

**To the Mayor and Members of the City Council****October 20, 2020**

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**SUBJECT: PROPOSED COMMENTS ON TRWD GENERAL ORDINANCE AND
COMMERCIAL FACILITIES ORDINANCE**

On August 25, 2020, the City Council received an Informal Report on the Tarrant Regional Water District's (TRWD) proposed revisions to its General Ordinance and Commercial Facilities Ordinance. The ordinance revisions would greatly expand the authority of the District to regulate development and water quality in Fort Worth and surrounding cities and counties. TRWD agreed to delay action on the ordinance revisions planned for September 15 and to provide for a comment period through the end of November 2020. City staff is working with other cities and stakeholders on a joint letter describing concerns with the ordinance revisions and requesting that TRWD meet with cities and stakeholders to address the concerns.

TRWD has maintained that the power it seeks to exert in the proposed ordinance is reflective of power it already has through its enabling legislation and various statutes. We disagree with that position. The proposed joint letter would state that the ordinance:

- Is overreaching and the effects of the ordinance could lead to adverse or conflicting action within each jurisdiction.
- Claims an expanded Service Area for water and property that overlaps other jurisdictional boundaries and that TRWD has failed to provide evidence of having adjudicated rights to regulate.
- Asserts that District Land includes all land that drains to District Water.
- Asserts that District Water includes all bodies or accumulations of water, natural or artificial, located within the district's current and expanded (as proposed) Service Area, which includes all or part of 11 counties.
- Seeks to regulate water quality in other jurisdictions when the State of Texas has such authority.
- Requires the implementation of TRWD's stormwater regulations for any water or land draining into District Water, as redefined above.
- Imposes TRWD's own development and permitting requirements on other jurisdictions.
- Allows TRWD's General Manager the unilateral right to promulgate, order and impose development, construction and maintenance standards for land in other jurisdictions.

Staff has shared this Informal Report with TRWD and other stakeholders and anticipates submitting the joint letter to TRWD in the near future.

The full TRWD ordinance revisions can be found here:

<https://www.trwd.com/resources/board-of-directors/#public-comment>

For any questions on this report, please contact Dana Burghdoff, Assistant City Manager, at 817-392-8018. For more information on the proposed ordinance changes, please contact PublicComments@trwd.com.

David Cooke
City Manager