

From the Desk of the City of Carrizo Springs

City Council and City Manager

The City of Carrizo Springs prioritizes first its residents, protects, and provides services for the safety and welfare of its citizens. The City Council and administration make decisions that are lawful and for the benefit of the whole community. It was brought to the attention of the City that there are some organizations or entities that are being provided with free services. In some cases, agreements were made in the past either verbally or in writing that can no longer be honored when such an act is unlawful and does not benefit the entire community.

The following information relates to the city providing free water. Constitutional prohibitions may only be changed by a constitutional amendment. State law such as the Government Code provision below supersede the city charter or local ordinances. Under the state constitution, the city charter cannot conflict with the constitution or state law.

According to Texas law, the city's water rates must be equal and uniform. See Tex. Gov't Code § 1502.057(b). A municipality may not allow any free service except for municipal public schools or buildings and institutions operated by the municipality. Id. § 1502.057(b). Municipal public schools are schools owned, operated and maintained by the city. In Texas, this provision applies to a limited number of rural schools. If the city has issued any debt guaranteed by water and sewer system revenues, there may be bond covenants prohibiting the city from providing free water or sewer. Nonetheless, the city cannot provide free water and sewer to individuals, nonprofits or otherwise.

In general, the Texas Constitution prohibits a city from giving a gratuitous donation or gift. See TEX. CONST. arts. III, § 52(a) (providing the legislature shall have no power to authorize any city "to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever,"); XI, § 3 (providing no city "shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit.").

The City will continue to investigate and identify any individuals, groups, organizations, or private entity that has been receiving services free of charge. These services have not been "free" to everyone and have been incurred by ratepayers/taxpayers. At this time, services will continue while we collect, aggregate, and analyze the usage and cost to the ratepayers/taxpayers. The City Council and administration will continue to strive to ensure that practices are put forth for the benefit of the entire community.