

CITY OF HEMPHILL, TEXAS
RESOLUTION # 2019-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMPHILL,
TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF
HEMPHILL.

WHEREAS, the City Council of the City of Hemphill recognizes that the amount of water available to the City of Hemphill and to its wholesale customers is limited and subject to depletion during periods of extended drought; and,

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; and,

WHEREAS, 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 drought contingency plan; and

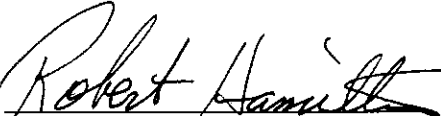
WHEREAS, Section 11.039 of the Texas Water Code authorizes water suppliers to distribute available water supplies on a pro rata basis during times of water supply shortage; and,

WHEREAS, as authorized by law, and in the best interest of the citizens of the City of Hemphill, 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;

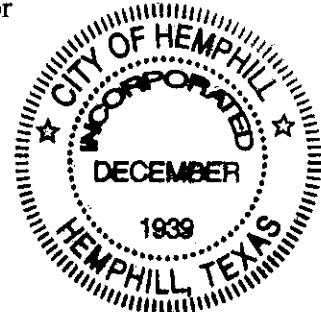
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPHILL, TEXAS:

That the Drought Contingency Plan attached hereto and hereby adopted, along with subsequent amendments and/or revisions, is the official policy of the City of Hemphill and that the City Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan.

PASSED AND APPROVED THIS 15TH DAY OF January, 2019.


Robert Hamilton, Mayor

ATTEST: Kelli Beall
Kelli Beall, City Secretary/Accountant



Drought Contingency Plan
City of Hemphill
Revised 01/15/2019

Section I: Declaration of Policy, Purpose and Intent

In order to conserve the available water supply and/or to 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 Hemphill adopts the following Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by City of Hemphill by means of regular scheduled City Council Meetings.

Section III: Wholesale Water Customer Education

The City of Hemphill will periodically provide wholesale water customers 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 means of certified mail, (e.g., describe methods to be used to provide customers with information about the Plan; for example, providing a copy of the Plan or periodically including information about the Plan with invoices for water sales).

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of Hemphill is located within Region "I" of the regional water planning area and the City of Hemphill has provided a copy of the Plan to the Region "I" planning group.

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 / Contracts

The provisions of this Plan shall apply to all customers utilizing water provided by the City of Hemphill. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations and all other legal entities.

The City will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.

Section VII: Triggering 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. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions. The Sabine River Authority will be contacted during this process.

(a) Stage 1 – Mild Water Shortage Conditions

Requirements for initiation – The City of Hemphill will recognize that a mild water shortage condition exists when total daily water demand equals or exceeds 85 percent of the safe operating capacity of 1.452 million gallons per day for 5 consecutive days or 99 percent on a single day.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The City of Hemphill will notify its' wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

(b) Stage 2 – Moderate Water Shortage Conditions

Requirements for initiation – The City of Hemphill will recognize that a moderate water shortage condition exists when total daily water demand equals or exceeds 90 percent of the safe operating capacity of 1.452 million gallons per day for 5 consecutive days or 99 percent on a single day.

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 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of Hemphill will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

(c) Stage 3 – Severe Water Shortage Conditions

Requirements for initiation – The City of Hemphill will recognize that a severe water shortage condition exists when total daily water demand equals or exceeds 98 percent of the safe operating capacity of 1.452 million gallons per day for 5 consecutive days or 99 percent on a single day.

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 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City of Hemphill will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 3 of the Plan.

(d) Stage 4 – Emergency Water Shortage Conditions

Requirements for initiation – The City of Hemphill will recognize that an emergency water shortage condition exists when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water 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 30 consecutive days. The City of Hemphill will notify its wholesale customers and the media of the termination of Stage 4.

Section VIII: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1 – Mild Water Shortage Conditions

1. Goal: achieve a voluntary 10 percent reduction in daily water demand.
2. Supply Management Measures:

None

3. Demand Management Measures:

- (a) The City Manager, or his/her designee(s), will contact wholesale water Customers to discuss water supply and/or demand conditions and will Request that wholesale water customers initiate voluntary measures to Reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).

customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

- (b) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1995-1999 period as shown in the example given below. If the wholesale water customer's billing history is less than 5 years, 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.

Example Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer

	1995	1996	1997	1998	1999	SUM	AVE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
JAN	133	137	146	148	156	719	144	75%	108
FEB	115	122	133	133	147	650	130	75%	98
MARCH	130	150	146	149	159	734	147	75%	110
APRIL	130	167	168	157	187	808	162	75%	122
MAY	160	152	179	183	171	845	169	75%	127
JUNE	226	184	172	205	249	1,035	207	75%	155
JULY	235	274	232	314	246	1,301	260	75%	195
AUG	222	203	206	337	309	1,277	255	75%	191
SEPT	199	160	196	229	198	982	196	75%	147
OCT	165	172	197	165	185	884	177	75%	133
NOV	139	142	149	153	162	745	149	75%	112
DEC	142	143	150	156	165	755	151	75%	113
TOTAL	1,995	2,006	2,072	2,330	2,333		2,333		

*UNITS IN ACRE FEET

- (c) The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water Allocation.
- (d) 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 wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale 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 of the City of Hemphill.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (a) 1.25 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 1.50 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 1.75 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 2.0 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation
- (e) The above surcharges shall be cumulative.

The City of Hemphill reserves the right to discontinue water service to any customer for non-compliance with any portion of this drought contingency plan

Section XI: Variances

The City Manager, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety 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 Plan shall file a petition for variance with the City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Council and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or its designee:

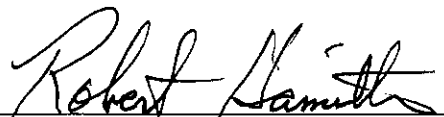
- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the Petitioner has failed to meet specified requirements.

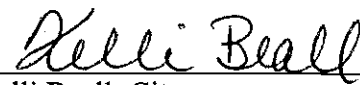
No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Plan, since the same would not have been enacted by the City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Adopted by Resolution, City of Hemphill – City Council, January 15, 2019


Robert Hamilton, Mayor

Attest: 
Kelli Beall, City
Secretary/Accountant

