ORDINANCE NO. _08112026DCP_

AN ORDINANCE OF THE CITY OF TOYAH, TEXAS, AMENDING AND UPDATING THE DROUGHT CONTINGENCY PLAN FOR THE CITY OF TOYAH; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND OPEN MEETINGS; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE AND FOR RELATED MATTERS

WHEREAS, State law requires all levels - state, regional and local - to undertake plans to address droughts and water conservation; and

WHEREAS, to support such regulatory requirement, municipalities are required to adopt drought contingency plans for municipal water customers; and

WHEREAS, a public education element whereby the water customer will periodically provide its employees, members, and the general public with information about this drought contingency plan, including the importance of the plan, information about the conditions under which each stage of the plan is to be initiated, processes to reduce water usage, and impending or current drought conditions; and

WHEREAS, the City of Toyah, Texas (the "City") desires to promote the conservation of the natural resource of water at all times but especially during times of drought and emergency conditions and believes in planning for such events.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOYAH, TEXAS THAT:

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amending and Updating of Drought Contingency Plan. The City Council, after a public education and hearing process, provided to the public by open discussion and communications with the public, during June and July 2026 city council meetings, hereby amends and updates the Drought Contingency Plan 2026 for the municipal water customers, attached hereto as Exhibit "A" and incorporated in this ordinance as though fully transcribed herein for all purposes.

Section 3. Amendment of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Severability. If any section, subsection, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the city council in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative, or fail by reason of the

unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

Section 5. Penalty. Penalties for wholesale purchased water customers are as more fully set forth in the Plan. Each day an occurrence continues constitutes a separate offense and may be punished separately. The City is, by and through the Mayor or his/her designee, after due notice is given, shall disconnect services and may only reconnect such services after all payments and surcharges have been made together with assurances that such failure to pay shall not be repeated.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and posting on the city website https://toyahtx.com, and recorded at Toyah City Hall, made available for public viewing, in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City Charter.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED THIS 11 DAY OF August, 2026.

ATTEST:

Naomi Machuca, Mayor Pro Tem

CITY OF TOYAH, TEXAS

Misty Begay, Mayor