

A RESOLUTION
No. 95-11-16
SUPPORTING A 15 MEMBER ELECTED EDWARDS
AQUIFER AUTHORITY WITH MEMBERS TO BE
ELECTED FROM SINGLE MEMBER DISTRICTS.

* * * * *

WHEREAS, the 1993 Session of the Texas Legislature passed Senate Bill 1477 in an effort to satisfy U.S. District Judge Lucius D. Bunton, III's order to limit pumping from the Edwards Underground Aquifer to protect endangered species in the Comal and San Marcos Springs, as part of a ruling in an Endangered Species Act lawsuit filed by the Sierra Club; and

WHEREAS, the law for the first time set limits on pumping of Edwards Aquifer water; and

WHEREAS, the Legislature created the Edwards Aquifer Authority to enforce those limits in the covered counties in the aquifer-region; and

WHEREAS, the Senate Bill as enacted in 1993 has never taken effect due to a challenge by the Mexican American League Defense and Educational Fund and a determination by the Department of Justice, saying it violated the Voting Rights Act; and

WHEREAS, the 1995 Session of the Legislature presents an opportunity for all interested parties to resolve the outstanding issues, thereby allowing adoption of the necessary changes so that the substantive portions of the legislation can go into immediate effect; and

WHEREAS, recent meetings between City representatives and the Bexar County Legislative Delegation have been extremely productive in terms of support for an elected authority for the Edwards Aquifer; and

WHEREAS, there are good indications that a 15 member authority with seven representatives from Bexar County and eight representatives from the rest of the region, with acceptable single member district boundaries that assure a sufficient opportunity for minority representation, including downstream interests, would meet Voting Rights requirements; and

WHEREAS, City Council has previously adopted a Resolution on January 26, 1995 expressing support for implementation of Senate Bill 1477 as a management plan for the Edwards Aquifer, with amendments to satisfy Voting Rights Act issues in a manner that is fair to the City of San Antonio and the rest of the region; and

WHEREAS, the proposed 15 member elected authority appears to meet the requirements established in the aforementioned resolution; **NOW THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby expresses its support of a 15 member elected Edwards Aquifer Authority with members to be elected from single member districts and with seven representatives from Bexar County and eight from the rest of the region, including downstream interests.

SECTION 2. Staff is hereby directed to involve attorneys with voting rights expertise, such as the LULAC organization, to assist in the development of district boundaries, in order to ensure that such boundaries provide a sufficient opportunity for minority representation..

SECTION 3. Staff is further directed, together with the San Antonio Water System Board, to pursue and support these recommendations and to coordinate their efforts with the Bexar County Legislative Delegation, the Office of the Governor, the Office of the Lt. Governor, the Office of the Speaker of the House, and the leadership of the Senate and the House of Representatives,

PASSED AND APPROVED this 9th day of March, 1995.

Urban W Wolff
M A Y O R

ATTEST: *Norma S. Rodriguez*
City Clerk

APPROVED AS TO FORM: *Veronica M. Zertuche*
for City Attorney

95-11

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
REAL ESTATE (HUBBARD)
TRIAL SECTION
CITY MANAGER
TRAVIS BISHOP, ASST. TO CITY MGR.
CODE COMPLIANCE
INTERGOVERNMENTAL RELATIONS
INTERNATIONAL RELATIONS
YOUTH INITIATIVES
CITY PUBLIC SERVICE-GENERAL MANAGER
CITY PUBLIC SERVICE-MAPS & RECORDS
COMMERCIAL RECORDER (PUBLISH)
COMMUNITY INITIATIVES
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
DOME DEVELOPMENT OFFICE
ECONOMIC DEVELOPMENT
FINANCE DIRECTOR
ASSESSOR
CONTROLLER
GRANTS
RISK MANAGEMENT
TREASURY
FIRE DEPARTMENT
HOUSING & COMMUNITY DEVELOPMENT
INFORMATION SERVICES
INTERNAL REVIEW
LIBRARY
MANAGEMENT SERVICES (BUDGET)
MANAGEMENT SERVICES (PERSONNEL)
MARKET SQUARE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL COURTS
PARKS & RECREATION
PLANNING
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
POLICE DEPARTMENT-GROUND TRANSPORTATION
PUBLIC INFORMATION OFFICE
PUBLIC UTILITIES
PUBLIC WORKS
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE (BILL TOUDOUZE)
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
SAN ANTONIO WATER SYSTEM (SAWS)
Interdepartmental Office : Attn: Myra Leo
MUNICIPAL CODE CORPORATION (PUBLISH)

*Edward
Aguirre
Authority*

ITEM NO. 1.
DATE: 3-9-95

MEETING OF THE CITY COUNCIL
MOTION BY: Peak SECONDED BY: Ayala

ORD. NO. _____ ZONING CASE _____

RESOL. 95-11-16 PETITION _____

	ROLLCALL	AYE	NAY
ROGER PEREZ DISTRICT 1		✓	
RUTH MC-CLENDON DISTRICT 2		✓	
LYNDA BILLA BURKE DISTRICT 3		✓	
HENRY AVILA DISTRICT 4		✓	
JUAN F. SOLIS III DISTRICT 5		✓	
HELEN AYALA DISTRICT 6		✓	
BOB ROSS DISTRICT 7			X
BILL THORNTON DISTRICT 8		✓	
HOWARD PEAK DISTRICT 9		✓	
LYLE LARSON DISTRICT 10		✓	
NELSON WOLFF MAYOR		✓	

95-11

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AGENDA
SPECIAL CITY COUNCIL MEETING
MUNICIPAL PLAZA BUILDING
CITY HALL COMPLEX
103 MAIN PLAZA
SAN ANTONIOM TEXAS 78205

MARCH 9, 1995

3:00 P.M.

- Resolution 95-11-16* 1. A Resolution supporting a 15-member elected Edwards Aquifer Authority with members being elected from single-member district.

the impediments was an insistence that any elected authority be based on the one-person, one-vote principle.

Entering the 1995 Legislative Session, no real solution to the Voting Rights Act issues had emerged despite intense efforts to formulate a resolution. After careful review by the Council's Subcommittee on Water, it was recommended that the City support a legislative solution to the Voting Rights Act issues that allowed implementation of the management plan contained in S.B. 1477. The City Council adopted a Resolution on January 26, 1995 supporting implementation of S.B. 1477 with a solution to the Voting Rights Act issues that was fair to San Antonio and the Aquifer Region.

Since adoption of this Resolution, the City and SAWS, and various interested parties, have been examining methods of establishing an elected aquifer authority that would satisfy voting rights concerns and preserve the balance of S.B. 1477. Simultaneously, the Senate passed S.B. 418, now before the House, which would attempt to resolve the Voting Rights Act issues by realigning the abolishment of the elected Edwards Underground Water District and preserving the nine-member appointed board. This bill drew unanimous opposition from the Bexar House delegation, given the preservation of an appointed authority. Given imminent consideration of this regulation in the House, efforts to reach consensus on an elected authority have become urgent.



Nelson W. Wolff
Mayor

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

95 MAR -9 PM 12:06

NOTICE

The City Council will hold a special emergency meeting at 3:00 P.M. on Thursday, March 9, 1995, at the Municipal Plaza Building, City Council Chambers. The purpose of this meeting is to adopt a resolution supporting a 15 member elected Edwards Aquifer Authority with members being elected from single member districts.

An emergency is necessary because the legislature is presently in session and is considering legislation relating to the regulation and management of the Edwards Aquifer about which City Council must make its position known.

* * * * *

**CITY OF SAN ANTONIO
MEMORANDUM**

March 9, 1995

TO: City Council

FROM: Mayor Nelson W. Wolff

COPIES: City Manager, San Antonio Water System Board

SUBJECT: Resolution Supporting Elected Edwards Aquifer Authority

Summary

I, Councilman Peak, Councilwoman Ayala, SAWS Chairman Cliff Morton, and SAWS Boardmember Danielle Milam met with members of our delegation yesterday. The meeting was extremely productive in terms of discussion for support of an elected authority for the Edwards Aquifer.

I have made additional contacts with several involved parties and have concluded that an elected board, properly structured, can meet the requirements of the Voting Rights Act and would be precleared by the U.S. Justice Department.

There are good indications that a 15-member board with seven representatives from Bexar County and eight representatives from the rest of the region, including downstream interests, would meet voting rights requirements with other conditions. These conditions include acceptable single-member district boundaries that assure a sufficient opportunity for minority representation.

In my opinion, in order to meet the voting rights requirements, involvement and assistance from attorneys with expertise in voting rights issues, such as attorneys with the LULAC organization, will be necessary.

As we have seen, the military bases here in San Antonio have been "redlined" by the BRAC because of the lack of a resolution on the water issues. Other federal agencies will also be affected if this issue is not resolved. Our economic development efforts are also impacted negatively by the uncertainty of adequate water supply. We need to resolve this issue as soon as possible!

Recommendation

I am recommending that the City Council pass a Resolution supporting the following:

1. an elected Edwards Aquifer Authority composed of 15 members;
2. with seven representatives from Bexar County and eight representatives from the rest of the region, including downstream interests;
3. that members come from single-member districts;
4. that involvement from attorneys with voting rights expertise, such as the LULAC organization, assist in development of district boundaries;
5. that the district boundaries provide a sufficient opportunity for minority representation;
6. that the City Council direct the San Antonio Water System Board and City staff to pursue and support these recommendations; and
7. that their efforts be coordinated with the Office of the Governor, Office of the Lt. Governor, Office of the Speaker of the House, the leadership of the Senate and the House of Representatives, and our local delegation.

I ask for the support of all of the City Council for this Resolution for next week's agenda.

Supplementary Comments/Background

In 1993, the Texas legislature passed S.B. 1477 in an effort to resolve Endangered Species Act issues and regional conflicts over access to the Edwards Aquifer. The legislation established a nine-member Edwards Aquifer Authority covering the Aquifer counties with sufficient power to manage the resource and resolve pending and threatened litigation.

The nine-member Edwards Aquifer Authority was to be appointed by governments within the region. Two members were to be appointed by the City of San Antonio and one by the Bexar County Commissioners. The bill established one position on the nine-member Board to represent downstream Guadalupe River interests, with other appointees from Comal and Hays counties, as well as three appointees from the western aquifer counties. During the 1993 Legislative Session, efforts to consider an elected authority were unsuccessful despite the preference of some members of the City Council and local State representatives and Senators, for an elected authority.

As we all know, S.B. 1477 has not been implemented because of objections by the Civil Rights Division of the U.S. Justice Department. The State instituted litigation to overturn this objection. Discussions to resolve these disputes through 1994 were without success. Among

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, MARCH 9,
1995.

* * * *

95-11 The special meeting was called to order at 3:22 P.M. by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, McCLENDON, BILLA BURKE, AVILA, SOLIS, AYALA, ROSS, THORNTON, PEAK, LARSON, WOLFF. Absent: NONE.

95-11 The City Clerk read the following Resolution:

A RESOLUTION NO: 95-11-16

SUPPORTING A 15 MEMBER ELECTED EDWARDS AQUIFER
AUTHORITY WITH MEMBERS TO BE ELECTED FROM SINGLE
MEMBER DISTRICTS.

* * * *

Mr. Peak made a motion to approve the Resolution. Ms. Ayala seconded the motion.

The following citizen appeared to speak:

Mr. Jack Finger, P.O. Box 12048, San Antonio, stated that he sees no 'emergency' to this matter, and expressed his belief that we have at least one month before public hearing are established in the state legislature.

Mayor Wolff stated that the House Natural Resources Committee meets next Monday on this proposed bill.

Mr. Finger stated his belief that no one has seen all that is involved with this proposed bill, and he voiced his concern with rushing through on this without public hearings. He stated his opinion that the proposed 15-member Edwards Aquifer Authority will dilute San Antonio's power over the Edwards Aquifer.

Ms. Margaret Kemp, 2314 Town Gate, addressed a number of points she feels mitigates against taking this proposed action.

Ms. Maria Dominguez stated her belief that San Antonio has more water than it needs, and spoke to the ability to preserve endangered species in the Edwards Aquifer-supplied waters, even in a drought. She expressed her opinion that something else than water is involved.

Mr. Tom Culbertson, 511 Westwood, stated his belief that the question is whether we have a responsible water plan. He expressed his opinion that San Antonio has a legal right to take water from the Edwards Aquifer, and stated his further opinion that no emergency exists in this matter at hand.

Mr. Tony R. Garza, 5854 Sun Bay, stated his belief that no emergency exists to consider this at this time, and urged the Council to delay its vote until the matter can be discussed.

* * * *

Mayor Wolff noted that the proposed legislation would call for an elected board which he feels would give Bexar County good representation, and urged Council to approve the proposed Resolution. He noted that the House Natural Resources Committee will consider this proposed bill next Monday, and stated his belief that it meets the requirements of the federal judge involved.

Ms. Ayala spoke in support for the proposed Resolution as the most reasonable solution, everything considered, and spoke to the need to be certain that San Antonio has both water and jobs.

Mr. Ross noted that he has been against the provisions of Senate Bill 1477, and stated his belief that we already have an elected board at the Edwards Underground Water District. He stated that he would be voting against the proposed Resolution, although he feels that we all have the same goal in mind. He spoke to the need to have a proper discussion on this matter.

Ms. McClendon spoke in support for the proposal which was discussed yesterday by Mayor Wolff and members of Bexar County's legislative delegation. She spoke in support for an elected board, and spoke to her concern for the future of San Antonio's military bases.

Mr. Peak stated his belief that San Antonio needs to establish its official position on this matter, so that the state legislature has that information when the bill is considered in committee next Monday. He spoke to the proposed bill's concept of Edwards Aquifer management, including an elected board of directors, and noted that this has been discussed by citizens for many months. He spoke to the need for the Council to act today to support the proposed bill.

Mr. Thornton thanked the Mayor and members of the Bexar County legislative delegation for working out the proposed legislation.

Mr. Larson noted that the proposed 15-member elected board of directors would have seven representatives from Bexar County and eight from the remainder of the area, all elected from single-member districts. He spoke in support for an elected board.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Thornton, Peak, Larson, Wolff. NAYS: Ross. ABSENT: None.

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95-11 There being no further business to come before the Council, the meeting was adjourned at 3:53 P.M.

A P P R O V E D

M A Y O R

Attest:

C i t y C l e r k

March 09, 1995sp
bg