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WATER LAW - TEXAS

League of United Latin American Citizens v. Edwards Aquifer Authority

United States Court of Appeals, Fifth Circuit - August 28, 2019 - F.3d - 2019 WL 4050469

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. The United States District Court for the Western District of Texas entered summary judgment for defendants. Plaintiffs appealed.

The Court of Appeals 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 of the Equal Protection Clause, and
- EAA’s apportionment plan by subregional water interests rather than by population did not violate Equal Protection Clause’s one person, one vote requirement.

Edwards Aquifer Authority (EAA), a conservation and reclamation district, was established by Texas Legislature to serve 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 and did not oversee public functions such as schools, housing, zoning, transportation, roads, or health and welfare services, its powers were expressly tailored to protect quantity and quality of groundwater in Aquifer, as it placed certain conditions on permit holders only as necessary to fulfill its legislative mandate to conserve aquifer water, and EAA’s regulation of pollutants did not render it a general governmental body, as such conduct was incidental to its primary task of administering permit process.

Single member district apportionment plan for board of directors for Edwards Aquifer Authority (EAA), a conservation and reclamation district, by subregional water interests rather than by population, was carefully balanced to reflect different water interests in agricultural, spring-flow and urban counties disproportionately impacted by aquifer and, thus, plan was rationally related to Edwards Aquifer Authority Act’s statutory objectives, such that it did not violate Equal Protection Clause’s one person, one vote requirement; residents of agricultural and spring-flow counties were more dependent upon, and owned outsized share of, aquifer water and were disproportionately affected by EAA’s regulation thereof, residents of western and eastern counties disproportionately felt weight of EAA’s regulatory power, eastern counties and wildlife they contained relied most on

EAA's conservation efforts, and apportionment scheme was likely necessary to ensure creation of EAA.