



EAA Resolves LULAC Lawsuit

San Antonio, TX – An eight-year journey through the federal courts that centered around the constitutionality of the governance structure of the Edwards Aquifer Authority (EAA) has come to its end, in favor of the EAA. As a result, the EAA's uniquely balanced, 15-member board of directors elected by single-member districts (plus two non-voting appointed members) to represent the varied stakeholder interests across an eight-county region of South-Central Texas will remain unchanged.

On April 27, the U.S. Supreme Court denied the petition for writ of certiorari (also known as a formal request for the Supreme court to hear the case) filed by the plaintiffs in the *League of United Latin American Citizens v. Edwards Aquifer Authority*, therefore affirming the Fifth Circuit Court of Appeals' decision in the case in favor of the EAA. The plaintiffs had until May 22, 2020, to file a motion for rehearing, but did not, thus effectively ending the lawsuit.

"The denial of the petition seeking review marks an important milestone in affirming the governance structure of the Edwards Aquifer Authority. This further assures the stability of our mission with greater certainty that we will be able to continue to manage, enhance and protect the Edwards Aquifer system in the manner the Texas Legislature intended. With the issue of governance resolved by the highest court in the land, we can now move forward without distraction in carrying out our purpose and fully focus on ensuring the long-term sustainability of an aquifer that serves as a primary water resource for more than 2 million people of South-Central Texas," states Roland Ruiz, General Manager of the Edwards Aquifer Authority.

The lawsuit filed by Plaintiffs in June 2012, which the San Antonio Water System (SAWS) joined as an intervenor-plaintiff in August 2012, challenged the regionally balanced system the Texas Legislature established in 1995 to elect the board of directors of the EAA as not complying with the one-person, one-vote principle. On June 18, 2018, the U.S. District Court for the Western District of Texas ruled in favor of the EAA, dismissing Plaintiffs' one-person, one-vote claim. SAWS did not appeal the dismissal of the claim. On August 28, 2019, the Fifth Circuit Court of Appeals affirmed the decision of the district court, finding that the EAA is a special purpose district and its regionally balanced electoral scheme fell within the



exception to one-person, one-vote requirements and was constitutional. Throughout the litigation, courts have consistently held that the EAA was created for a special and limited purpose, with limited powers, to manage and protect the Edwards Aquifer and its activities disproportionately impact those persons most empowered by the EAA's voting scheme, and the current system of representation is supported by a rational basis. The Supreme Court's denial of review leaves the Fifth Circuit's opinion in place and ends this challenge to the EAA's electoral scheme.

The EAA is a regional water management agency that manages, enhances and protects the Edwards Aquifer a major groundwater system serving approximately 2 million South Central Texans. The EAA jurisdiction spans across 8 counties including Uvalde, Medina, Bexar, and parts of Atascosa, Caldwell, Guadalupe, Comal and Hays counties.

More information can be found at www.edwardsaquifer.org