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WATER LAW - TEXAS

League of United Latin American Citizens v. Edwards Aquifer Authority

United States District Court, W.D. Texas, San Antonio Division - June 18, 2018 - F.Supp.3d - 2018 WL 3046699

Advocacy organization and individuals brought § 1983 action against Edwards Aquifer Authority (EAA), a conservation and reclamation district, challenging apportionment plan for the single member districts used to elect EAA directors, alleging claims including violation of the Equal Protection Clause of the Fourteenth Amendment for alleged dilution of minority votes, and seeking declaratory and injunctive relief and a statutory award of attorney fees and costs.

Several governmental authorities intervened, including one city as a plaintiff, and two cities, county, and river authority as defendants. Plaintiffs moved for partial summary judgment, and defendants cross-moved for summary judgment.

The District Court held that:

- EAA was a special purpose district, rather than a general purpose governmental entity, that fell within exception to one person, one vote requirement, and
- EAA's apportionment plan by subregional water interests was rationally related to statutory objectives of EAA Act, and thus did not violate the Equal Protection Clause.

Texas Legislature established the Edwards Aquifer Authority (EAA) to fulfill Edwards Aquifer Authority Act's limited purpose and scope of management, protection, preservation, and conservation of Edwards Aquifer, and granted EAA limited powers in scope and effect, and thus EAA was a special purpose district, rather than a general purpose governmental entity, that fell within exception to one person, one vote requirement of the Equal Protection Clause; EAA could not impose ad valorem property taxes or sales taxes, did not provide general public services such as the operation of schools and housing, and imposed limited restrictions to protect aquifer from pollution, and EAA's performance of some classic governmental functions such as making rules were incidental to EAA's primary purpose.

Single member district apportionment plan for board of directors for Edwards Aquifer Authority (EAA), a special purpose district, by subregional water interests, rather than by population, was carefully balanced to reflect different water interests in subregions that were disproportionately impacted by aquifer, and thus plan was rationally related to statutory objectives of Edwards Aquifer Authority Act, and therefore plan did not violate one person, one vote requirement of the Equal Protection Clause; population-based representation would have defeated purpose of EAA and destroyed the careful balance of interests upon which EAA was formed, and apportionment plan was not limited to permit holders or landowners with wells as all residents within EAA's jurisdictional boundaries were allowed to vote.

