

Date: February 26, 2026

To: Mayor Tim Davis and the Temple City Council

From: Concerned Citizens and Ratepayers of Temple, Texas

Subject: Public Demand for Immediate Injunction, Utility Audit, and Code Enforcement Review

Honorable Mayor and Council Members,

We write to you not as opponents of economic development, but as citizens insisting on lawful governance, transparency, and responsible stewardship of Temple's most critical public resource: water.

As of February 2026, Governor Greg Abbott has renewed the statewide Drought Disaster Proclamation affecting our region. Texas remains under significant drought conditions, and water restrictions across multiple municipalities underscore the seriousness of this moment.

Despite this, the City of Temple appears poised to allow Meta and Rowan Digital Infrastructure to proceed toward operational status on these projects without a full public reconciliation of their actual projected water usage versus prior representations made during contract negotiations.

We formally request:

1. An immediate Temporary Restraining Order and Temporary Injunction halting final utility hookups and Certificates of Occupancy.
2. A 60-day stay of operations pending an independent third-party utility and engineering audit.
3. Immediate code enforcement review of compliance with all municipal ordinances, development standards, and utility agreements.

I. The "Truth Gap" - The El Paso Comparison

In a similar facility in El Paso where public statements described:

- "Closed-loop" or near-zero freshwater cooling for most of the year
- What they didn't say is that the system does require more water as soon as the outside temperature reaches 84°F - this "closed-loop water cooling" then needs up to an additional 1.5M gallons per day to cool.
- Meta is currently drawing an average of approximately 750,000 gallons of water per day in El Paso, despite public messaging that suggested 400,000 gallons average and no additional water for the majority of the year.
- This discrepancy highlights the very transparency problem we are facing. In the middle of a declared drought, Temple does not have the luxury of waiting to discover after the fact....whether similar representations made here were incomplete or misleading.

Water is a finite public resource, and we cannot afford to gamble on assurances that may not reflect operational reality.

If Meta is implementing advanced low-water or closed-loop systems in Texas, then the following questions must be addressed:

- What cooling system was presented to Temple in 2022?
- Were water-intensive systems disclosed clearly?
- Were comparative alternatives discussed transparently?
- Did the City receive full mechanical projections, or marketing summaries?

If materially different representations were made regarding “feasibility,” this may constitute fraudulent inducement or misrepresentation in contract formation.

II. Municipal Authority & Code Enforcement Powers

Temple is a Home Rule city under the Texas Constitution. As such, it possesses broad authority to:

- Enforce zoning and development standards
- Enforce building and mechanical code compliance
- Condition Certificates of Occupancy upon full compliance
- Enforce Utility Service Agreements
- Conduct inspections prior to operational approval
- Require compliance with water conservation ordinances
- Investigate misrepresentation affecting public contracts

The City’s Code Enforcement Division and Building Official have authority to:

- Withhold or revoke Certificates of Occupancy
- Issue stop-work or compliance orders
- Require updated engineering documentation
- Ensure mechanical systems match approved plans
- Enforce water conservation ordinances during declared drought

If approved plans differ from operational intent, or if material disclosures were incomplete, the City has both the authority and obligation to pause activation pending review.

Failure to exercise enforcement authority when credible discrepancies exist may expose the City to taxpayer litigation.

III. Legal Grounds for Immediate Injunction

Under Texas Rule of Civil Procedure 683, a Temporary Injunction requires proof of:

- Probable right to recovery
- Probable, imminent, and irreparable injury

Water depletion during a declared drought qualifies as irreparable harm. Once municipal supply is stressed or depleted, monetary damages cannot restore public trust, aquifer levels, or emergency reserves.

A. Fraudulent Inducement / Misrepresentation

If material facts about cooling technology or projected water usage were misstated or omitted to secure approval, the Utility Service Agreement may be voidable.

Discovery could include:

- Mechanical blueprints
- Internal water modeling
- Communications regarding cooling system selection
- Comparisons between Temple and El Paso designs

B. Public Nuisance

Texas law recognizes public nuisance as interference with a right common to the general public - including access to essential resources such as water.

If industrial draw threatens municipal access during a declared drought emergency, injunctive relief is appropriate.

C. Regulatory Non-Compliance

The Public Utility Commission of Texas has implemented new 2026 reporting requirements for large electrical loads and infrastructure facilities.

We request verification that:

- All reporting mandates have been satisfied
- Water usage disclosures are accurate
- ERCOT curtailment commitments are documented
- Written guarantees exist prioritizing residential stability

Under ERCOT emergency events, large loads must be subject to curtailment. A written guarantee that these facilities will be first-curtailment loads should be secured before activation.

IV. Requested Audit Scope

We request a third-party audit addressing:

1. Cooling system type and water dependency modeling
2. Daily and peak consumption projections per 150MW
3. Comparison to 2022 public disclosures
4. Mechanical blueprint verification
5. Drought contingency planning
6. Compliance with all municipal and state reporting mandates

Under Rule 684, private plaintiffs may be required to post bond. The City, however, is uniquely positioned to act without this burden.

Conclusion

A contract secured through incomplete or misleading information is not enforceable in equity. A Certificate of Occupancy is not automatic; it is conditioned upon lawful compliance.

Temple possesses the legal authority, code enforcement mechanisms, and home rule power necessary to:

- Pause activation
- Demand full transparency
- Protect municipal water supply
- Ensure drought-responsive governance

We respectfully demand immediate action.

Our water is not theoretical. It is finite. It is shared. And it is under strain.

The citizens of Temple deserve full disclosure before a single additional gallon is drawn.

Respectfully,

Concerned Citizens and Ratepayers of Temple, Texas