

Bond Case Briefs

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OPEN MEETINGS - TEXAS

City of Plano v. Hatch

Court of Appeals of Texas, Dallas - August 26, 2019 - S.W.3d - 2019 WL 4010777

Residents sued city after city council voted to rename and expand city's non-discrimination policy, alleging that although vote occurred at public meeting, council actually held deliberations and voted on ordinance in prior closed meetings, in violation of Texas Open Meetings Act (TOMA).

The District Court, Collin County, denied city's plea to the jurisdiction. City appealed.

The Court of Appeals held that:

- City was governmental body, for purposes of TOMA;
- Waiver of governmental immunity in TOMA did not apply to residents' requests for declaration preventing city from re-enacting disputed ordinance and for declaration that city's conduct violated residents' rights;
- Provisions of TOMA indicating that actions taken by governmental bodies in violation of TOMA are voidable and permitting interested persons to obtain mandamus or injunctive relief to prevent or reverse violation of TOMA by members of governmental body applied to waive city's governmental immunity for residents' claim seeking declaration that ordinance enacted by city council was void; and
- City's argument that TOMA did not make ordinance voidable when ordinance was passed in legal, open meeting was not proper subject for interlocutory appeal.