



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 13, 1997

The Honorable Tim Curry
Tarrant County Criminal District Attorney
401 West Belknap
Fort Worth, Texas 76196-0201

Letter Opinion No. 97-022

Re: Whether a member of the executive committee of the Fort Worth Transportation Authority must reside within the boundaries of a member municipality (ID# 38886)

Dear Mr. Curry:

You ask whether a resident of Tarrant County may serve on the executive committee of the Fort Worth Transportation Authority ("FWTA") when that person does not reside within a municipality that has joined the FWTA. The FWTA is presently composed of the cities of Fort Worth, Lake Worth, Richland Hills, and Blue Mound. You explain that the Commissioners Court of Tarrant County has appointed a resident of the City of Euless, a city that has not joined the FWTA, to serve on the FWTA's executive committee.

FWTA consists of one subregion. The executive committee of an authority that consists of one subregion is the board for the subregion. Transp. Code § 452.004. FWTA's executive committee, composed of nine members, is selected pursuant to the terms of subsection (c) of section 452.562 of the Transportation Code:

(1) the commissioners court of the county of the principal municipality shall appoint at least one member to represent the unincorporated areas and municipalities in the county that are not otherwise represented on the subregional board; and

(2) the remaining members shall be apportioned to the municipalities confirmed as all or part of the subregion according to the ratio that the population of each unit of election bears to the total population of the area confirmed as the subregion.

"Subregion" is defined as "a principal municipality, the county of the principal municipality, and any municipality or unit of election included in the boundaries of a subregion by the creating entity of that subregion and confirmed at an election." *Id.* § 452.001(12). You contend that, since "subregion" is defined to include "the county of the principal municipality," *i.e.*, Tarrant County, the commissioners court may appoint any resident of Tarrant County as a member of the executive committee.

Subsection (c)(1), in our view, is intended to insure that in a subregion in which the principal municipality is vastly larger than other participating cities, the proportionality formula of subsection (c)(2) does not give all seats on the executive committee to the principal municipality. One seat, that is to say, must be reserved on the committee for a representative of the smaller areas.

Whatever the meaning of "subregion," however, that category is not relevant for the purpose of appointing members to the FWTA's executive committee. Section 452.541 provides that "a member of a subregional board must be a qualified voter *residing in the Authority*." (Emphasis added.) In a recent decision, Letter Opinion No. 96-073, we held that a city that has withdrawn from a regional transit authority is no longer included "within the boundaries" of the authority. Letter Opinion No. 96-073 (1996) at 4. The opinion relied on an earlier decision, Letter Opinion No. 90-65, which said that a city that has "not joined a rapid transit authority" is "not 'included within the boundaries'" of that authority even though it is physically situated within the geographical limits of the authority. A city is not "within the boundaries" of an authority unless it "actually participates in and is therefore located within the actual boundaries of the authority." Letter Opinion No. 90-65 (1990) at 2. Thus, subsection (c)(1) of section 452.562 is consistent with section 452.541, in that all members of the executive committee reside within the subregion.

In our view, these opinions require the conclusion that, in order for a qualified voter to "reside in the authority," in accordance with section 452.541, he or she must be a resident of an entity that "actually participates in" the FWTA and not merely a person whose residence is physically located within its geographical limits. Since the City of Euless is not a participating member of the FWTA, it follows that a resident of that city does not "reside in the authority," and thus, is not eligible to be appointed to the FWTA's executive committee.

S U M M A R Y

The Commissioners Court of Tarrant County is not authorized to appoint a resident of the City of Euless to the executive committee of the Fort Worth Transportation Authority.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee