

The Bandera PROPHEET

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Bandera City Council readopts drought contingency plan

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Bandera City Council members re-established a drought contingency plan, after unanimously approving to amend it and abate enforcement earlier this month.

During their Aug. 8 regular meeting, Council Member Tony Battle led the discussion on whether the ordinance, which was amended in Sept. 2022, was overreaching and inconsistent. Written to mirror the Bandera County River Authority and Groundwater District's drought contingency plan, Battle said the stage the city was set at was too restrictive, and hampered citizens' rights.

"We need to conserve water, but we as a governing body do not have the authority to govern the personal property and damage of people's personal property by not allowing them to use water," Battle said Aug. 8, adding certain protective measures, such as topping off swimming pools and watering around concrete slabs, were necessary to stave off catastrophic structural damage. "I think trees are pretty important. Last I checked we all breathed oxygen. We should all be allowed to water our trees...If a citizen wants to produce their own fruits and vegetables, they should be able to water their garden."

The matter was brought back to council on Aug. 22 at Battle's behest, however the councilman was unable to attend the meeting. Council Member Lynn Palmer motioned to table the item until Battle could attend, which was seconded by Council Member Jeff Flowers.

“I feel like Tony should be here,” Flowers said, however the motion failed after Council Members Christine Morse and Manny Longoria voted nay, and Mayor Rebeca Gibson broke the tie with a nay vote. “We must have our own drought contingency plan. We are presently now without a drought contingency plan. That is a violation of our well permit and state law,” Gibson said.

City Attorney Dan Santee said state law was clear about the statutory authority with the groundwater district.

“I don’ t see a lot of room for the council to freelance,” Santee said.

“You are the permittee. You are in violation of the permit.”

Gibson said the city faced a \$10,000 daily fine from BCRA GD for noncompliance, though as of Aug. 22, there were no formal warnings issued and no penalties assessed, according to City Administrator Richard Morton.

Palmer said she would like to schedule a workshop with BCRA GD to consider the triggers that set stages, and she referenced errors on city utility statements that have not accurately reflected the district’s conservation stages this year.

“Our citizens pay the city for their water. I think they should be allowed to water their trees and keep them alive,” Palmer said. “Because we were at Stage 5 all year [while BCRA GD was at varied stages], citizens were not allowed to water trees or keep their gardens alive. That’s what got this started.”

To see the ordinance, go to <https://ecode360.com/BA6236/laws/LF1816614.pdf>