

Carlos Guerra: Tough choices about water leak through a distracted Legislature

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The GOP-driven palace coup in the House continues to distract lawmakers in this Legislature's final days. Four Republicans and a Democrat have filed to run against Speaker Tom Craddick, a political action committee has been created to help insurgents and a bill has been filed outlining how the speaker's election will be conducted — during this legislative session.

A motion to depose Craddick is now expected as soon as the House approves the budget.

Among the many bills being watched closely is one that addresses an array of issues related to water.

Texas' water policies, we noted earlier, have long been governed by a hodge-podge of laws that have never comprehensively addressed management of this dwindling resource.

In 2005, an omnibus water bill was debated, but by session's end, it was so weighted with special interest provisions that it perished of its own obesity.

This session, another omnibus water bill has been considered — and had many special-interest provisions added to its core. Both chambers have approved different versions of Senate Bill 3, so the differences must be resolved by a conference committee, only the Senate half of which has been named.

Among SB 3's key provisions are two that the Sierra Club strongly supports, and two that it does not, including one that affects the San Antonio area.

"We like Article 1, the environmental flows protection provisions, and Article 2, which includes the water conservation provisions," says Ken Kramer of the Texas Sierra Club. But they don't like "Article 3, which designates a number of reservoir sites" in Northeast Texas that Kramer says may not be needed and won't guarantee that region more water.

Nor does the Sierra Club "like the changes to the Edwards Aquifer Authority, which includes raising of the cap on annual pumping to 572,000 acre-feet a year." Edwards Aquifer pumpers aren't withdrawing anywhere close to their limits now, Kramer says, but raising limits will eventually lead to increased withdrawals and may discourage conservation.

Also of special interest to area residents are provisions dealing with BexarMet, the once-tiny water district that grew into this area's second-largest water purveyor by gobbling up 23 smaller systems.

With BexarMet long plagued by complaints about water quality, bad service and

skyrocketing and unequal rates, provisions were added to SB 3 and two other bills to wrest control of the utility from its seven-member board, elected from single-member districts. These would turn governance over to the Bexar County Commissioners Court, or to a nine-member board composed of the Bexar County Commissioners Court, San Antonio's mayor and the county judges of Medina, Comal and Atascosa counties.

After LULAC threatened suit, charging that such changes would dilute Latinos' voting power, those provisions were softened in the Senate version of SB 3, which now provides that if changes in BexarMet's governance don't get the U.S. Justice Department approval, a system of performance benchmarks and a legislative oversight board will oversee the utility to assure that it straightens up its act.

BexarMet CEO Gilbert Olivares says that the utility is already addressing the complaints that prompted efforts to oust its governing board.

As of June, all BexarMet customers will be billed under a unified rate structure, instead of the multiple ones, and the new rates will be lower than SAWS' for average or below-average ratepayers but higher for those who consume more than the average. Olivares also says that BexarMet is rushing new water sources on-line to prevent summer shortages like those that have plagued the utility in previous summers.

But he warns that eventually, water rates will have to rise — for customers of BexarMet and every other water purveyor.

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