

Bond Case Briefs

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WATER DISTRICTS - TEXAS

Cities of Conroe, Magnolia, and Splendora v. Paxton

Court of Appeals of Texas, Austin - August 31, 2018 - S.W.3d - 2018 WL 4190803

Conservation and water reclamation district brought action under Expedited Declaratory Judgments Act (EDJA) seeking declaration that city was liable for breaching its water-sale contract and seeking declarations regarding legality and validity of contracts.

The District Court denied pleas to the jurisdiction and motions to transfer venue. Cities and utility companies filed interlocutory appeal and petition for writ of mandamus.

The Court of Appeals held that:

- As a matter of first impression, the EDJA does not include an implied exclusion of claims that would implicate interests having due process protection;
- District's claim that city was personally liable for its refusal to pay charged rates for water was beyond scope of EDJA;
- District's claims seeking declarations regarding validity of water rates and contracts with groundwater reduction plan participants were within scope of EDJA;
- Claims were not barred by sovereign immunity; and
- Venue was proper.