

## Executive Summary

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**To:** Council

**Submitted By:**

**Date:** September 27, 2021

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**Discuss/Seek Guidance/Action:**

Consider Resolution No. 2021-26, Approving a Revised Drought Contingency Plan

**Executive Summary:**

In order to guarantee the water supply for residents during times of drought or other water supply emergencies, the City maintains a contingency plan for water management. The Texas Water Code requires that all public water supply systems prepare this plan, and update it as necessary. Updates are made based on several factors, including number of residents, consumer usage, system analysis and projected future water use, among other items.

## **RESOLUTION No. 2021-26**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS, ADOPTING A REVISED DROUGHT CONTINGENCY PLAN**

**WHEREAS**, the City Council is the governing body of the City of Winnsboro; 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**, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

**WHEREAS**, as authorized under law and in the best interests of the customers of the City of Winnsboro, the Council deems it expedient and necessary to update 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 AND ORDERED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS:**

Section 1. That the Drought Contingency Plan attached hereto as Exhibit "A" and made part of hereof for all purposes, be and the same is hereby, adopted as the official policy of the City of Winnsboro.

Section 2. That the City Administrator is directed to implement, administer and enforce the Drought Contingency Plan.

Section 3. That this resolution shall take effect immediately on its passage.

**PASSED AND APPROVED** this the 14th day of September, 2021.

**Approved:**

**Attest:**

By: \_\_\_\_\_  
Andrea Newsom, Mayor

By: \_\_\_\_\_  
Angie Pike, City Secretary

## City of Winnsboro Water Conservation & Drought Contingency Plan

### 1) Introduction:

#### City of Winnsboro

1.1) The City of Winnsboro is located in Franklin and Wood Counties, at the intersection of State Highways 11 and 37. It is located 15 miles south of I-30 and north of I-20. It is a rural community comprised of around 3,500 citizens. Lake Cypress Springs and Lake Bob Sandlin are situated about 10 miles northeast of Winnsboro and Lake Fork lies roughly 15 miles southwest of the City. Winnsboro's raw water supply comes from surface water from Lake Cypress Springs via a water supply contract with Franklin County Water District for 5,000 acre-feet per year. Winnsboro treats the surface water at its 3.0 MGD water treatment plant and also owns its own wastewater treatment facility. It is not a wholesale water supplier; however, Winnsboro does have in place an emergency lease with Sharon WSC and Cypress WSC to supply them in case of emergency.

#### 1.2) Purpose for Water Conservation

This Water Conservation & Drought Contingency Plan (Plan) has been developed to protect the City's water source and extend its useful life in order to ensure that a sufficient water supply is available for both present and future needs. The water conservation portion of the Plan looks at year-round methods for reducing water use. The Texas Water Development Board Water Conservation Task Forces' "Best Management Practices" will also be used as appropriate. The drought contingency portion of the Plan will look at measures designed to reduce water use on a temporary basis in the event of a period of drought or an emergency situation such as water source contamination. Methods considered here are not necessarily needed on a continual basis, but should be achievable in the short term. Both plans are aligned with and superseded by the Franklin County Water Districts' Water Conservation and Drought Contingency Plan since water is provided by this entity.

### 2) Service Area and System Evaluation

#### 2.1) Water Supply and Wastewater System

A utility profile of Winnsboro's water and wastewater systems has been attached as Figure 1.

#### 2.2) Population, Historical and Projected Water Use

According to the 2010 U.S. Census, Winnsboro's population was 3,434 persons in 2010. Population estimates in the TWDB Regional Water Plan show growth to 4,774 persons in 2020 and 5,228 by 2040 (2021 TWDB Proposed Regional Water Plan). According to the Regional Water Plan, year 2011 water use in Winnsboro was 176 gallons per capita per day, though the City's actual figures show 201 gallons per capita per day. This average daily water use is estimated to decrease to 167 gpcpd in 2020 and 160 gpcpd by 2040 according to the Regional Water Plan.

Municipal per capita use is defined by TWDB as "the use of potable water or sewage effluent for residential, commercial, industrial, agricultural, institutional and wholesale uses by an individual or entity that supplies water to the public for human consumption." Municipal per capita is normally figured by dividing total raw water pumped divided by the population, divided by 365 days. In Winnsboro's case, municipal per capita was 176 pcpd in 2011 and 181 gpcpd averaged from 2013-2017.

To get residential per capita, wholesale and industrial uses are subtracted from the total raw water. There are no wholesale uses, but water sold to industry, Keller Creamery and also water sold to the Texas Department of Justice – Clyde M. Johnston Unit, should not be included in the per capita calculation, as it does not represent water used by the general city population. If the five-year average (2013-2017) of total water is 240,777,000 gal, the five-year average industrial (54,610,150gal) and TDCJ (19,939,675gal) use is 74,549,825 gallons and population is estimated at 3,434, then:  $240,777,000 - 74,599,825 = 166,227,175 / 3434 / 365 = 133$  residential gpcpd.

### **3) Water Conservation Goals**

The City of Winnsboro utilized Regional Water Planning Group projections when setting water savings goals. The average per capita use within Region D in the 2011 Plan was 133 gpcd. 140 gpcd is the RWPG goal for all entities. Franklin County Water Districts' WCP, which indicates Winnsboro's per capita use is 146 gpcd, recommends a 4 gpcd reduction by 2014 and 7 gpcd (139 gpcd) reduction by 2019. The Texas Water Development Board recommends a minimum annual reduction of 1%, based on the 5-year rolling average, until the entity reaches 140 gpcd or less.

The City's 5 and 10 year per capita goals outlined in its previous plan, were to reach 142 gpcd in 2010 and 139 gpcd by 2015. Due to lack of funds for intensive conservation efforts, this was not achieved for total municipal use; however, residential use did meet the goal, with an average of 136 gpcd. Currently, the five-year average total municipal per capita use is 187 gpcd (residential 136 gpcd). The City proposes a 5-year (2018) goal of 182 gpcd, and a ten (2023) year goal of 177 gpcd.

The Regional Water Plan does not address water loss per se, but generally accepted water loss rates for rural areas are 15-20 percent. Water loss in Winnsboro is low, averaging 5.8% from 2009-2011. Goals for the next five (2018) and (2023) years will be to keep water loss at less than 6%.

### **4) Plan for Meeting Goals**

#### **4.1) Education and Information Program**

In order to increase public awareness of the Plan, which is a Best Management Practice (BMP) according to the Water Conservation Task Force (WCTF), the City of Winnsboro shall display pamphlets of various types in the City Hall building for citizens to take. The City shall incorporate appropriate water conservation pamphlets in an effort to increase public awareness.

Winnsboro shall add conservation-oriented notices to water bills at various times throughout the year in order to remind customers about conservation practices.

The City shall participate in the Chamber of Commerce's Business Expo Day, which is an annual event held in the summer and is open to local businesses and organizations. The City shall have a booth at this event and shall display water conservation literature in order to increase public awareness.

The City's water treatment plant shall be available upon request for school tours, in order to educate students on water. Water conservation principals shall be incorporated into these tours.

#### **4.2) Conservation-Oriented Rate Structures**

The City's water and sewer rates are attached to the Plan as Figure 2. Winnsboro charges a flat rate according to the meter size for the first 1,000 gallons used. Any usage over 1,000 gallons is charged a usage fee per 1,000 gallons. These usage fees are blocked in increasing rates. Block rate pricing is considered by the WCTF to be a BMP.

#### **4.3) Universal Metering and Meter Repair and Replacement**

All municipal water shall be metered, as required by the FCWDs' water conservation plan. Winnsboro replaced all of its water meters in 2003 and 2004 and also installed a drive-by meter reading system. Currently, all meters are approaching ten years of age; however, a plan is in place whereby malfunctioning meters are removed and sent back to the purchase company for repair. When a broken meter is removed, a new meter is installed in its place. When the original meter is repaired, the City will hold it until it is needed elsewhere in the system.

The master meter at the water treatment plant was replaced in 2003. FCWD requires that the meters be calibrated on a regular basis; Winnsboro's master meter is calibrated annually.

#### **4.4) Leak Detection and Repair**

Winnsboro's meter readers shall be trained to recognize signs of leakage in the meters. During monthly meter reading, if signs of leakage are noted, the meter shall be reported and plans made for repair.

Winnsboro's computerized water billing program has a feature that alerts City staff if a meter reading is exceptionally high or low compared to its typical monthly readings. Flagged meters shall be rechecked for problems or leaks.

#### **4.5) Coordination with the Northeast Texas Regional Water Planning Group**

The City of Winnsboro utilized research conducted by the Northeast Texas Regional Water Planning Group in its 2011 Regional Water Plan in developing this plan. In addition, the City will forward a copy of this plan to the NETRWPG upon approval by TWDB. Components in this plan are considered acceptable conservation techniques by the NETRWPG. The City will continue to cooperate with the Regional Planning Group to provide correct information when requested in surveys, etc. In addition, the City shall consider Planning Group projections in all future planning. Winnsboro has also consulted the water conservation plan of its wholesale provider, Franklin County Water District. Appropriate elements from that plan have been integrated into this plan.

#### **4.6) Implementation and Enforcement of the Plan**

The City Administrator, or his/her designee, will be responsible for executing the water conservation and drought contingency plan.

The City Administrator shall complete the annual report, Figure 4, each year and submit to TWDB by May 1<sup>st</sup>.

### **5) Drought Contingency Plan**

#### **5.1) Declaration of Policy, Purpose and Intent**

In order to conserve the available water supply, to protect the integrity of water supply facilities, with particular regard for domestic water use and sanitation and to protect and preserve public health, welfare and safety in the event of a water supply shortage or other water supply emergency conditions, the City of Winnsboro has developed the following regulations and restrictions on the delivery and consumption of water.

#### **5.2) Public Involvement/Education**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Winnsboro by means of a public notice of a public meeting. The opportunity was listed on the Agenda for the September 14, 2021 regular City Council meeting.

The City will periodically provide its 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 as necessary by means of press releases in the Winnsboro News and/or notices included with the monthly utility bill. It will also be posted on the front door at City Hall.

#### **5.3) Coordination with Regional Water Planning Groups**

Winnsboro's service area is located within the Northeast Texas Regional Water Planning Group (Region D); the Texas Water Plan, adopted January 2011, was considered when creating this document. The City will provide a copy of this Plan to the Northeast Texas Water Planning Group via the Group's administrator, Northeast Texas Municipal Water District, upon approval from TWDB.

#### **5.4) Authorization**

The City Administrator 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 Administrator 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.

#### **5.5) Application**

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

**5.6) Definitions**

For the purposes of this Plan, the following definitions shall apply:

Conservation: those practices, techniques and technologies that reduce the consumption of water, reduce the loss or waste of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company or organization using water supplied by Winnsboro.

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 of institution.

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

Non-essential water use: water uses that are not essential nor required for the protection of public health, safety and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields and golf courses, except as otherwise provided under this Plan;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s);
- (i) Use of water for construction purposes.

**5.7. Trigger Criteria for Initiation and Termination of Drought Response Stages**

The City Administrator or his/her designee, shall monitor water supply and/or demand conditions on a regular basis, shall be in communication with its wholesale provider, Franklin County Water District and shall determine when conditions warrant initiation or termination of each stage of the Plan.

**Stage 1 – Mild Water Shortage Conditions**

Requirements for initiation - Customers shall be requested to voluntarily conserve water when (1) total plant pumpage exceeds 1,000,000 gallons per day for three consecutive days, or (2) when total plant pumpage exceeds 1,300,000 gallons per day in one day, or (3) when the reservoir level does not fill overnight, or (4) when FCWD initiates its Stage 1.

Requirements for termination – Stage 1 of the Plan may be rescinded when the system falls below 1,000,000 gallons total pumpage per day for a period of 3 consecutive days, or when the reservoir levels fill overnight for three consecutive nights, or when FCWD rescinds its Stage 1.

**Stage 2 - Moderate Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with requirements and restrictions on certain non-essential water uses when (1) total plant pumpage exceeds 1,300,000 gallons per day for a period of three consecutive days, or (2) when total plant pumpage exceeds 1,500,000 per day in one day, or (3) when reservoir levels do not fill above 85% overnight, or when FCWD initiates its Stage 2.

Requirements for termination - Stage 2 of the Plan may be rescinded when the system falls below 1,300,000 gallons total pumpage per day for a period of 3 consecutive days, or when reservoir levels fill above 85% for three consecutive days, or when FCWD rescinds its Stage 2. Upon termination of Stage 2, Stage 1 becomes operative.

**Stage 3 – Critical/Emergency Water Shortage Conditions**

Requirements for Initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when (1) total plant pumpage exceeds 1,500,000 gallons per day for three consecutive days or (2) when total pumpage exceeds 1,700,000 gallons per day in one day, or (3) when there is continually falling reservoir level which does not fill to 70% overnight, or (4) when a major line break or system failure occurs which causes a loss of capability to provide service, or (5) when FCWD initiates its Stage 3.

Requirements for termination – Stage 3 of the Plan may be rescinded when the system falls below 1,500,000 gallons total pumpage per day for a period of 3 consecutive days, or (2) when reservoir levels fill above 70% for three consecutive nights, or (3) when repairs make the system operable again, or (4) when FCWD rescinds its Stage 3. Upon termination of Stage 3, Stage 2 becomes operative.

**5.8. Drought Response Stages**

The City Administrator or his/her designee shall monitor water supply and/or demand conditions regularly and in accordance with the triggering criteria set forth in Section 5.7 of the Plan, shall determine when a mild, moderate or critical/emergency exists. Customers shall be notified by publication of notice in the Winnsboro News and by postings at City Hall to implement the following actions:

**Stage 1 – Mild Water Shortage Conditions**

Supply Management Measures:

- (a) The City will reduce flushing of water mains where possible to reduce water demand.
- (b) The City will cease providing potable water for dust control, road building and similar construction purposes.
- (c) The City will increase water supply and demand monitoring, as well as leak detection and repair efforts.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas.
- (b) The following uses of water are defined as non-essential and it will be requested that they be eliminated:
  1. Wash down of any side-walks, walkways, driveways, parking lots or other hard-surfaced areas;
  2. Wash down of buildings or structures for purposes other than immediate fire protection;
  3. Use of water for dust control;
  4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

**Stage 2 – Moderate Water Shortage Conditions**

Supply Management Measures:

- (a) The City will discontinue flushing of water mains during Stage 2.

- (b) Use of water from hydrants shall be limited to firefighting, related activities or other activities necessary to maintain public health, safety and welfare.
- (c) The City will continue to increase water supply and demand monitoring as well as leak detection and repair efforts.

Water Use Restrictions:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be prohibited except during the evening hours between 10:00 pm and 6:00 am. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
- (c) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- (e) The following uses of water are defined as non-essential and are prohibited:
  1. Wash down of any sidewalks, driveways, parking lots or other hard-surfaced areas;
  2. Wash down of buildings or structures for purposes other than immediate fire protection;
  3. Use of water for dust control;
  4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
  5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### Stage 3 - Critical/Emergency Water Shortage Conditions

According to the Franklin County Water Districts' Drought Contingency Plan, available supply at this stage will be determined according to an average of the past three years of diversions. Winnsboro will be allowed 75% of its last three years' average diversion, under water rationing guidelines outlined in Texas Water Code 11.039 and Water Purchase Contracts.

Supply Management Measure:

- (a) The City will continue restrictions set forth under Stage 2.

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

- (a) Irrigation of landscaped areas shall be prohibited at all times.
- (b) During a water emergency, 1 house call shall be made on violators; repeated violations (2 or more) shall result in a customers water being disconnected, and non-compliance with the above restrictions shall be considered a Class "C" misdemeanor.

### E5.9. Enforcement

- a) No person shall knowingly or intentionally allow the use of water from the City of Winnsboro for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Plan or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor in accordance with provisions of this Plan.
- b) Any person who violates this Plan is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 and not more than \$200. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Administrator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$30, and any other costs incurred by the City of



Winnsboro in discontinuing service. In addition, suitable assurance must be given to the City Administrator that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- c) Any person, including a person classified as a water customer of the City of Winnsboro, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- d) The Winnsboro Police Department may issue a citation to a person reasonably believed to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and give preferential setting in municipal court before all other cases.

#### 5.10 Variances

The City Council may, in writing, grant temporary variance to the water allocation policies provided in this Plan, and for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City within 30 days after the Plan or 3 days after a particular drought response stage 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) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

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

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

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

**5.11 Severability**

It is hereby declared to be the intention of the Winnsboro 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 invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences; paragraphs, and sections of this Plan.