

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - TEXAS**

### **Baumgardner v. Brazos River Authority**

**Supreme Court of Texas - June 27, 2025 - S.W.3d - 2025 WL 1779081**

River authority brought action against landowner in state court seeking permanent injunction requiring landowner to remove portions of boat ramp and on-water boat dock facility located on, over, or above lake managed by authority.

The District Court granted river authority's request for permanent injunction. Landowner appealed to the Waco Court of Appeals, Tenth District. The Tenth Court determined that the appeal fell within the exclusive intermediate appellate jurisdiction of the Court of Appeals, Fifteenth District. Following Supreme Court's transfer of appeal to the Fifteenth Court, river authority moved to re-transfer appeal to Tenth Court.

The Supreme Court held that:

- River authority was a political subdivision, rather than an agency in the executive branch of the state government;
- noscitur a sociis canon of statutory production, providing that the meaning of a word or phrase, especially one in a list, should be known by words immediately surrounding it, did not apply; and
- Exceptions to Fifteenth Court's exclusive appellate jurisdiction for certain proceedings that could have involved counties, local governmental entities, and other political subdivisions did not imply that the legislature intended for all other proceedings involving local governmental entities and political subdivisions, including river authorities, to fall within Fifteenth Court's exclusive jurisdiction.

River authority was a political subdivision, rather than an agency in the executive branch of the state government, for purposes of Fifteenth Court of Appeals' exclusive intermediate appellate jurisdiction over matters brought by or against the state or an entity in the executive branch of the state government; governing statutes implied that, at least for the jurisdictional statute at issue, authority existed not as part of the state government but as an entity distinct from, and subordinate to, the state, jurisdiction of authority was geographically limited, authority could have taxing powers, though it did not currently exercise them, and authority did not receive state appropriations, but instead was funded primarily through water sales and water-treatment-related services.