

# **Bond Case Briefs**

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## **PUBLIC CORPORATIONS - ALABAMA**

### **Water Works Board of City of Arab v. City of Arab**

**Supreme Court of Alabama - December 23, 2016 - So.3d - 2016 WL 7428391**

City brought action against city water board, seeking declaration that board was bound by resolutions adopted by city directing board to fluoridate city's water supply and requesting a preliminary injunction enjoining the board from halting fluoridation.

The Circuit Court denied the board's motion to dismiss and entered the preliminary injunction requested by city. Board appealed.

The Supreme Court of Alabama held that:

- Board was an independent public corporation, not a mere agency of city, and
- Doctrine of waiver or of laches did not require board's continued compliance with city's resolutions.

City water board was an independent public corporation tasked with operating city's waterworks system, not a mere agency of city, and thus board was not required to comply with city resolutions directing board to fluoridate city's water supply. Because municipal resolutions had to be read in pari materia with other state laws, the legislature, by statutorily establishing the board as an independent public utility corporation and vesting it with all authority over the waterworks system, limited city's authority to pass resolutions regarding the waterworks system, and allowing city to control board's operational decisions by adopting resolutions would mean that the board would not be truly separate and independent, contrary to the legislature's intent.

Fact that city water board began to fluoridate city's water supply after city adopted resolution directing board to do so did not mean, pursuant to the doctrine of waiver or of laches, that board was required to continue to fluoridate the water supply. Even if board took into consideration the resolution in deciding to fluoridate the water supply, that did not change fact that the Board alone, as an independent public corporation separate from the city, had the authority, as derived from the legislature, to make all operational decisions concerning the waterworks system.