

Tarrant Regional Water District

The Tarrant Regional Water District is organized under Chapter 51 of the Texas Water Code, which describes the powers and rules for creating and operating Water Control and Improvement Districts. The District was founded in 1924. The District now has "four equity partners" and serves 28 others by contract. Because the district was created as a political subdivision of the state, its political boundaries (Ft. Worth) are different than its service area, which are ten surrounding counties. The four "equity partners" are served by contract as well, but because of their capital contributions over the years a court essentially ordered that they be given priority over all other customers and that their rates reflect their capital contributions. The board of five is elected by the Ft Worth electorate. A Water Control and Improvement District is created by a petition to the county, or if within more than one county, to the Texas Natural Resources Commission. An election is held in all the areas proposed for the district on an entity by entity basis—thus some entities may approve it, others may not. Districts may join together to create "Master Districts" to manage an entire watershed, create large facilities, etc. A five person elected board governs the district. Directors must be citizens of Texas and own land in the District. In the case of an inter-governmental agreement with a city to build joint facilities, the city appoints a special director to the board. The special director does not vote. The District may be involved in the following activities: control, store, and distribute water; be involved in flood control; reclamation; construction of facilities, and it may create rules and regulations pursuant to the aforementioned. Other powers include eminent domain; right to sue to protect water rights; the right to transfer water rights; development of hydro-electric projects; and the selling of hydro-electric rights.

Cooperation with other governmental entities is permitted. Contributions by others to the district can be tax revenue or bond proceeds. Water rights claims based on date are **superceded** by the following priorities: domestic and municipal; industrial; irrigation; hydro; recreation.

Note that these types of Districts were initially seen as county-wide entities designed to provide irrigation water. Recipients of water tell the District each year how much water they want by a designated deadline; the District figures out how much it will cost to provide it, and "assesses" each recipient. The assessment is in the form of a contract for municipalities. Assessments are paid in installments. Excesses are carried over to the next year and credited; deficiencies are made up by assessing additional costs on a **pro rata** basis. Water can be cut off for non-payment.

A District may take on storm water and **wastewater** functions at will, but can only sell bonds for additional functions with voter approval. A District may not usurp the functions of other providers. Bond proceeds must be deposited in a construction fund. The maintenance fund is supported by the assessments and, with voter approval, by tax revenue based on property. There are very extensive regulations governing bond sales, from the types of banks used, to engineering reports on the necessity of the projects being funded; Natural Resources Commission review and oversight; taxes may be levied to pay off bonds. Because of the rural purposes there is a major section in the agreement on valuing property, excluding non-irrigable land, tax collections, and crop liens. Provisions for dissolution and oversight of dissolution are also extensive. Annexation of new territory is permitted.