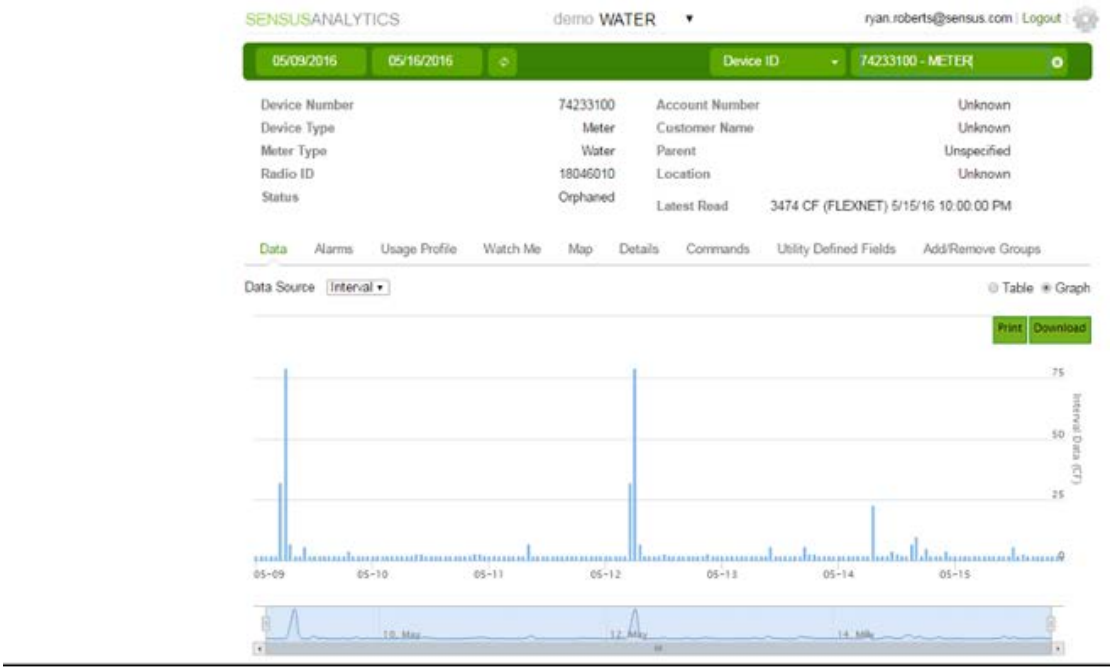
The City has a computer system which monitors water consumption on a daily basis and provides the City with regular updates regarding water consumption. The system will notify the operators daily regarding any suspicious activity which can be identified as a potential break leak, abandoned service, illegal connection, etc. The City then inspects the areas of high consumption and makes any repairs needed.

4.11 Record Management System

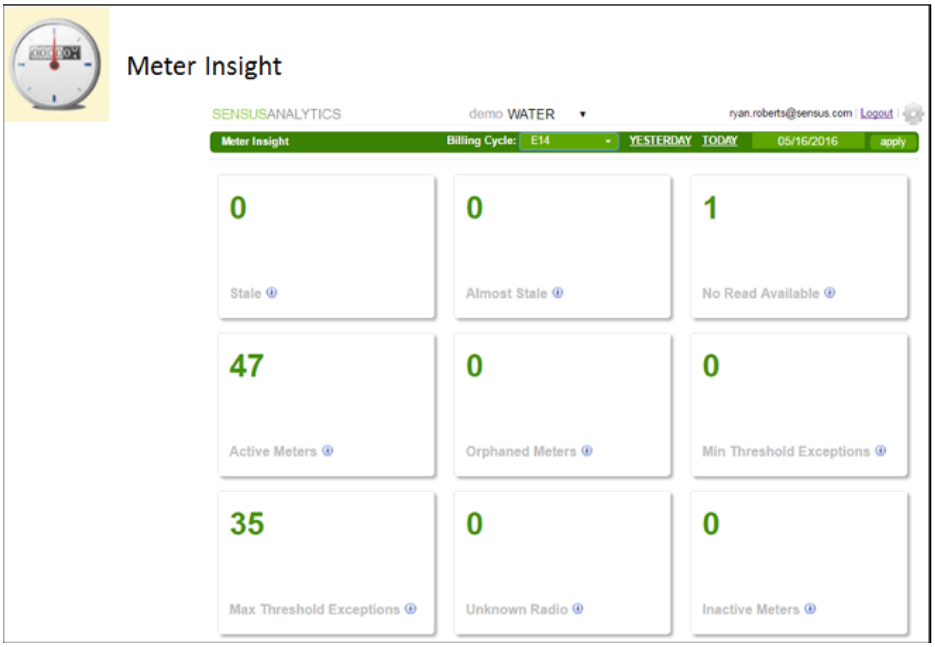
The City has a record management system which allows for the continuous monitoring of the water distribution. The City has invested in some of the latest technology available to allow for the monitoring and classification of water sales. The computer system easily identifies high or low rate users and keeps track of all water use.

Smart Water Meters

Device Access



Meter Insight



4.12 Measures and Accounting for Diversions

The City receives water from three different sources: the Los Fresnos Surface Water Treatment Plant SWTP, the Southmost Regional Water Authority (SRWA), and the East Rio Hondo Water Supply Corporation (ERHWSC). All water diverted from the Rio Grande River to the Los Fresnos SWTP, imported from SRWA and ERHWSC and distributed to the City is metered. All metering devices used have an accuracy of plus or minus 5.0%, or better.

5.1 Plan Review Update

A completed Water Conservation Implantation Report is provided in Appendix B.

The City Shall review and update the next revision of its water conservation plan no later than May 1, 2029, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

5.2 Additional Conservation Strategies

A. Plumbing Codes

The City automatically adopts the International Plumbing Codes, which include water saving plumbing requirements. The latest code to be adopted by the State of Texas is the 2018 international Plumbing Code.

B. Retrofit Programs

The City will educate the residents, plumbers, and contractors on the benefits of retrofitting existing facilities with water saving devices. This program will be encompassed in the education and informational programs utilized by the City. The City will contact all plumbing companies and hardware stores in the area to encourage them to stock water conserving fixtures including retrofitting devices.

C. Water Conserving Landscape

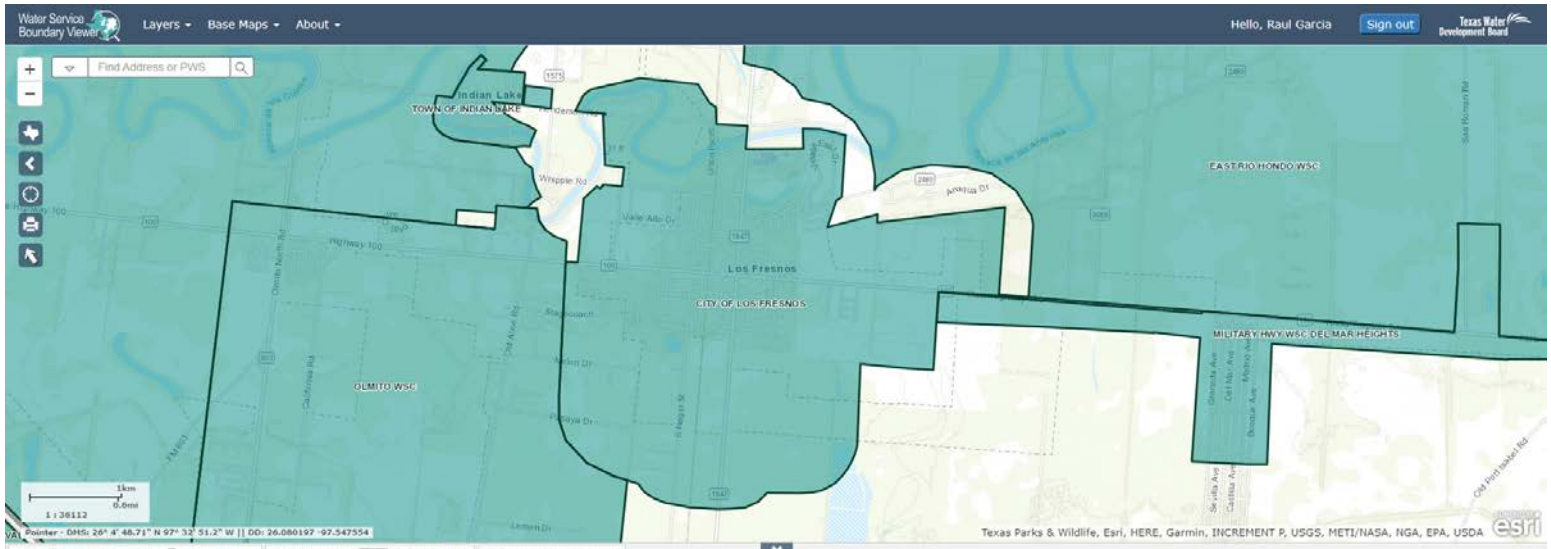
The City of Los Fresnos will provide information, through the public education program, to homeowners, business owners, landscape architects and irrigation contractors about the methods and benefits of water conserving landscaping practices and devices. The following methods will be encouraged.

1. The use of low water consuming plants and grasses for landscaping new homes and commercial areas.
2. Business and nurseries to offer for sale low water consuming plants & grasses along with efficient irrigation systems and to promote their use through demonstrations and advertisements.

D. Conservation –Oriented Water Rate Structures

As shown in Tables 1 through 5 of the Water Conservation Plan Requirements of this document, the City has conservation-oriented water rate structures.

Service Area Map



Provisional Service Areas 1 Download | Service Areas 4557 Download | Service Area Selections

PWS ID	Survey Number	PWS Name	Status	Submit Comments	TWDB Comments	Last Submitted Date	Submitted By	Last Update Date	Last Update Time	Last Update By	Area (sq mi)	Area Change (%)	Overlaps Adjacent PWS	County
No filter applied														
TX0310004	0514500	CITY OF LOS FRESNOS	Updated	No changes.	2/14/2024: Does the city of Los Fresnos have retail customers in the area that is overlapping with Military Highway WSC?	2/14/2024	Raul Garcia	2/14/2024	3:54:22 PM	Raul Garcia	5.380	0	No	Cameron

Appendix A

Texas Commission on Environmental Quality

Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers

This form is provided to assist retail public water suppliers in water conservation plan assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Water users can find best management practices (BMPs) at the Texas Water Development Board's website http://www.twdb.texas.gov/conservation/BMPs/index.asp. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name of Water Supplier:	City of Los Fresnos	
Address:	520 E Ocean Blvd.; Los Fresnos, TX 78566	
Telephone Number:	(956) 233-5768	Fax: (956) 233-9879
Water Right No.(s):	0853-000	
Regional Water Planning Group:	M	
Water Conservation Coordinator (or person responsible for implementing conservation program):	Mark W. Milum	Phone: (956) 233-5768
Form Completed by:	Raul Garcia	
Title:	Public Works Manager	
Signature:		Date: / /

A water conservation plan for municipal use by retail public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.2). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

Utility Profile

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).

2. Service area size (in square miles): 5.69

   (Please attach a copy of service-area map)

3. Current population of service area: 6,174

4. Current population served for:

   a. Water 6,174

   b. Wastewater 8,193

5. Population served for previous five years:

Year	*Population*
2019	6,060
2020	6,009
2021	6,126
2022	6,924
2023	6,174

6. Projected population for service area in the following decades:

Year	*Population*
2020	6,535
2030	7,679
2040	8,801
2050	10,009
2060	11,253

7. List source or method for the calculation of current and projected population size.

   2021 RIO GRANDE REGIONAL WATER PLAN for Region M, pages 113, on section Rio Grande Regional Water Planning Group | CHAPTER 2: POPULATION AND WATER DEMAND PROJECTIONS

B. Customer Data

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf

1. Quantified 5-year and 10-year goals for water savings:

	Historic 5-year Average	*Baseline*	*5-year goal for year 2029*	*10-year goal for year 2034*
Total GPCD	90.0	90.0	88.75	87.5
Residential GPCD	59.0	59.0	58	57
Water Loss GPCD	9	9	8.68	8.36
Water Loss Percentage	9.86	9.86	9.68	9.5

Notes:
Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

2. Current number of active connections. Check whether multi-family service is counted as ☒ Residential or ☐ Commercial?

Treated Water Users	*Metered*	*Non-Metered*	*Totals*
Residential	1,888	0	1,888
Single-Family	1,832	0	1,832
Multi-Family	56	0	56
Commercial	145	0	145
Industrial/Mining	0	0	0
Institutional	25	0	25
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

Year	2021	2022	2023
Treated Water Users			
Residential	42	287	0
Single-Family	42	287	0
Multi-Family	0	0	8
Commercial	0	0	0
Industrial/Mining	0	0	0
Institutional	0	0	1
Agriculture	0	0	0
Other/Wholesale	0	0	0

4. List of annual water use for the five highest volume customers.

Customer	*Use (1,000 gal/year)*	*Treated or Raw Water*
Los Fresnos CISD	13,185	Treated
Paseo Pointe Apartments	8,875	Treated
EZ Carwash	6,100	Treated
Indian Lake Apartments	4,409	Treated
First Tree Apt. LLC.	1,516	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

   Indicate whether this is ☐ diverted or ☒ treated water.

Year	2023	2022	2021	2020	2019
Month					
January	17,266	18,080	18,387	14,324	16,110
February	16,878	16,166	17,456	18,047	14,589
March	19,399	19,053	19,064	21,961	16,056
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December	17,381	16,570	18,047	19,208	17,092
Totals	232,843	234,170	221,727	235,882	216,867

2. Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

3. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

Year	2023	2022	2021	2020	2019
Account Types					
Residential	146,594	143,572	138,669	152,881	139,195
Single-Family	121,902	117,607	110,987	124,003	111,704
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Institutional	17,123	15,330	12,187	13,044	23,829
Agriculture	0	0	0	0	0
Other/Wholesale	0	0	0	0	0

4. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

Year	*Amount (gallons)*	*Percent %*
2023	25,802,407	10.80
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2021	27,402,310	11.60
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2019	21,647,294	9.86

B. Projected Water Demands

1. If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

- Projected water supply demands were obtained from the 2021 Rio Grande Regional Water Plan Volume 1. A copy of the plan can be found at the following link: https://www.twdb.texas.gov/waterplanning/rwp/plans/2021/F/RegionF_2021RWP_V1.pdf?d=20622.40000000596

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

Water Type	*Source*	*Amount Authorized*
Surface Water	Rio Grande River	1,051,4046
Groundwater	Southmost Regional Water Authority	191,5446
Other	N/A	N/A

B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 1.0
2. Storage capacity (MGD):
   a. Elevated 0.3
   b. Ground .253
3. If surface water, do you recycle filter backwash to the head of the plant?

   ☐ Yes ☒ No If yes, approximate amount (MGD):

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD): 1.0
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for ☒ plant wash-down, and/or for ☒ chlorination/dechlorination.

   If yes, approximate amount (in gallons per month): 500,000
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

   As per TCEQ Drainage Permit WQ0010590002, issued on May 13, 2019, the City of Los Fresnos is authorized to treat and discharge wastes from the City of Los Fresnos Wastewater Treatment Facility, SIC Code 4952, to Cameron County Drainage District (CCDD) No. 1 Ditch No. 1, thence to CCDD No.1 Ditch No.2, thence to San Martin Lake, thence to Brownsville Shop Channel in Segment No. 2494 of Bays and Estuaries.

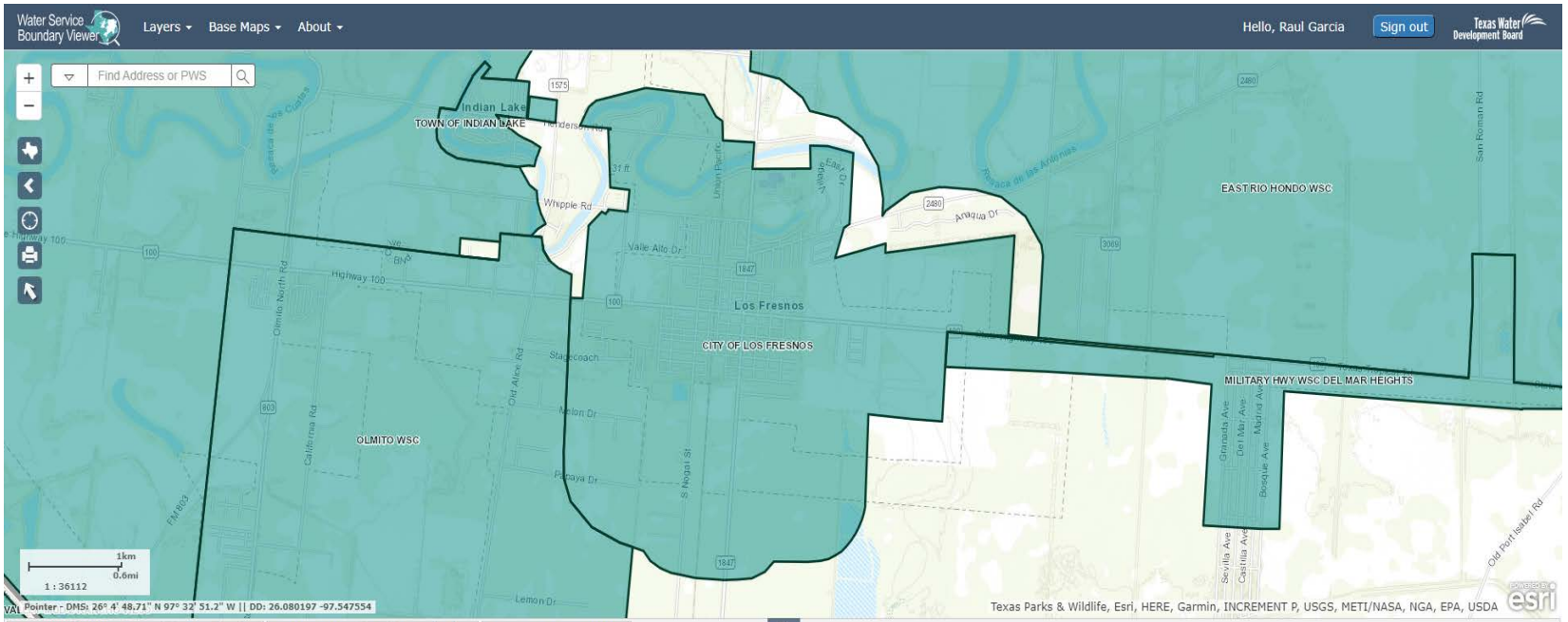
B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 100%

2. Monthly volume treated for previous five years (in 1,000 gallons):

Year	2023	2022	2021	2020	2019
Month					
January	15,886	17,035	17,547	15,822	15,756
February	14,515	17,348	16,414	14,898	14,117
March	16,482	16,159	17,555	16,689	16,258
April	17,448	15,796	18,067	15,215	15,305
May	21,396	18,942	23,146	17,419	16,570
June	16,975	16,254	19,966	18,601	17,457
July	17,015	16,877	26,277	21,615	17,272
August	17,875	17,675	20,907	18,651	16,247
September	17,172	16,044	19,880	19,976	16,785
October	17,216	14,733	20,823	18,470	17,083
November	17,629	17,235	19,702	17,033	15,667
December	15,384	16,591	19,614	17,594	15,951
Totals	204,993	200,689	239,898	211,983	194,468

Service Area Map



Provisional Service Areas 1 Download | Service Areas 4552 Download | Service Area Selections

PWS ID	Survey Number	PWS Name	Status	Submit Comments	TWDB Comments	Last Submitted Date	Submitted By	Last Update Date	Last Update Time	Last Update By	Area (sq mi)	Area Change (%)	Overlaps Adjacent PWS	County
No filter applied														
TX0310004	0514500	CITY OF LOS FRESNOS	Updated	No changes.	2/14/2024: Does the city of Los Fresnos have retail customers in the area that is overlapping with Military Highway WSC?	2/14/2024	Raul Garcia	2/14/2024	3:54:22 PM	Raul Garcia	5.380	0	No	Cameron

Appendix B

Texas Commission on Environmental Quality

Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

WATER CONSERVATION IMPLEMENTATION REPORT FORM AND SUMMARY OF UPDATES/REVISIONS TO WATER CONSERVATION PLAN

(Texas Water Code §11.1271(b) and Title 30 Texas Administrative Code §288.30(1) to (4))

Please note, this form replaces the following forms: TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers)

This Form is applicable to the following entities:

1. **Water Right Holders of 1,000 acre-feet or more for municipal, industrial, and other non-irrigation uses.**
2. **Water Right Holders of 10,000 acre-feet or more for irrigation uses.**

The above noted entities are required by rule to submit updates to their water conservation plan(s) and water conservation implementation report(s) every five years beginning May 1, 2009. See 30 Texas Administrative Code (TAC) §288.30(1) to (4). Entities must also submit any revisions to their water conservation plan within 90 days of adoption when the plans are revised in between the five-year submittal deadlines. This form may be used for the five-year submittal or when revisions are made to the water conservation plans in the interim periods between five-year submittals. Please complete the form as directed below.

1. Water Right Holder Name: City of Los Fresnos
2. Water Right Permit or Certificate Nos. 0853-000

3. Please Indicate by placing an 'X' next to all that Apply to your Entity:

Water Right Holder of 1,000 acre-feet or more for non-irrigation uses

__X__ Municipal Water Use by Public Water Supplier

_____ Wholesale Public Water Supplier

_____ Industrial Use

_____ Mining Use

_____ Agriculture Non-Irrigation

Water Right Holder of 10,000 acre-feet or more for irrigation uses

_____ Individually-Operated Irrigation System

_____ Agricultural Water Suppliers Providing Water to More Than One User

Water Conservation Implementation Reports/Annual Reports

4. Water Conservation Annual Reports for the previous five years were submitted to the Texas Water Development Board (TWDB) for each of the uses indicated above as required by 30 TAC §288.30(10)(C)? Yes__x__ No_____

TCEQ no longer requires submittal of the information contained in the detailed implementation report previously required in Forms TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers). However, the Entity must be up-to-date on its Annual Report Submittals to the TWDB.

Water Conservation Plans

5. For the five-year submittal (or for revisions between the five-year submittals), attach your updated or revised Water Conservation Plan for each of the uses indicated in Section 3, above. Every updated or revised water conservation plan submitted must contain each of the minimum requirements found in the TCEQ rules and must be duly adopted by the entity submitting the water conservation plan. Please include evidence that each water conservation plan submitted has been adopted.

   - Rules on minimum requirements for Water Conservation Plans can be found in 30 TAC Chapter 288. http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288
   - Forms which include the minimum requirements and other useful information are also available to assist you. Visit the TCEQ webpage for Water Conservation Plans and Reports. https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserve.html

*Call **512-239-4600** or email to **wcp@tceq.texas.gov** for assistance with the requirements for your water conservation plan(s) and report(s).*

6. For each Water Conservation Plan submitted, list dates and descriptions of the conservation measures implemented, and the actual amount of water saved.

Based on the estimated yearly average of known water losses due to water main breaks, we anticipate to set a 5% replacement goal of our water mains. Our current water loss for the past five years averages 360,000 gallons per year. The City has submitted a new application for funding to replace our aging distribution system. Depending on the finalized construction schedule we are conservatively anticipating a rough 5% replacement of our lines thus giving us a rough estimate of 18,000 gallons saved on water main breaks or 5% of our water losses. Other measures to reach our customers and educate them on water savings measures will be implemented but a quantifiable amount of water savings is not possible to calculate at this time.

7. For each Water Conservation Plan submitted, state whether the five and ten-year targets for water savings and water loss were met in your *previous* water conservation plan.

Yes __X___ No _____

If the targets were not met, please provide an explanation as to why any of the targets were not met, including any progress on that particular target.

Targets were not met due to aging infrastructure. More than half of our distribution pipe system is asbestos cement. Due to the clay soil in our area that has a high rate of expansion during the wet and dry seasons, we are prone to water main breaks. A plan to upgrade our water lines to a more durable PVC pipe is currently being submitted for funding. It is our intention to have most of the asbestos cement piping replaced soon to help meet our goals.

8. For each five-year submittal, does each water conservation plan submitted contain *updated* five and ten-year targets for water savings and water loss?
Yes_X_____ No_____

If yes, please identify where in the water conservation plan the updated targets are located (page, section).

The City of Los Fresnos Utility Profile and Water Conservation Plan Requirements for Municipal Water Use be Retail Public Water Suppliers (TCEQ Form 10218) pages 5

9. In the box below (or in an attachment titled "Summary of Updates or Revisions to Water Conservation Plans), please identify any other revisions/updates made to each water conservation plan that is being updated or revised. Please specify the water conservation plan being updated and the location within the plan of the newly adopted updates or revisions.

The 2024 Conservation Plan was updated to reflect current city practices, conditions and to include all requirements as per TCEQ Form 10218 and 30 TAC Section 288.2.

10. *Form Completed by (Point of Contact):* Raul Garcia
(If different than name listed above, owner and contact may be different individual(s)/entities)

Contact Person Title/Position: Raul Garcia

Contact Address: 520 E Ocean Blvd.; Los Fresnos, TX 78566

Contact Phone Number: 956-233-5768 Contact Email Address: RGARCIA@CITYLF.US

Signature: _____ Date: _____

Appendix C

Texas Commission on Environmental Quality
Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

Drought Contingency Plan for a Retail Public Water Supplier

This form is provided as a model of a drought contingency plan for a retail public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Name:	City of Los Fresnos	
Address:	520 E Ocean Blvd.	
Telephone Number:	(956) 233-5768	Fax: (956) 233-9879
Water Right No.(s):	0853-000	
Regional Water Planning Group:	M	
Form Completed by:	Raul Garcia	
Title:	Public Works Manager	
Person responsible for implementation:	MARK W. MILUM	Phone: (956) 233-5768
Signature:		Date: / /

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Los Fresnos hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the plan) are considered to be non-essential and continuation of such uses during times of water shortage or other

emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

The City of Los Fresnos made the Water Conservation and Drought Contingency Plan available to its customers at City Hall and the Public Library. The Plan was adopted by Ordinance of the Los Fresnos City Council. The City of Los Fresnos made drought contingency planning information available to the public as follows:

- The proposed plan was provided to anyone requesting a copy.
- The plan was presented for adoption to the Los Fresnos City Council at a public meeting at the Los Fresnos City Hall at _____:_____ p.m. on _____, 2024.

Section III: Public Education

The City of Los Fresnos will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by the Water Utilities Department through ongoing programs which will reach a wide variety of customers. These programs include outreach to schools, Rotary clubs, civic groups, and other community groups. The City distributes water conservation and drought response notices in the water bill mailings and provides them to the general public at the Los Fresnos City Hall. The City also publishes this information in the local newspaper The Los Fresnos News with information specific to water conservation and to this Plan. The City of Los Fresnos will inform and educate the public about its Plan by the following means:

- Posting the Notice of the Drought conditions at the City of Los Fresnos Waterworks Office, City Hall, Post Office, and Library.
- Preparing a bulletin describing the Plan and making it available at the Los Fresnos City Hall and other appropriate locations
- Notifying local organizations, schools, and civic groups that the City of Los Fresnos staff is available to make presentations on the Plan (usually in conjunction with presentations on water conservation programs).
- At any time that the Plan is activation or the drought stage changes, the City of Los Fresnos will notify the local media of the issues, the drought response state and specific actions required of the public.
- Customer billing will also be used as appropriate.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Los Fresnos is located within the Rio Grande Regional Water Planning Area (M) and the City has provided a copy of this Plan to the Rio Grande Regional Water Planning Group (M).

Section V: Authorization

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to

protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application
The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Los Fresnos. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

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 Los Fresnos.

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 Manager or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on:

The City's current treatment facilities capacity is rated at 700 gallons per minute or 1.0 million gallons per day (MGD). Total water storage capacity is 0.567 million gallons, or which 0.3 million gallons are elevated storage

Daily water demands will be monitored for impending emergency conditions by City staff. Trigger conditions will be based on the emergency situation caused by a natural disaster, equipment failure, system failure or extended high water demands.

Utilization of alternative water sources and/or alternative delivery mechanisms:

Alternative water source(s) for the City of Los Fresnos area:
1. Southmost Regional Water Authority (SRWA)
2. East Rio Hondo Water Supply Corporation (ERHWS)

Stage 1 Triggers – Normal/MILD Water Shortage Conditions

Requirements for initiation
Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions.

Requirements for termination
Stage 1 of the Plan is always in effect unless a higher stage is required and enacted.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reach 30%
2. Average daily water use is approaching 90% of system capacity.
3. Net storage in City's raw water reservoirs is at 50% and continually decreasing on a daily basis such that a more serious problem may develop.
4. The availability of raw of water is low
5. The usage of water rights available based on the quarterly capacity exceeds:
    - 1st Quarter 25%
    - 2nd Quarter 50%
    - 3rd Quarter 75%
6. The capacity to transport and/or treat raw water has been affected.
7. The distribution capacity to customers is approaching maximum availability.

Requirements for termination
Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reach 25%
2. Average daily water use is reaches 90% of system capacity for three (3) consecutive days.
3. Net storage in City's raw water reservoirs is at 25% and continually decreasing on a daily basis such that a more serious problem may develop.
4. The availability of raw of water is low
5. The usage of water rights available based on the quarterly capacity exceeds:
    - 1st Quarter 30%
    - 2nd Quarter 55%
    - 3rd Quarter 80%
6. Water pressure in the distribution system is approaching 40 psi, as measured by the pressure gauges of the system.

Requirements for termination
Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reach 15%
2. When a condition related to unexpected circumstances, such as a major problem on the water system due to natural disaster or unanticipated restriction on the raw water delivery system that immediately diminishes the City's ability to deliver a normal water level.

3. Net storage in City's raw water reservoirs is at 15% and is continually decreasing on a daily basis such that a more serious problem may develop.
4. Water demand is exceeding the system's capacity on a regular basis.
5. Rio Grande River level is so low that the River Pumps cannot pump the daily raw water demand.
6. All raw water is being pumped from the City's Storage Reservoirs and all replenishment of Raw Water Reservoirs has stopped.
7. The usage of water rights available based on the quarterly capacity exceeds:
    a. 1st Quarter 35%
    b. 2nd Quarter 60%
    c. 3rd Quarter 85%
8. Contamination of the water supply and/or transmission and distribution system due to hurricanes, freezes, and/or other natural disaster or man-made cause which may result in extraordinary loss of capability to provide service.

Requirements for termination
Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**

2. Natural or man-made contamination of the water supply source(s).

Requirements for termination
Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation
Customers shall be required to comply with the Stage 6 Water Allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager or City Council deem it necessary during an emergency water shortage condition.

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

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 VIII 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:

- Posting the Notice of Drought conditions at the City of Los Fresnos Waterworks Building, City Hall, Post Office, and the Library.
- At any time the Plan is activated or the drought stage changes, the City of Los Fresnos will notify local media of the issues, the drought response stage, and the specific actions required of the public.
- Inform the public through the news media that a trigger condition has been reached. Specific steps, which can be taken to conserve water, will be provided through the news media.

Additional Notification:

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

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

Stage 1 Response – Normal/MILD Water Shortage Conditions

Target: Achieve a voluntary reduction in water use.

Voluntary Water Use Restrictions for Reducing Demand:

(a) Recommend that all landscape areas be irrigated no more than three (3) times per week and that such irrigation occur between the ours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.

(b) Recommend water customers to limit water use for non-essential purposes such as washing vehicles, sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas by using an automatic water cut-off nozzle.

(c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(d) All operations of the City of Los Fresnos shall adhere to water use restrictions prescribed for Stage 1 of the Plan.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a three percent (3%) reduction in average daily water demands. This goal will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.

Water Use Restrictions for Demand Reduction:
Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(a) Irrigation of landscaped areas with hose-ended sprinklers or automatic irrigation systems shall be limited the following designated watering days between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.
   I. Monday, Wednesday, and Friday – water customers on the Southside of Ocean Boulevard (Highway 100).
   II. Tuesday, Thursday, and Saturday – water customers on the Northside of Ocean boulevard (Highway 100).
   III. No landscape irrigation allowed on Sunday.
   IV. Irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket, watering can of five (5) gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, trucks, trailers, boats, airplanes, and other mobile equipment will be prohibited except on landscape watering days and times described above. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(d) The following uses of water are defined as recommended to scale back or eliminate if possible:
   I. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
   II. Use of water to wash down buildings or structures for purposes other than immediate fire protection:
   III. Use of water for dust control:
   IV. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
   V. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Los Fresnos, the facility shall not be subject to these regulations.

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a five percent (5%) reduction in average daily water demands. This goal will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.

Water Use Restrictions for Demand Reduction:
All requirements of Stage 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 5:00 am and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only.
   I. Monday and Friday- water customers on the Southside of Ocean Boulevard (Highway 100).
   II. Tuesday and Saturday – water customers on the Northside of Ocean Boulevard (Highway 100)
   III. No Landscape irrigation allowed on Wednesday, Thursday, or Sunday.
   IV. The use of hose-end sprinklers is prohibited at all times.

(b) The following uses of water are defined as non-essential and are prohibited:
   I. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
   II. Use of water to wash down buildings or structures for purposes other than immediate fire protection:
   III. Use of water for dust control:
   IV. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
   V. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(c) Commercial nurseries and other similar establishment much accomplish watering with hand-held buckets, watering cans, or drip/sprinkler irrigation systems between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.
(d) The watering of golf courses tees is prohibited unless the golf course utilizes a water source other than the provided but the City of Los Fresnos.
(e) Defective plumbing in a home or business is prohibited.
(f) 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.
(g) Landscape irrigation variances are available but customers need to apply in person, mail, facsimile, or email with their names, address, where the new landscape is to be installed, and the date of installation.
(h) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except the use of water from designated fire hydrants for construction purposes may ne allowed under special permit from eh City of Los Fresnos.

Stage 4 Response – CRITICAL Water Shortage Conditions

Target: The goal for Stage 4 is to restrict water usage to allow the City's system to recover from the critical condition.

Water Use Restrictions for Reducing Demand:
All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only.
   I. Monday – water customers on the Southside of Ocean Boulevard (Highway 100).
   II. Tuesday – water customers on the Northside of Ocean Boulevard (Highway 100).
   III. No landscape irrigation allowed on Wednesday, Thursday, or Sunday.
   IV. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

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

(d) The use of fire hydrants for any purpose other than firefighting is prohibited. The City Manager may permit the use of metered fire hydrant water to clear or clean sanitary and storm sewers. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
(e) Industrial customers are required to implement an individual water conservation plan. Water Conservation Plans are subject to approval by the City Manager and /or his designee.
(f) If the customer already has a new service connection, a new water service connection is prohibited.
(g) All restaurants are prohibited from servicing water to patrons except upon request of the patron.
(h) The use of water for the expansion of commercial nursery facilities is prohibited.
(i) No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect except as directed by the City Manager.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: The goal for Stage 5 is to restrict water usage to allow the City's system to recover from the emergency condition. The City Manager is authorized to take any actions deemed necessary to meet conditions resulting form the emergency.

Water Use Restrictions for Reducing Demand:
All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

(a) Irrigation of landscaped areas is absolutely prohibited.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response – WATER ALLOCATION

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 water allocation plan:

Single-Family Residential Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each residential customer. The residential customer's allocation shall be seventy-five percent (75%) 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. The City Manager shall give his/her best effort to see that notice of each residential 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 of Los Fresnos to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions, or (3) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited. A customer may appeal an allocation established hereunder to the City Council. Residential water customers shall pay the following surcharges:

$5.00 for the first 1,000 gallons over allocation.
$6.00 for the second 1,000 gallons over allocation.
$7.00 for the third 1,000 gallons over allocation.
$8.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each residential customer. 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 seventy-five percent (75%) 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. The City Manager shall give his/her best effort to see that notice of each master-metered multi-family residential 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 of Los Fresnos to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions, (3) there is a change in the number of permanent residential dwelling units served by the master meter, or (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited. A customer may appeal an allocation established hereunder to the City Council. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

$5.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
$6.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
$7.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
$8.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be seventy-five percent (75%) 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. The City Manager shall give his/her best effort to see that notice of each non-residential 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 of Los Fresnos to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one non-residential customer agrees to transfer part of its allocation to another non-residential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council. Non-residential commercial water customers shall pay the following surcharges:

$5.00 per thousand gallons for the first 1,000 gallons over allocation.
$6.00 per thousand gallons for the second 1,000 gallons over allocation.
$7.00 per thousand gallons for the third 1,000 gallons over allocation.
$8.00 per thousand gallons for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

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 seventy-five percent (75%) 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 prior to the date of implementation of Stage 2 of the Plan. 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 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 of Los Fresnos 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 Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council. Industrial customers shall pay the following surcharges:

$5.00 per thousand gallons for the first 1,000 gallons over allocation.
$6.00 per thousand gallons for the second 1,000 gallons over allocation.
$7.00 per thousand gallons for the third 1,000 gallons over allocation.
$8.00 per thousand gallons for each additional 1,000 gallons over allocation.

The surcharges shall be cumulative.

Section X: Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Los Fresnos for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than two thousand dollars ($2,000). 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 re-connection charge, hereby established at $ 25.00, and any other costs incurred by the City of Los Fresnos 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.

(c) Any person, including a person classified as a water customer of the City of Los Fresnos, 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.

(d) Any employee of the City of Los Fresnos, police officer, or other Los Fresnos employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. 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 3 days nor more than 5 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 14 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 the 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 the 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 the municipal court before all other cases.

Section XI: 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.

The City Council may consider granting customer specific variances from the provisions of this Plan in cases of hardship or special conditions. Persons requesting an exemption or variance from the provisions of this Ordinance shall file a petition for variance with the City Manager 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 Manager, or his/her designee, and shall include the following:

(a) Name and address of the petitioner(s).

(b) Purpose of water use.
(c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
(d) 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.
(e) Description of the relief requested.
(f) Period of time for which the variance is sought.
(g) 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.
(h) Other pertinent information.

After recommendation by the City Manager, the City Council shall consider hardship or special cases 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. Such findings of the City Council together with the specific facts upon which such findings are based shall be incorporated into the official minutes of the City Council meeting at which such variance is recommended. A fee of twenty-five dollars ($25.00) shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that the applicant for the variance is unable to pay the fee.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

(a) Variances granted shall include a timetable for compliance.
(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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