

Bond Case Briefs

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MUNICIPAL GOVERNANCE - TEXAS

City of Leon Valley v. Martinez

Court of Appeals of Texas, San Antonio - August 19, 2020 - S.W.3d - 2020 WL 4808711

Former city council member who had been removed from elected office brought action alleging the procedures used to remove him from office violated his due process rights and seeking declaratory judgment to determine his right to be reinstated.

The District Court denied the City's plea to the jurisdiction. The City appealed.

The Court of Appeals held that former city council member's claims could only be brought in quo warranto proceeding, and thus he lacked standing to bring private action for declaratory judgment.

Allegations by former city council member that his removal from elected office violated his due process rights could exclusively be brought in quo warranto proceeding, and thus he lacked standing to bring private action for declaratory judgment that he be reinstated to office; former city council member challenged only the type of notice he should have been provided and the number of votes required to remove him, but he did not allege that the city council acted without any authority such that its action was void.