



Dear Community Members:

Remember these pictures? In 2011, you showed your commitment to our community by voting to **"Support The Ban"** and keep trash out of our local rivers. **We urgently need you to show a similar commitment now.**

In a brief three-sentence ruling, retired Visiting Judge Don Burgess ruled against the Disposable Container Ban which was **approved overwhelmingly by both city council and 58% of the electorate** two years ago. His ruling was in response to a lawsuit against the City of New Braunfels by Schlitterbahn Water Park, Rockin' R river outfitters and Tri-City beer distributor. Clearly, this is a blow to all who treasure our rivers and want them to remain clean.

With this judge's ruling, it remains in question whether New Braunfels, as a "Home-Rule" city government, has the "constitutional authority" to implement this needed ordinance inside its city limits. Many legal experts believe Home Rule cities do have this authority. The only way to receive a solid, definitive answer to this question, is to appeal the judge's decision.

We urge you to contact city council members to request that they VOTE TO APPEAL this decision!

There is a reason we have an Appeals Court and then a Supreme Court. The system is designed so that if a party disagrees with a decision made by one judge, it can get a second or even third look to learn what exactly is right or wrong with the ordinance. It is not at all unusual to appeal the initial district court decisions. In fact, had our side "won", there is a very strong likelihood that the wealthy pockets on the other side would chose to appeal.

We believe that city council has an obligation to support the 58% of the voting citizens who want this ban in place. We do not yet know when they might discuss this topic, but it could be as **early as this coming Monday.**

City Council now must consider whether to appeal this judge's decision, or not? Their options:

1. **VOTE TO move the case forward in the appeal process and get a detailed, precise and definitive legal opinion.** Both the city and citizens need this information; OR
2. Do nothing, and likely PAY EVEN MORE taxpayer dollars for increased river clean-ups, additional park rangers, more police officers, including for their overtime pay, new signage and more. But, worse, relinquish the rivers, once again, to the desecration and pollution that we all fought so hard to prevent. The tangible and intangible costs of this are overwhelming.

LET YOUR VOICES BE HEARD and ask city council to appeal the opinion of this District Judge. **We need more than one judge's three sentence ruling to decide this very important issue.**

Please call, email or deliver your own opinions to the Members of City Council as soon as possible ~ ideally by Monday, Feb 3.

Council contact information is as follows:

Mayor Gale Pospisil gpospisil@nbtexas.org

Mayor Pro-tem Bryan Miranda bmiranda@nbtexas.org

Council Member Sandy Nolte snolte@nbtexas.org

Council Member Steven Digges sdigges@nbtexas.org

Council Member Ron Reaves rreaves@nbtexas.org

Council Member Aja Edwards aedwards@nbtexas.org

Council Member George Green ggreen@nbtexas.org

CITY HALL: 424 S. Castell Avenue New Braunfels, Texas 78130 (830) 221-4000

You might also share your comments with the Herald-Zeitung at: NEWS@herald-zeitung.com

****Since the November 2011 “can-ban” election, summer visitors and residents have experienced cleaner rivers, growing sales tax revenues, increased hotel occupancy tax revenues and increased liquor and beer sales, as reported to the Texas Alcohol and Beverage Commission (TABC.) These key economic indicators have broken many historical records. In short, New Braunfels’ economy is STRONGER with the can-ban in effect.**

Lets all fight to keep the rivers clean. It is simply the right thing to do. Thank you.



**“A RIVER IS MORE THAN AN AMENITY, IT IS A TREASURE.”
Justice Oliver Wendell Holmes, Jr.**