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TAX - TEXAS

Perez v. Turner

Supreme Court of Texas - June 10, 2022 - S.W.3d - 2022 WL 2080868 - 65 Tex. Sup. Ct. J. 1396

Taxpayer filed action against mayor, director of public works, and city, contesting city drainage fee ordinance.

The District Court entered order granting defendants' plea to the jurisdiction, and dismissing taxpayer's claims. Taxpayer appealed, and, on rehearing, the Houston Court of Appeals affirmed. Taxpayer petitioned for review, which was granted.

The Supreme Court held that:

- Taxpayer's claims for reimbursement for allegedly illegal drainage fees paid to city were ripe;
- Taxpayer had standing, as a taxpayer, to seek an injunction against city's expenditures of allegedly illegal drainage fees;
- Taxpayer had standing to bring her reimbursement claim against city to recover allegedly illegal drainage fees;
- City's drainage fee ordinance did not impermissibly conflict with the Municipal Drainage Utility Systems Act (MDUSA); and
- Taxpayer was entitled to the opportunity to replead on remand.

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