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Libby Linebarger

State of Texas
House of Representatives
District 46

P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0498

125 N. Guadalupe
San Marcos, Texas 78666
(512) 396-1500

The Honorable Dan Morales
Attorney General
P. O. Box 12548
Austin, TX 78711-2548

JUL 13



MBJ
RQ-581-DM
~~FILE # 21199~~

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I.D.# 21199

RQ-581

Dear General Morales:

I would like to request an opinion on the legality of transferring assets from one water district to another one. Specifically, I would like to know if the Edwards Underground Water District (EUWD) may legitimately refuse to transfer its assets to the new Edwards Aquifer Authority (EAA) created under S.B. 1477 as a result of the selection process for board members or the method for funding the agency.

The EUWD depends upon taxes levied by a twelve member, elected board of directors within a three county region. The EAA will have a nine member, appointed board and will rely on user fees for operating expenses. S.B. 1477 transfers all property, assets, debts, personnel and contracts from the Edwards Underground Water District to the new authority on September 1, 1993 and sunsets the EUWD.

There is some concern within the EUWD Board that this move is unconstitutional. Several members question whether assets which were raised from taxes levied by an elected board may pass to an entity that has an appointed board and is funded by user fees. The EUWD Board has asked its counsel to make a determination on this issue and report back to the board. I would be grateful if you could provide me with an independent opinion on this question as quickly as possible.

Thank you for your assistance with this matter. If you require further information, please call my aide, Helen Greene.

Best wishes,

Libby Linebarger
Chair, Public Education Committee