



NEWS

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FOR IMMEDIATE RELEASE

July 22, 2004

Statement from Bill West, general manager of the Guadalupe-Blanco River Authority (GBRA), regarding intervention in the “clarification” of the Voting Rights Act sought by the Bexar Metropolitan Water District (BexarMet):

On July 21, 2004, the GBRA Board of Directors authorized our legal counsel to file for intervenor status in the Voting Rights Act “clarification” sought by BexarMet. We are taking this step to protect GBRA’s interests in other litigation and administrative proceedings which could be significantly impacted by a decision in this case. We are asking that the clarification not grant BexarMet the purported right to expand beyond the territory the Texas Legislature authorized when it established BexarMet’s service territory.

The clarification is part of a consent decree presently before the Federal Court. The decree in this case is being put to uses having nothing to do with the Voting Rights Act. In fact, BexarMet wields the decree in other litigation and in administrative proceedings against the City of Bulverde and GBRA, in conflict with state law and completely ignoring recently imposed expansion limitations by the Texas Legislature.

The law is perfectly clear about the fact that the Texas statutes governing water districts do not authorize districts to roam at large and solicit customers wherever they wish. In fact, in 2003 the Legislature re-examined BexarMet’s boundaries and statutory powers, in particular in light of the consent decree in this case, and rejected the continued expansion of BexarMet’s boundaries. The Legislature fixed those boundaries to coincide with those current boundaries in the decree. It clarified that BexarMet can develop, transport, deliver, distribute, store and treat water within the existing BexarMet district only.

In complete disregard of the recent legislation, BexarMet has continued to buy water systems, solicit customers and apply for service areas outside of its jurisdiction and they are thereby infringing on the rights of the City of Bulverde and GBRA. BexarMet is trying to displace Bulverde as the retail water utility provider in the area in order to expand its own base to help amortize its very significant indebtedness. However, BexarMet has no source for the water needed to service these and future expansions – and they seek to force GBRA to provide that water in Comal County.

BexarMet has misled the court by not admitting that it currently is involved in a suit filed by GBRA and Bulverde to confine BexarMet to its statutory area. BexarMet’s request for this “clarification” is made only to support its use of the consent decree to claim that it is free to expand wherever and whenever it wants, regardless of the legislative limitations water districts face regarding expansion areas.

Basically, BexarMet is using the Voting Rights Act to seek a ruling that they would argue imposes federal superiority over Texas law in order to circumvent the limitations imposed on BexarMet by the State Legislature. Higher federal courts have ruled that such consent decrees cannot be used to gain a result that cannot otherwise be obtained. The GBRA water contract with the City of Bulverde and its attendant financial considerations, and the impact to regional water resources, are clearly significant issues affected by the outcome of this case. Therefore, GBRA is seeking intervenor status to protect those interests.

