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PUBLIC EMPLOYMENT - TEXAS

City of Buffalo v. Moliere

Supreme Court of Texas - December 13, 2024 - S.W.3d - 2024 WL 5099112

Police officer brought action against city, mayor, and city council members, seeking declaration that city council acted without authority in terminating his employment, and alleging termination violated his due process rights.

The 278th District Court granted city's and mayor's plea to the jurisdiction and dismissed all claims against them and sua sponte dismissed claims against city council members. Officer appealed.

The Waco Court of Appeals reversed and remanded. City and mayor petitioned for review.

The Supreme Court held that city council had authority to terminate police officer, and thus officer's termination was not ultra vires and his action challenging his termination was barred by governmental immunity.

City council had authority to terminate police officer for violation of police department policy, under local government code provision governing the creation and regulation of municipal police forces, and thus officer's termination was not ultra vires and his action challenging his termination was barred by governmental immunity; grant of power to regulate the police force necessarily included ability to terminate officers, and although city had not adopted optional ordinance providing that officers served at the pleasure of the governing body, such an ordinance was necessary only to permit termination without cause, and officer was terminated for cause.

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