

EXHIBIT A

Drought Contingency Plan

1. Introduction

This document is the Drought Contingency Plan (DCP) for the City of Corpus Christi (City) and its regional customers. The purpose of this DCP is to:

- (1) Conserve the available water supply by reducing the City's water demand as much as possible during a drought to protect the integrity of water supply facilities, with particular regard for domestic water use;
- (2) Minimize the adverse impacts of water supply shortages or other water supply emergency conditions;
- (3) Serve as a framework to identify and manage a drought or a state of water emergency; and
- (4) Preserve and protect essential water use.

This DCP was created so that the City can reduce demand when supplies are low so residents have sufficient water during drought conditions. This DCP clearly explains the triggers initiated by a drought and the steps to take during each stage of a drought. This is intended to preserve water provided by the City only and excludes auxiliary water supplies.

Choke Canyon Reservoir and Lake Corpus Christi are the City's longest established and largest water supplies. These two water supplies are referred to as the Western Reservoir system. Both reservoirs are monitored daily and operated per the 2001 Texas Commission on Environmental Quality (TCEQ) Agreed Order. The 2001 Agreed Order mandates that the combined reservoir storage level be used to implement drought stages. For these reasons, the City uses the combined capacity of Choke Canyon Reservoir and Lake Corpus Christi as the triggering criteria for the drought stages outlined in this DCP.

Additionally, the City utilizes water from two eastern supplies that include Lake Texana and the Colorado River. The City purchases water from Lake Texana through a water supply contract and does not own the water rights. While the City owns water rights on the Colorado River, these rights are considered junior, which means curtailment may occur by Water Right holders with senior rights.

The DCP is different from the Water Conservation Plan (WCP) because a DCP is a responsive plan that addresses drought conditions or water emergencies and defines actions that will be taken when certain criteria are met. Typically, these criteria consist of three or more "stages" in response to water supply storage levels (e.g., when reservoir storage levels drop below 40%, Stage 1 is initiated), or a water emergency.

A WCP is a proactive plan for addressing overall goals and actions that will help a utility implement year-round sustainable and efficient water conservation programs. The DCP follows the TCEQ guidelines and has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the City serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers

has also been included in Section 16 in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.22.

This DCP also follows guidelines of the U.S. Bureau of Reclamation Water SMART Drought Response Program Framework and has been designed to include the six elements of a Drought Contingency Plan: (1) Drought monitoring; (2) Vulnerability assessment; (3) Mitigation actions; (4) Response actions; (5) Operational and administrative framework; and (6) Plan update process. The City is eligible for certain drought funding opportunities by following the guidelines set by the Bureau of Reclamation. The Water SMART Program works cooperatively with states, tribes, and local entities to pursue a sustainable water supply for the Nation, including water efficiency projects located in urban areas and watersheds, through administering grants, conducting scientific studies, and providing technical assistance and scientific expertise. In addition, the adoption of a DCP is a requirement for eligibility to receive financial assistance from the Texas Water Development Board State Water Implementation Fund for Texas (SWIFT) program.

2. Declaration of Policy and Reason

The City of Corpus Christi hereby adopts the following regulations and restrictions on the delivery and consumptions of water in order to

- conserve the available water supply
- protect the integrity of water supply facilities with particular regard for domestic water use
- to protect and preserve essential water use
- minimize the adverse impacts of water-supply shortages or other water-supply emergency conditions

The City hereby adopts the following regulations and restrictions on the delivery and consumptions of water. The Water Resource Management Ordinance which gives the City the authority to regulate and enforce this DCP, is included as a supporting document.

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Section 13 of this DCP.

Since the City first started supplying its residents with water in the 1890s, the region has experienced several periods of drought. Over the years, new water supplies have been added and conservation measures have been strengthened to ensure water security for residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the City plans for future drought conditions.

Currently, the City's water supply system is comprised of three reservoirs and one run of the river right: Lake Corpus Christi, Choke Canyon Reservoir, Lake Texana and the Colorado River. However, the criteria to trigger drought stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir.

Due to the frequency of drought in South Texas, this DCP was developed and it adopts measures that will dramatically cut water consumption in order to conserve water supplies.

3. Public Education

Public meetings to receive comments on the DCP were held at the City Council regular meetings on January 28, February 11, and March 18, 2025, and adopted by ordinance on March 18, 2025. In addition, City staff also held two public listening sessions dedicated to the DCP on February 5, 2025, and February 18, 2025.

The City will work with its customers to inform them about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in the Corpus Christi Caller-Times, and notice on the City's website (www.corpuschristitx.gov).

Notification to the public about when drought stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

4. Coordination with Regional Water Planning Groups

The service area of the City of Corpus Christi is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The City of Corpus Christi shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

5. Authorization

The City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon determination that such implementation is necessary to protect essential water use. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency stages or restriction(s) as described in this DCP. The City Manager, or designee, shall notify the members of the City Council before implementing any measures. Any non-emergency changes to the drought stages and restrictions outside this DCP must have City Council approval.

6. Application

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

7. Definitions

For the purposes of this Chapter in this DCP, the following definitions shall apply:

Aerobic irrigation system: an irrigation system that utilizes a home or business’s treated wastewater from its aerobic septic system.

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Allocation: is calculated by reducing the customer’s baseline by the curtailment percentage.
Auxiliary Water Supply: Water supply from a source that does not originate from Corpus Christi Water’s supply system, whether treated or raw

Baseline: means the determined water usage of each customer based on the methodology established in this section. Residential and commercial accounts have monthly baselines. Large volume and wholesale water have seasonal baselines as described below.

Commercial account: water used in the operations of commercial, 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 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.

Contract (end-user) water customers: a private entity that has a contract with the City to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

Curtailment: means the required percentage reduction of water supplies to all customers necessary to meet water demand.

Customer: any person, company, or organization using water supplied by the City of Corpus Christi and paying a retail water bill.

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.

Drip irrigation: a method of watering plants using a network of tubes, pipes, valves, and emitters that slowly drips water to the roots of plants to minimize evaporation. Soaker hoses are not a substitute for a proper drip irrigation system.

Essential Water Use: water use necessary to sustain public health, welfare, safety, sanitation and fire protection.

Large volume account/Industrial user: utility accounts of entities who use more than 10,000,000 gallons of water a month for processes designed to convert materials of lower value into forms having greater usability and use.

Irrigation account/meter: a meter connected solely to an irrigation system. This type of meter does not incur wastewater fees on water used through this meter. All irrigation meters are subject to backflow prevention rules through the City's code of ordinances.

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, rights-of-way, athletic fields, and medians.

Multi-family account: a utility account that services multiple residential units.

Non-essential water use: water uses that are not essential or not required for the protection of public, health, safety, and welfare, including:

- Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle
- Use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas
- Use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons
- Flushing gutters or permitting water to run or accumulate in any gutter or street
- Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- Use of water in an aesthetic feature, including fountain or pond except where necessary to support aquatic life
- Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak
- Use of water from hydrants for construction purposes or any other purposes other than firefighting or flushing needed to maintain chlorination levels and protect public health

Non-exempt large volume accounts: a large volume account that is not paying the non-mandatory Drought Surcharge Exemption Fee pursuant to Article XII of chapter 55-159.1 of the Corpus Christi Code of Ordinances.

Pool cover: a material designated to cover the surface area of a swimming pool when it is not in use. Pool covers can come in different types including manual, semi-automatic, automatic, and can be made from different materials such as mesh, solid vinyl, solar blankets, or pool floaties. Pool covers do not include tree canopies, pergolas, gazebos, or similar structures.

Reservoir capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Surcharge: temporary rate to manage demand in times of drought.

Water well: any facility, device, or method used to withdraw groundwater from a groundwater reservoir. All water wells need to be registered with the Corpus Christi Aquifer Storage and Recovery Conservation District.

Wholesale customer: A public or private utility that purchases water from the City through a written contract that authorizes the resale of water to third parties or classifies the utility as a wholesale customer.

8. Criteria for Initiation and Termination of Drought Stages

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified “triggers” are reached. However, the City Manager, or designee, in the exercise of the City Manager’s discretion, may initiate or terminate any stage when the City Manager deems necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each drought stage are described in Section 10.

The combined reservoir storage level of Choke Canyon Reservoir and Lake Corpus Christi is the triggering criterion that is monitored for determining drought stages, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is in the Appendix.

8.1. Water Shortage Watch

Trigger for initiation – Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below 50%.

Trigger for termination – The watch may be terminated when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi increase above 50% for 15 consecutive calendar days.

8.2. Stage 1 – Mild Water Shortage

Trigger for initiation – Stage 1 begins when the combined reservoir storage level declines below 40%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10.

Trigger for termination – Stage 1 may be terminated when the combined storage levels increase above 50%.

8.3. Stage 2 – Moderate Water Shortage

Trigger for initiation – Stage 2 begins when the combined storage level declines below 30%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10.

Trigger for termination – Stage 2 may be terminated when the combined storage levels increase above 40%. Upon termination of Stage 2, Stage 1 becomes operative.

8.4. Stage 3 – Critical Water Shortage

Trigger for initiation – Stage 3 begins when the combined storage level declines below 20%. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10.

Trigger for termination – Stage 3 may be terminated when the combined storage levels increase above 30%. Upon termination of Stage 3, Stage 2 becomes operative.

8.5. Water Emergency

Level 1 Water Emergency

Trigger for initiation – A Level 1 Water Emergency begins when the City Manager, or designee, determines that the City is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The City Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies.

Trigger for termination - The Level 1 Water Emergency may be terminated when the City Manager, or designee, determines that the City's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation – A Level 2 Water Emergency begins when the City Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to;

- a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other

- large diameter water lines, and/or failure of the City's water treatment facilities like O.N. Stevens or other critical re-pump stations; or
- b) Water production or distribution system limitations; or
 - c) Natural or man-made contamination of the water supply source.

Trigger for termination – The Water Emergency may be terminated when the City Manager, or designee, deems appropriate.

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9. Drought Stage Notification

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Chapter, shall determine that a mild, moderate, critical, or a water emergency exists and shall implement the following notification procedures.

Notification to the Public:

The City Manager, or designee, shall notify the public for every change in drought stage status by any or all of the following:

- City's website (www.corpuschristitx.gov)
- Publication in the Corpus Christi Caller-Times
- Notice on the monthly utility billing
- Public Service Announcements
- Signs posted in public places
- The City's social media platforms

Additional Notification:

The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Mayor and members of the City Council
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge and Commissioner(s)
- Major water users (such as industries and wholesale water users)
- Critical water users (such as hospitals)
- Parks/street superintendents and public facilities managers
- Texas Commission on Environmental Quality (TCEQ) – note: TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed

10. Drought Stages, Best Management Practices per Stage

A summary of water use reduction targets for each drought stage is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of drought is included below. During Stages 1, 2, and 3, requests for exemptions may be presented to the Chief Operating Officer for Corpus Christi Water or designee.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%
Stage 1 - Mild Water Shortage	<40%	5%
Stage 2 - Moderate Water Shortage	<30%	10%
Stage 3 - Critical Water Shortage	<20%	15%
Water Emergency Level 1 Level 2	Not Applicable	25% 50%

10.1. Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water with the water use conditions below.

Best Management Practices for Supply Management:

The City will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible. The City will prioritize sources of supply not impacted by drought conditions, when available, including interruptible supplies from Lake Texana during times when Lake Texana water level is at or above 43 feet mean sea level in accordance with Lavaca-Navidad River Authority (LNRA) contract. The City will actively promote educational messages in the media about how to reduce water use through conservation practices, and rules of the drought stages.

Water Use Conditions for Reducing Demand

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to **once per week**.
- b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- c) All operations of the City of Corpus Christi shall adhere to water use restrictions prescribed for Stage 1.
- d) Water smart techniques will be promoted by City leadership, City Council and City departments.

10.2. Stage 1 Response – Mild Water Shortage

Target: During Stage 1, achieve a 5% reduction in daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

Under Stage 1, the City will:

- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- City crews (Water and other departments) begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.
- In addition to the restrictions outlined below, City departments will make every effort to conserve water, including no new landscaping installation, no filling of ponds, and reducing the use of City-owned ornamental fountains.
- Increase targeted outreach to high-consumption industrial and commercial customers to urge water use reductions.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
 - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - Take shorter showers.
 - You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - When hand-washing dishes, never run water continuously.
 - If you have a dishwasher appliance, use it only to wash full loads, and use the shortest cycle possible.
 - Wash only full loads in your washing machine and use the shortest cycle possible.
 - Repair leaks quickly.

- Clean outdoor surfaces with a broom, not a hose. Water during the cool part of the day, in the morning or evening.
- Do not over water in anticipation of a shortage. Soil cannot store extra water.
- Use auxiliary water supplies when/if accessible.

Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
 - 1) Exceptions for this restriction may be permitted, upon review and approval by the Chief Operating Officer for Corpus Christi Water or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system or any other auxiliary water supply. Customers irrigating with well water or an aerobic septic system must apply for an exemption from Corpus Christi Water to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- b) No watering or irrigating of landscaped areas by hose-end sprinkler or automatic irrigation systems will be allowed between the hours of 10:00 a.m. and 6:00 p.m. to prevent evaporative loss.
- c) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain essential water use, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from Corpus Christi Water.
- d) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi infrastructure, the facility shall not be subject to these regulations.
- e) The use of water to maintain the integrity of building foundations is limited to designated watering days.

10.3. Stage 2 Response – Moderate Water Shortage

Target: During Stage 2, achieve a 10% reduction in total daily water demand with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water to clean your brush.
 - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - When hand-washing dishes, never run water continuously.
 - If you have a dishwasher appliance, use it only to wash full loads.
 - Wash only full loads in your washing machine and use the shortest cycle possible.
 - Fix leaks quickly.
 - Clean outdoor surfaces with a broom, not a hose.
 - Do not overwater in anticipation of a shortage. Soil cannot store extra water.
 - Use auxiliary water supplies when/if accessible.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

- a) Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems shall be limited to **once every other week**. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.

- a. Exceptions for this restriction may be permitted, upon review and approval by the Chief Operating Officer for Corpus Christi Water or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system or any other auxiliary water supply. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from the City Utilities Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- b) The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes reclaimed water or a water source other than that provided through Corpus Christi Water infrastructure or done by means of hand-held hoses, or hand-held buckets.
- c) A person or entity who owns, leases or manages an outdoor swimming pool (including City-owned pools) shall begin preparation for Stage 3 requirement to have approximately 100 percent of the pool surface area covered when not in use.
- d) Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.
- ~~e) Use of water to wash any motor vehicle not occurring on the premises of a commercial car wash station is allowed on the designated Stage 2 watering day or by hand, using a five (5) gallon bucket or smaller.~~
- f) (e) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle, not occurring on the premises of a commercial car wash station, is allowed on any day if washing using a hand-held hose equipped with a positive shutoff nozzle or a five (5) gallon bucket or smaller.

Optional Measures:

During Stage 2, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- a) The following surcharge will be added to a customer's water bill:
 - i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.

- v. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.4. Stage 3 Response – Critical Water Shortage

Target: During Stage 3, achieve a 15% or greater reduction in daily water with the water use restrictions below.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the City will also do the following during Stage 3:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
- Increase public education and outreach regarding water use reduction by using the following practices:
 - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
 - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
 - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
 - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
 - You can reduce water usage by 40% to 50% by installing low-flush toilets.
 - When hand-washing dishes, never run water continuously.
 - If you have a dishwasher appliance, use it only to wash full loads.
 - Wash only full loads in your washing machine and use the shortest cycle possible.
 - Repair leaks quickly.
 - Clean outdoor surfaces with a broom, not a hose.
 - Do not overwater in anticipation of a shortage. Soil cannot store extra water.
 - Use auxiliary water supplies when/if accessible.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- Irrigation of turf grass by any means shall be **prohibited at all times**.
- Drip irrigation **or soaker hoses** for foundations and landscaped beds **are** allowed **every other week** on the designated watering schedule. The watering schedule will

be determined by the City Manager or designee. Customers will be made aware of their designated watering day.

- Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose (with a positive shutoff nozzle), a faucet-filled bucket, or a watering can of five (5) gallons or less.
 - a. Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the Chief Operating Officer for Corpus Christi Water or designee, for new plantings. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system, or any other auxiliary water supply. Customers irrigating with well water or an aerobic septic system shall still apply for an exemption from Corpus Christi Water. An exception certificate should be prominently posted on the premises within two (2) feet of the street number located on the premises.
- The filling, draining and refilling of an existing swimming pool, Jacuzzi and hot tubs is prohibited except to maintain structural integrity.
- A person or entity who owns, leases, or manages an outdoor swimming pool (including City-owned pools) shall have approximately 100% of the pool surface area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted.
- Operators of water parks must seek approval from the Chief Operating Officer for Corpus Christi Water or designee prior to the filling, refilling, or adding water to water parks.
- All fountains shall only operate to circulate water in order to maintain equipment.
- Hotels, motels, and other lodgings must offer and clearly notify guests of a “linen/towel change on request only” program.

Optional Measures:

During Stage 3, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- b) The following surcharge will be added to a customer's water bill:
 - i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
 - v. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-

month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

10.5. Water Emergency

Level 1 Water Emergency

In the event that the triggering criteria specified in Section 8.5 – Level 1 Water Emergency of the DCP is met, City of Corpus Christi City Manager, or designee is hereby authorized to implement curtailment of water supplies to all customers in accordance with Section 55-154. The initiation of curtailment preparations shall begin during Stage 3.

Target: During a Level 1 Water Emergency, pro-rata curtailment will be required and may start at 5% or greater reduction of total water demand, depending on the forecasted water supply conditions. Surcharges and allocations are enforceable during a Water Emergency, as described in Section 11.

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Implement a planned public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a Level 1 Water Emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of all landscaped areas is absolutely prohibited.
- b) Associated uses of water not related to business processes which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Level 2 Water Emergency

Target: During a Level 2 Water Emergency, achieve the necessary reduction in daily water demand to meet minimum system pressure requirements with the below water use restrictions. In addition, during a Level 2 Water Emergency all requirements from a Level 1 Water Emergency may be authorized under this section. Surcharges and curtailments are enforceable during a Water Emergency, as described in Section 11. During an actual water shortage, the City Manager or designee is authorized to implement pro-rata curtailment of water supplies to all customers in accordance with V.T.C.A., Water Code § 11.039.

During a water emergency such as a catastrophic failure of infrastructure or cross-connection contamination, the City shall implement all necessary measures to protect essential water use.

For a water emergency associated with contamination of Nueces Basin stored supplies, the City, under the City Manager or designee's direction, will cease pumping from the Nueces River and will contact the LNRA to identify additional, temporary water that may be available from Lake Texana on a short-term basis to meet essential water needs. For a water emergency associated with contamination of Lake Texana supplies, the City, under the City Manager's, or designee's direction, will cease pumping from the Mary Rhodes Pipeline

Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Implement a public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

Water Use Restrictions for Demand Reduction:

During a water emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of all landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.

- c) Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

Optional Measures:

During a Level 1 or Level 2 Water Emergency, the following measures are an optional water use restriction that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- a) 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 stage shall be in effect.
- b) The following surcharge will be added to a customer's water bill:
 - i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' monthly bill.
 - ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over the 6,000-gallon allocation and \$8.00 per 1,000 gallons above the 8,000-gallon baseline will be added to the customers' monthly bill.
 - iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation and \$8.00 per 1,000 gallons above the baseline will be added to the customers' monthly bill.
 - iv. For large volume accounts a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation and \$8.00 per 1,000 gallons above the baseline will be added to the customers' monthly bill.
 - v. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation and \$8.00 per 1,000 gallons above the baseline will be added to the customers' monthly bill.
 - vi. For multi-family accounts, a surcharge of four dollars (\$4.00) per one thousand (1,000) gallons over the individual assigned allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customer's bill.

11. Baselines, Allocations, and Surcharges for Drought Stages 2, 3, Water Emergency and Service Measures

11.1. Surcharges

(a) General

- 1. The baselines, allocations, and surcharges established herein are solely intended to regulate and deter the use of water during a period of serious

drought in order to achieve necessary water conservation. The City Council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.

2. This section, and the surcharges and measures adopted herein, are an exercise of the City's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
3. With City Council approval by resolution, the City Manager, or designee, is authorized to determine trigger points and initiate allocations and surcharges during Stages 2, 3, and a Water Emergency.
4. A customer may appeal a baseline, allocation, or drought surcharge established under this Section to the Chief Operating Officer for Corpus Christi Water or designee on grounds of unnecessary hardship, through the process outlined in Section 12.
5. Drought surcharge funds will first be applied towards annual debt service as reflected in the City operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to City Council and used to increase debt service coverage ratio.

(b) During Stage 2 the following surcharge will be added to a customer's water bill:

- i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract

(c) During Stage 3 the following surcharge will be added to a customer's water bill:

- i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts a surcharge of \$6.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.

- v. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.
- (d) During a Water Emergency, the following surcharge will be added to a customer's water bill:
- i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
 - ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over the allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customers' bill.
 - iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customers' bill.
 - iv. For non-exempt large volume accounts a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customers' bill.
 - v. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons over the individual assigned allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customer's monthly bill.
 - vi. For multi-family accounts, a surcharge of four dollars (\$4.00) per one thousand (1,000) gallons over the individual assigned allocation up to their baseline and \$8.00 per 1,000 gallons above the baseline will be added to the customer's bill.
- (e) Federal government, State government, and political subdivisions of the State are exempt from these surcharges.
- (f) Contractual remedies not affected. Nothing in this section supersedes any remedies available to the city under any contract with a wholesale treated water customer due to the customer's failure to adopt or impose water conservation or drought contingency measures required by the contract.

11.2. Baselines

The baselines described in this plan are to define the historical water use to serve as the starting point for developing curtailments and allocations. It represents the quantity from which percentage curtailments are calculated during a Level 1 Water Emergency. By setting clear and consistent baselines, the City Manager or designee can implement equitable, transparent, and defensible reduction measures when supply limitations require decreased use.

The methodology for establishing baselines during a Level 1 Water Emergency is described below:

- The monthly baseline for a City of Corpus Residential water customer account is 8,000 gallons per month.
- The monthly baseline for a City of Corpus Christi Commercial water customer account will be based on the average of the account's monthly usages during 2021 through 2023, excluding the lowest monthly value for each calendar month.
- The monthly baseline for a City of Corpus Christi Multi-Family account will be based on the average of the account's monthly usage during 2023 through 2025, excluding the lowest monthly value for each calendar month.
- A Summer, Spring/Fall, and Winter seasonal baselines for each Large Volume account of the City of Corpus Christi will be determined using the average of the account's monthly usages from 2022 through 2024 as follows, excluding the lowest monthly value for each calendar month:
 - Summer: average of monthly usages from June through September
 - Spring/Fall: average of monthly usages from April-May and October-November
 - Winter: average of monthly usages from January-March and December.
- A Summer, Spring/Fall, and Winter seasonal baselines for each of the City of Corpus Christi Wholesale water customer accounts (including San Patricio Municipal Water District, South Texas Water Authority, City of Mathis, City of Alice, City of Beeville, Violet Water Supply Corporation, Nueces County Water Control and Improvement District No.3 and Nueces County Water Control and Improvement District No. 4) will be determined for each wholesale customer using the average of the account's monthly usages from 2022 through 2024 as follows, excluding the lowest monthly value for each calendar month:
 - Summer: average of monthly usages from June through September
 - Spring/Fall: average of monthly usages from April-May and October-November
 - Winter: average of monthly usages from January-March and December.

11.3 Curtailments

Curtailments are the temporary reduction or suspension of water use, or diversions, in response to limited supply. It will be implemented to protect and preserve reservoir storage. Curtailments will be calculated as a percentage reduction from a defined

baseline and will apply to all Corpus Christi Water customers, depending on water availability.

During a Level 1 Water Emergency, a 25% curtailment will be implemented and enforced across all Corpus Christi Water customers.

12. Requests for Exemptions and Variances

- (a) The Chief Operating Officer for Corpus Christi Water, or designee may, in writing, grant a temporary variance to any of the provisions for water users found in this DCP upon determination that failure to grant such variance would cause an emergency condition adversely affecting essential water use for the public or person requesting such a variance.
- (b) A person requesting an exemption or variance from the provisions of this Ordinance shall file a request on the City-provided application for an exemption/variance with Corpus Christi Water within 5 days after a particular drought response stage has been invoked. All request forms shall be reviewed by the Chief Operating Officer for Corpus Christi Water, or designee, and shall include the following:
 - 1. Name and address of the water user(s).
 - 2. Purpose of water use.
 - 3. Specific provision(s) of the Ordinance from which the water user is requesting relief.
 - 4. Detailed statement as to how the specific provision of the Ordinance adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this DCP.
 - 5. Description of the exemption requested.
 - 6. Period of time for which the exemption is sought.
 - 7. Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this DCP and the compliance date.
 - 8. Other pertinent information; or as required on exemption application.
- (c) No exemption nor variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the exemption/variance.
- (d) The Chief Operating Officer for Corpus Christi Water or designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this DCP if such compliance would cause an emergency condition adversely affecting essential water for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this DCP will result in unnecessary

hardship, and so that the spirit of this DCP shall be observed and substantial justice done.

- (e) Should an exemption for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the Chief Operating Officer for Corpus Christi Water or designee for noncompliance; provided, that the exemption is prominently posted on the premises within two (2) feet of the street number located on the premises.
- (f) A person denied request for permit or exception from these rules may appeal the decision to the Chief Operating Officer of Corpus Christi Water by submitting a written request for appeal to the Chief Operating Officer for Corpus Christi Water within five business days from issuance of denial. The decision of the Chief Operating Officer for Corpus Christi Water shall be final.
- (g) Violations of any permit conditions may be enforced under Section 13.

DRAFT - 2026 2nd AMENDMENT

12.1. Non-mandatory Drought Surcharge Exemption Fee.

Article XII of Chapter 55 of the Corpus Christi Code of Ordinances Section 55-159.1 reads as follows:

- (a) Establishment of non-mandatory “Drought Surcharge Exemption Fee” effective October 1, 2018.

Large-volume industrial customers¹ may voluntarily pay a non-mandatory and non-refundable “Drought Surcharge Exemption fee” or “Fee” of \$0.31 per 1,000 gallons of water per month to be exempt from the applicable allocation surcharges of City Code Section 55-154 during the month of billing. The City will begin to charge the Fee as of October 1, 2018 to all large-volume industrial customers. The Fee will be charged with the large-volume industrial customer’s regular monthly water bill which is due as stated on the bill. By payment of the Fee, the large-volume industrial customer has determined that the Fee is fair, just, and reasonable.

- (b) Notice of Opt-out.

A large-volume industrial customer may opt out of the Drought Surcharge Exemption fee (or “Fee”) by providing written notice to the City Manager. A large-volume industrial customer is deemed to have opted out of the Fee as of the date payment of the Fee remains delinquent after notice and opportunity to cure. A large-volume industrial customer who has opted out of said Fee is subject to aforementioned allocation surcharges of City Code Section 55-154 in addition to compliance with all applicable City ordinances.

- (c) Request to opt back into the Drought Surcharge Exemption fee or “Fee”.

There is no right nor entitlement to opt back into the Fee. The City Manager or designee retains sole discretion to determine whether granting large-volume industrial customer’s request to opt back into the Fee is in the best interest of the city. At a minimum, the large-volume industrial customer will be required to comply with the following mandatory conditions.

1. The large-volume industrial customer must submit a written request to the City Manager to request to opt back into the Drought Surcharge Exemption fee subject to City Manager review.
2. Upon receipt of invoice, the large-volume industrial customer must timely pay the Drought Surcharge Exemption fees calculated on said customer’s actual water usage from date of City’s receipt of written request back to said customer’s date of opt out, up to a maximum of 10 years.

¹ For purposes of this Section 55-159.1 the term “large-volume industrial customer” shall mean a utility customer who uses water in minimum quantity of 100,000 gallons a day in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric, but does not include agricultural use.

3. The large-volume industrial customer remains subject to compliance with the aforementioned allocation surcharge provisions of the City Code as may be amended and all other applicable ordinances, rules and regulations of the City for the mandatory reinstatement period of 24 months.

The mandatory reinstatement period begins upon date of notice from the City to said customer and continues for 24 consecutive calendar months. During the reinstatement period, the large-volume industrial customer will timely pay a non-refundable reinstatement fee of \$0.31 per 1,000 gallons of water upon receipt of invoice. By payment of said reinstatement fee, the large-volume industrial customer has determined that the fee is fair, just, and reasonable.

4. Despite compliance with these conditions, the large-volume industrial customer will not be allowed to opt back into the Fee when the combined storage level of the Choke Canyon Reservoir and Lake Corpus Christi declines below 40%.

(d) Dedicated use of the Drought Surcharge Exemption fees.

1. The Fee shall be dedicated by the City for development of a drought-resistant water supply and shall not be used for operation and maintenance costs of any water supply, treatment facility or distribution system.
2. The Fee paid to the City will be reserved in a separate account ("Account") and used only for capital costs to develop and/or acquire an additional drought-resistant water supply including but not limited to, payment of debt for an allowable capital project.
3. The City Manager may execute documents necessary for the establishment of a dedicated fund.

(e) Review and adjustment of the Drought surcharge exemption fee.

The Fee shall be reviewed and adjusted by City Council action no more frequently than every 5 years. Any subsequent Fee increase is limited to increases based upon changes to the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers.

(f) Participation by wholesale water suppliers.

A wholesale water supplier with a water supply contract with the City may choose to establish an identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers with said Fee and agreement to be equivalent to the ordinance and standard agreement adopted by the City of Corpus Christi. Upon adoption of said identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers, the wholesale water supplier shall assess and collect the Fees from its large-volume industrial customers and then remit said Fees to the City. In addition, the wholesale water supplier shall notify the City Manager or designee of the volume of water used by its large-volume industrial customers each month.

- (g) The City Manager may execute letters of commitment and standard agreements regarding payment and use of Drought Surcharge Exemption Fee with terms consistent with this Section 55-159.1 (each, an "Agreement"). The Agreement may be terminated by the City upon five years' notice to terminate the Agreement. A copy of the standard agreement is attached as an Exhibit to the Ordinance which is enacted in this Section 55-159.1. The City Manager is authorized to adjust the terms of the standard agreement as long as said adjustments are consistent with the terms of this Section 55-159.1 and said adjustment is made available to all large-volume industrial customers participating in the Drought Surcharge Exemption Fee.
- (h) The Drought Surcharge Exemption Fee established by this Section 55-159.1 continues to be billed and paid except during periods when the balance in the Account exceeds \$150,000,000, to be adjusted annually for inflation by the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers. While balance exceeds \$150,000,000 the City will cease billing and collection of the Fee, and the large-volume industrial customer remains exempt from the allocation surcharges.
- (i) The City may repeal this Section 55-159.1 upon at least five years' notice to the then participating large-volume industrial customers and participating wholesale water suppliers.
- (j) Upon City's repeal of this Section 55-159.1 or City's termination of the Agreement, any unencumbered balance remaining in the Account will be returned to the then-participating large-volume industrial customers and then-participating wholesale water suppliers on a pro-rata basis.
- (k) The large-volume industrial customer paying the Drought Surcharge Exemption Fee established by this Section 159.1 is exempt from City curtailment of water during Reservoir System Stages 1, 2, and 3, except when such curtailment is required by Texas Water Code Section 11.039 or required by other applicable state laws and state regulations.

13. Enforcement

- (a) A violation under this article is a Class C misdemeanor. Any person that violates any provision of this article shall be subject to a fine of not more than five hundred dollars (\$500.00) per violation per day. The culpable mental state required by Section 6.02 of the Texas Penal Code is specifically negated and dispensed with and a violation of this article is a strict liability offense.
- (b) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as hereinabove provided.
- (c) If any person or a second person in the same household or premises is found guilty of a second violation of this article, Corpus Christi Water shall be authorized to discontinue the water service to the premises where such violation occurs.
- (d) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.
- (e) Any person whose name is on file with the Utilities Billing Office as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation
- (f) If any person fails to respond to a citation or summons issued for a violation of this article within the time allowed, upon receipt of notice from the director or a judge of the municipal courts, the water superintendent is authorized to discontinue water service to the premises where such violation occurs.
- (g) Water customers are not subject to violations, penalties, or enforcement for exceeding their baseline or exceeding their allocation.

14. Variances

A temporary variance for existing water uses otherwise prohibited under this DCP may be obtained through the process outlined in Section 12.

15. Severability

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

16. Wholesale Drought Contingency Plan

16.1 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 regards for essential water use and domestic water use, and to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Corpus Christi (City) adopts the following Wholesale Drought Contingency Plan (the Plan).

16.2 Public and Wholesale Customer Involvement

The public was invited to view and make comments on the Plan during the regular City Council meetings on January 28, February 11, and March 18, 2025, at City Hall. The Plan was adopted under the open meetings requirement of the TCEQ during the March 18, 2025, City Council meeting.

16.3 Wholesale Water Customer Education

The City will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought measures to be implemented in each stage.

This information will be distributed by providing a copy of the Plan to each wholesale water customer.

16.4 Coordination with Regional Water Planning Groups

The water service area of the City of Corpus Christi and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the City has provided a copy of the Plan to Region N. The City of Corpus Christi shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

16.5 Authorization

The City of Corpus Christi City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect essential water use. Wholesale customers are subject to the Plan under their contracts with the City. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency measures as described in this Plan. The City Manager, or designee, shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

16.6 Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan (by either ordinance, resolution, or tariff) shall include language relating to the City of Corpus Christi Water Conservation Plan and Drought Contingency Plan, adopted under Ordinance Number 55-151 to impose similar restrictions, surcharges or rationing measures on their customers.

To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to implement outdoor watering restrictions similar to those of the City for each drought stage. The City requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

16.7 Triggering Criteria for Initiation and Termination of Drought Stages

The City of Corpus Christi City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly 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 stages will be made by email, mail, or telephone. The news media will also be informed by the City.

The triggering criterion to be monitored for determining drought stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix. The triggering criteria in this section are minimum standards for initiation and maximum standards for termination, and the City Manager, or designee, can initiate or terminate each stage when conditions warrant.

(a) Water Shortage Watch

Trigger for initiation – The City will recognize that a mild water shortage condition exists when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi have fallen below 50%.

Trigger for termination – The Water Shortage Watch may be terminated when the combined storage level of Choke Canyon Reservoir and Lake Corpus Christi increases above 50% for 15 consecutive calendar days.

(b) Stage 1 – Mild Water Shortage

Trigger for initiation – The City will recognize that a mild water shortage watch exists when the combined storage levels of Choke Canyon and Lake Corpus Christi decline below 40%.

Trigger for termination – Stage 1 of the Plan may be rescinded when the combined storage level increases above 50%. The City 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.

(c) Stage 2 – Moderate Water Shortage

Trigger for initiation – The City will recognize that a moderate water shortage condition exists when the combined storage levels decline below 30%.

Trigger for termination – Stage 2 of the Plan may be rescinded when the combined storage level increases above 40%. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 2.

(d) Stage 3 – Critical Water Shortage

Trigger for initiation – The City will recognize that a critical water shortage condition exists when the combined storage levels decline below 20%.

Trigger for termination – Stage 3 of the Plan may be rescinded when the combined storage level increases above 30%. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 3.

(e) Water Emergency

Level 1 Water Emergency

Trigger for initiation – A Level 1 Water Emergency begins when the City Manager, or designee, determines that the City is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The City Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies.

Trigger for termination - The Level 1 Water Emergency may be terminated when the City Manager, or designee, determines that the City's total water supply can meet the total regional demands for more than 180 days.

Level 2 Water Emergency

Trigger for initiation – A Level 2 Water Emergency begins when the City Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to;

- a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the City’s water treatment facilities like O.N. Stevens or other critical re-pump stations; or
- b) Water production or distribution system limitations; or
- c) Natural or man-made contamination of the water supply source.

Trigger for termination – The Water Emergency may be terminated when the City Manager, or designee, deems appropriate.

16.8 Drought Stages

The City of Corpus Christi City Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that a mild, moderate, critical, or a water emergency exists and shall implement best management practices accordingly.

For water contracts between the City and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each drought stage presented in the following table. Further discussion on best management practices and implementation practices associated with each stage is described below.

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Water Shortage Watch	<50%	5%
Stage 1- Mild Water Shortage	<40%	5%
Stage 2- Moderate Water Shortage	<30%	10%
Stage 3- Critical Water Shortage	<20%	15%
Water Emergency Level 1 Level 2	Not Applicable	25% 50%

Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily water demand for each wholesale customer utilizing City's water supply system.

Best Management Practices for Supply Management:

- The City will *voluntarily* coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from gates or outlet works.
- The City will encourage each wholesale water customer to utilize auxiliary water sources *voluntarily* such as interconnections with another water system, temporary use of a water supply other than from the City's system, or use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate voluntary measures to reduce water use.
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 1 – Mild Water Shortage

Target: Achieve a 5% reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to use reclaimed water or auxiliary water for non-potable purposes.

Water Use Measures for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The City of Corpus Christi City Manager, or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer's drought contingency plan).

- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40 % of its conservation pool volume, and that Stage 1 has been declared. The City will recommend that operators post information to the public regarding Stage 1 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Stage 2 – Moderate Water Shortage

Target: Achieve a 10% reduction in daily water demand for each wholesale customer utilizing the City’s water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer’s drought contingency plan).
- The City of Corpus Christi City Manager, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in 16.9 of the Plan.
- The City of Corpus Christi City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30 % of its conservation pool volume, and that Stage 2 has been declared. The City will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Stage 3 – Critical Water Shortage

Target: Achieve a 15% reduction in daily water demand for each wholesale customer utilizing the City’s water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from project gates.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City’s system, use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer’s drought contingency plan).
- The City of Corpus Christi City Manager, or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.
- The City of Corpus Christi City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20% of its conservation pool volume and that Stage 3 has been declared. The City will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

Water Emergency

Whenever a Level 1 or Level 2 Water Emergency exists as defined in Section 16.7 of the Plan, the City of Corpus Christi City Manager, or designee, shall:

- Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
- Contact the utility director or other responsible official of each wholesale water customer by telephone, email, or in person to provide information on severity of water supply and/or demand conditions and request that the wholesale water customer initiate mandatory measures to reduce water consumption as appropriate (e.g., notification of the public to reduce water use until service is restored).
- If appropriate, notify city, county, and/or state emergency response officials for assistance.
- Undertake necessary actions, including repairs and/or clean-up as needed.
- Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

16.9 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 16.7 of the Plan, City of Corpus Christi City Manager, or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to raw water and treated wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included 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.

- 1) A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.
- 2) The City Manager shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- 3) Upon request of the raw water or wholesale treated water customer or at the initiative of the City Manager, the allocation may be reduced or increased if:
 - a. The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
 - b. The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
 - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council of the City of Corpus Christi.

16.11 Request for Exemptions and Variances

The City Manager, or 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 essential water use, and if one or more of the following conditions are met:

- (1) Compliance with this Plan cannot be technically accomplished during the duration of this water supply shortage or other condition for which the Plan is in effect.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after a pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Manager, or designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) 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.
- (3) Description of the relief requested.
- (4) Period of time for which the variance is sought.

- (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (6) Other pertinent information.

Variations granted by the City shall be subject to the following conditions, unless waived or modified by the City.

- (1) Variations granted shall include a timetable for compliance with allocation requirements.
- (2) Variations 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.

Wholesale Water Supply customers that have industrial customer(s) that use in excess of 100,000 gallons per day may offer a non-mandatory Drought Surcharge Exemption Fee in accordance with Article XII of Chapter 55 of the Corpus Christi Code of Ordinances Section 55-159.1. Such Wholesale Water Supply customers will be required to collect and transmit the Exemption Fee to the City of Corpus Christi. Participating Wholesale Water Supply customers' industries will be afforded the same drought exemptions as those afforded by the city of Corpus Christi large volume industrial users.

16.12 Severability

It is hereby declared to be the intention of the City 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 declaration 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 without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

16.13 Reservoir System Operating Plan

Because all the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included.