

AN ORDINANCE APPROVING A WATER CONSERVATION PLAN FOR MUNICIPAL USES AND AN UPDATED DROUGHT CONTINGENCY PLAN FOR THE CITY OF HOUSTON; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT MATTER; AND DECLARING AN EMERGENCY.

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WHEREAS, Section 11.1271 of the Texas Water Code requires that each holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in excess of 1,000 acre-feet per year for municipal, industrial and other purposes must develop, submit and implement a water conservation plan meeting the requirements of the Texas Water Code as well as the criteria developed by the Texas Commission on Environmental Quality (the "TCEQ"); and

WHEREAS, 30 Texas Administrative Code, §288.2 requires that a water conservation plan be updated every five years; and

WHEREAS, the City of Houston has permits for surface water in excess of 1,000 acre-feet of water per year and provides wholesale and retail water for its customers; and

WHEREAS, the City adopted its last water conservation plan by Ordinance No. 2009-935 on October 7, 2009; and

WHEREAS, the City of Houston adopted its previous drought contingency plan by Resolution No. 2013-0028 on May 29, 2013; and

WHEREAS, the City of Houston wishes to update the water allocation provisions of its drought contingency plan for stages 3 and 4 to address comments by the TCEQ concerning the application of Texas Water Code Section 11.039; and

WHEREAS, the City of Houston finds it advantageous to provide identical approval dates for both the water conservation plan and the drought contingency plan; and

WHEREAS, the City of Houston desires to comply with the requirements of Texas Water Code, the Texas Administrative Code and the TCEQ regarding its water conservation plans; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the Preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The City Council hereby approves the Water Conservation Plan for Municipal Uses, which is attached hereto as Exhibit "A", and incorporated herein by reference.

Section 3. The City Council hereby approves the updated Drought Contingency Plan for the City of Houston, which is attached hereto as Exhibit "B", and incorporated herein by reference.

Section 4. All Ordinances in conflict herewith are repealed to the extent of conflict only.

Section 5. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its

passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2014.

APPROVED this ____ day of _____, 2014.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. _____)
(JSW/ALC) Assistant City Attorney
(Requested by Director of Public Works & Engineering)
(L.D. File No. _____)