

Bond Case Briefs

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COLLECTIVE BARGAINING - TEXAS

Borgelt v. Austin Firefighters Association, IAFF Local 975

Supreme Court of Texas - June 28, 2024 - S.W.3d - 2024 WL 3210046

Taxpayers brought action against firefighters' union and city, asserting claims including that provision of collective bargaining agreement between city and union which provided a shared bank of paid leave for city firefighters to use for union activities, subject to contractual requirements and restrictions on its use, violated state constitution's Gift Clauses.

State intervened in support of taxpayers' challenge. The 419th District Court granted union's motion to dismiss and for attorney fees and sanctions under Texas Citizens Participation Act (TCPA), granted partial summary judgment to city and union, and, after bench trial, entered judgment in favor of city and union. Taxpayer and State appealed. The Austin Court of Appeals affirmed. Petition for review was granted.

The Supreme Court held that:

- Agreement as a whole provided public benefit as consideration for public funds;
- Grant of "association business leave" was supported by consideration;
- Grant of leave had predominantly public purpose;
- Any past misuses of leave did not establish agreement's text violated Gift Clause;
- City's retention of control over leave was sufficient to comport with Gift Clause; but
- Taxpayers satisfied their rebuttal burden in opposition to TCPA motion.