City Council Meeting

Dripping Springs City Hall

511 Mercer Street – Dripping Springs, Texas

Tuesday, July 01, 2025, at 6:00 PM

AMENDED AGENDA

CALL TO ORDER & ROLL CALL

City Council Members
Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 Travis Crow
Council Member Place 5 Sherrie Parks

Staff, Consultants, & Appointed/Elected Officials
City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Administrator Shawn Cox
City Attorney Laura Mueller
Deputy City Attorney Aniz Alani
City Secretary Diana Boone
IT Director Jason Weinstock
Planning Director Tory Carpenter
Parks & Community Services Director Andy Binz
People & Communications Director Lisa Sullivan

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the City Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies are not provided, the City Council will receive the documents the following day. Audio Video presentations

will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

PROCLAMATIONS & PRESENTATIONS

Proclamations and Presentations are for discussion purposes only and no action shall be taken.

1. **A Proclamation of the City of Dripping Springs Proclaiming July 2025 as "Parks and Recreation Month".** *Sponsor: Mayor Pro Tem Taline Manassian*

2. **Presentation and discussion regarding the proposed Municipal Budget for Fiscal Year 2026.** *Deputy City Administrator, Shawn Cox*

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.

3. **Approval of the June 3, 2025 Board of Adjustment and City Council meeting minutes.**

4. **Approval of the appointment of Frankie Bayne to the Farmers Market Committee and the re-appointment of Gouri Johannsen, Erika Fritz, and Claudia Oney to the Committee for terms ending June 30, 2027, and the re-appointment of Gouri Johannsen as Committee Chair for a one (1) year term ending June 30, 2026.**

5. **Approval of appointment of Geoffrey Tahuahua as the Committee Chair for a one (1) year term.**

6. **Approval of the appointment of Sirenna Cumberland to the Founders Day Committee as an at-large member representing the Dripping Springs Independent School District for a 2-year term ending June 30, 2027, and Scott Berry as her alternate.** *Sponsor: Mayor Bill Foulds*

7. **Approval of the appointment of Marilyn Miller as the City of Dripping Springs Municipal Court Judge for a two (2) year term ending June 2027.**

BUSINESS AGENDA

8. **Discuss and consider approval of adding Utility Operator I position.** *Sponsor: Mayor Bill Foulds, Jr.*

9. **Discuss and consider possible action regarding the Mayoral Appointment of a Council Member to the Transportation & Streets Areas of Oversight.** *Sponsor: Mayor Bill Foulds, Jr.*

10. **Discuss and consider possible action regarding the Mayoral Appointment of a Council Member to the Transportation Committee.** *Sponsor: Mayor Bill Foulds, Jr.*

11. **Discuss and consider approval of the appointment of Scott Berry and the re-appointment of Doug Crosson and John Pettit, and Travis Crow to the Transportation Committee for terms ending June 30, 2027 and the appointment of Travis Crow as the Committee Chair for a term of one (1) year.**

REPORTS

Reports listed are on file and available for review upon request. The City Council may provide staff direction; however, no action shall be taken.

12. **Update concerning the solid waste services conversion to Texas Disposal Services.** *Shawn Cox, Deputy City Administrator*

13. **City Attorney Report.** *Laura Mueller, City Attorney*

    a. Case Law Update - TCAA
    b. Legislative Update

14. **Maintenance Department Year in Review Presentation.** *Riley Sublett, Maintenance Director*

15. **Emergency Management Department Year in Review Presentation,** *Roman Baligad, Emergency Preparedness & Homeland Security Director*

16. **Planning Department Report.** *Tory Carpenter, Planning Director*

CLOSED SESSION

The City Council has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

17. **Consultation with Attorney and Deliberation Regarding Real Property and interlocal discussions related to park properties.** (*Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072)*

18. **Consultation with city attorney related to legal issues regarding land use conditions on variances, special exceptions, and other zoning issues.** (*Consultation with Attorney, 551.071*).

19. **Consultation with Attorney and Deliberation Regarding Real Property and interlocal discussions related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** (*Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072)*

20. **Consultation with Attorney related to membership on city boards and commissions regarding legal questions on requirements and allowed members.** (*Consultation with Attorney, 551.071*)

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings
July 15, 2025, at 6:00 p.m.
August 5, 2025, at 6:00 p.m.
August 19, 2025, at 6:00 p.m.

Board, Commission, & Committee Meetings
DSRP Board, July 9, 2025, at 11:00 p.m.
TIRZ No.1 & No.2 Board July 14, 2025, at 4:00 p.m.
Founders Day Commission (Special Mtg.), July 14, 2025, at 6:30 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

*I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on June **27**, 2025 at **4:30** p.m.*

_____
Diana Boone, City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.

PROCLAMATION
OF THE CITY OF DRIPPING SPRINGS
PROCLAIMING JULY 2025, AS

"Parks and Recreation Month"

WHEREAS, parks and recreation programs are an integral part of the Dripping Springs Community; and

WHEREAS, our parks and recreation services are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks, natural open space, and natural recreation areas improve water quality by protecting groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Dripping Springs Community recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT PROCLAIMED BY THE CITY OF DRIPPING SPRINGS COUNCIL THAT:

1. July 2025 shall be proclaimed as "Parks & Recreation Month" in the City of Dripping Springs; and

2. The City Council invites the Dripping Springs Community to explore the City's community parks and parks programming.

_____

Bill Foulds, Jr., Mayor

City Council & Board of Adjustment Regular Meeting

Dripping Springs ISD Center for Learning and Leadership

Board Room, 300 Sportsplex Drive – Dripping Springs, Texas

Tuesday, June 03, 2025, at 6:00 PM

DRAFT MINUTES

CALL TO ORDER & ROLL CALL

With a quorum of Council Members present, Mayor Foulds called the meeting to order at 6:03 p.m.

City Council Members
Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 Travis Crow
Council Member Place 5 Sherrie Parks

Staff, Consultants, & Appointed/Elected Officials
City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Administrator Shawn Cox
Building Official Shane Pevehouse
Deputy City Attorney Aniz Alani
Planning Director Tory Carpenter
City Secretary Diana Boone
Utilities Director Dane Sorensen
Visitors Bureau Manager Pam King
DSRP Manager Lily Sellers
IT Director Jason Weinstock
Parks & Community Services Assistant Director Emily Nelson
Parks & Community Services Director Andy Binz
People & Communications Director Lisa Sullivan
TIRZ Project Manager Keenan Smith

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member King.

BOARD OF ADJUSTMENT

1. **Public hearing, discussion, and consideration of approval of VAR2025-002: a variance request to allow a commercial building associated with the Dripping Springs Sports Club to be larger than the 100,000 square feet limit in the Planned Development District No.**

6 zoning district for a property located at the northwest intersection of Canyonwood Drive and US 290. *Applicant: Drew Rose, DSSC Equity, LLC*

a. Applicant Presentation

Presented by Ashley Rose and Drew Rose

b. Staff Report

Planning Director Tory Carpenter presented the Staff Report and recommended approval with the following conditions:

1. The applicant must provide 8-foot masonry screening in the form of stone or brick, as best determined by the Development Review Committee, along the eastern and northern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance.
2. The applicant shall submit an Alternative Exterior Design application for review and approval prior to submitting a site development application.
3. The gross floor area of the building shall not exceed 150,000 square feet.
4. The applicant shall install four six-foot masonry walls with supplemental screening along the northern and eastern boundaries of the outdoor sports courts.
5. The applicant shall install timers and blackout shades on mezzanine level windows facing residential areas to shield from sunset to sunrise and shall use fully shielded, downward facing parking lot fixtures with motion sensors and timers.
6. Prior to obtaining a Certificate of Occupancy, the applicant shall establish a Neighborhood Advisory Board with representatives from Headwaters and Sunset Canyon, meeting at least twice annually during construction and first year of operation.

c. Planning & Zoning Commission Report

The Planning and Zoning Commission Chair presented and stated that the commission recommended approval by a 3-2 vote.

d. Public Hearing

- Jason Certain spoke in favor of the variance request.
- Theodore Crawford spoke in opposition to the variance request.
- Jodi Young spoke in opposition to the variance request.
- Mark Bennett spoke in opposition to the variance request.
- Zach Wallace spoke in favor of the variance request.
- Katie Sahl spoke in favor of the variance request.
- Evan Payne spoke requesting that the vote be delayed.
- Luke Axtell spoke in favor of the variance request.
- Kadie Weyer spoke requesting that the vote be delayed.
- Donna Beckley spoke requesting that the vote be delayed.
- Clark Fredrickson spoke in favor of the variance.
- Ryan Strittmatter voiced concerns with entry point being Canyonwood Dr.
- Clint Newman spoke in opposition to the variance request.

- Lee Carlson spoke in favor of the variance request.

e. Variance

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to postpone this item to date certain for a special called meeting to be held on July 15, 2025, with direction to the applicant to come back with options for screening on the north side of the property line, to hold at least one more meeting with the community, and to provide a copy of the Transportation Impact Analysis.

Roll Call Vote:
Chair Foulds, aye
Board Member Manassian, aye
Board Member King, aye
Board Member Tahuahua, aye
Board Member Crow, aye
Board Member Parks, aye

CITY COUNCIL

PRESENTATION OF CITIZENS

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No one spoke during Presentation of Citizens.

PROCLAMATIONS & PRESENTATIONS

Proclamations and Presentations are for discussion purposes only and no action shall be taken.

2. A Proclamation of the City of Dripping Springs Proclaiming June 14, 2025, as "Rambo Lodge No. 426 150th Anniversary Celebration Day" in the City of Dripping Springs.

Council Member Crow read the proclamation and presented it to Lynn Alderson.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.

3. **Approval of the May 6, 2025 City Council regular meeting minutes.**

4. **Approval of the May 20, 2025 City Council regular meeting minutes.**

5. **Approval of permission for the Stephenson field to be used as overflow parking by the Rambo Lodge No. 426 during their permitted Special Event: 150th Anniversary Celebration on Saturday, June 14, 2025.** *Sponsor: Council Member Sherrie Parks*

6. **Approval of the authorization for Mayor Bill Foulds, Jr. to cast the City's ballot for the Director District 4 position in the 2025 Pedernales Electric Cooperative, Inc. Annual Director Election.** *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua and seconded by Council Member Parks, to approve Consent Agenda items 5 and 6 and bring items 3 and 4 back to a future meeting for consideration. The motion carried unanimously 5 to 0.

BUSINESS AGENDA

7. **Discuss and consider approval of an agreement with Texas Disposal Services for Solid Waste Services.** *Sponsor: Mayor Bill Foulds, Jr.*

Items 7 & 8 were skipped to be considered after Closed Session.

8. **Discuss and consider approval of an Ordinance of the City of Dripping Springs, Texas amending Article 10.04; Granting to Texas Disposal Systems, Its Successors and Assigns, the Right to Operate and Maintain Trash and Refuse Collection Routes within the City of Dripping Springs; Extending an Exclusive Franchise for Both Residential and Non-Residential Customers.** *Sponsor: Mayor Bill Foulds, Jr.*

Items 7 & 8 were skipped to be considered after Closed Session.

9. **Discuss and consider approval of an Agreement between the City of Dripping Springs and Rambo Lodge #426 A F & A M related to an Easement Agreement for the Stephenson Parking Lot Project.** *Sponsor: Mayor Pro Tem Taline Manassian*

A motion was made by Council Member Tahuahua and seconded by Mayor Pro Tem Manassian, to approve the easement agreement with Rambo Lodge #426. The motion to approve carried unanimously 5 to 0.

10. **Discuss and consider approval of a Professional Services Agreement with IRA Rinks South LLC for Western Wonderland 2025-2026.** *Sponsor: Council Member Sherrie Parks*

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Parks, to approve the Professional Service Agreement with IRA Rinks South LLC for Western Wonderland. The motion to approve carried unanimously 5 to 0.

11. Discuss and consider approval of an Interlocal Agreement between Hays County and the City of Dripping Springs for funding to establish and build park elements within the Old Fitzhugh Road Project. *Sponsor: Mayor Pro Tem Taline Manassian*

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve the Interlocal Agreement with Hays County for funding to establish and build park elements within Old Fitzhugh Road. The motion to approve carried unanimously 5 to 0.

12. Discuss and consider approval of an agreement related to the Outdoor Arena grading project at Dripping Springs Ranch Park. *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to approve the agreement for the outdoor arena grading and award to the lowest bidder, S&D Constructors. The motion to approve carried unanimously 5 to 0.

13. Discuss and consider approval of the Building Department Administrative Assistant Job Description. *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua and seconded by Council Member Parks, to approve the Building Department Administrative Assistant job description. The motion to approve carried unanimously 5 to 0.

14. Discuss and consider approval of an Ordinance amending the Fiscal Year 2025 Budget. *Sponsor: Mayor Bill Foulds*

a. Staff Report

The Staff Report was presented by Deputy City Administrator Shawn Cox.

b. Public Hearing

No one spoke during the Public Hearing

c. Budget Amendment

A motion was made by Council Member Tahuahua and seconded by Mayor Pro Tem Manassian, to approve the ordinance amending the Fiscal Year 2025 Budget. The motion to approve carried unanimously 5 to 0.

REPORTS

Reports listed are on file and available for review upon request. The City Council may provide staff direction; however, no action shall be taken.

15. People & Communications Department Budget Year in Review Report. *Lisa Sullivan, People & Communications Director*

No action was taken.

16. **Utilities Department Budget Year in Review Report.** *Dane Sorensen, Utilities Director*

No action was taken.

17. **Administration Department Budget Year in Review Report.** *Michelle Fischer, City Administrator*

No action was taken.

18. **Planning Department Report.** *Tory Carpenter, Planning Director*

No action was taken.

CLOSED SESSION

The City Council has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to go into Closed Session for Business Items 7 & 8 and Closed Session items 15- 18, under sections 551.071 and 551.072. The motion carried unanimously 5 to 0.

Closed Session started at 8:29 p.m.

19. **Consultation with Attorney and Deliberation Regarding Real Property and interlocal discussions related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** (*Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072)*

20. **Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service and Agreements, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** (*Consultation with Attorney, 551.071)*

Closed Session ended at 9:07 p.m.

No action was taken during Closed Session.

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to postpone items 7 & 8 to date certain, June 17, 2025. The motion carried unanimously 5 to 0.

ADJOURN

A motion to adjourn the meeting was made by Council Member Parks and seconded by Council Member King. The motion to adjourn carried unanimously 5 to 0.

The meeting adjourned at 10:01 p.m.

APPROVED ON: Month, XX, 2025

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

STAFF REPORT

City of Dripping Springs

PO Box 384

511 Mercer Street

Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary

Council Meeting Date: July 1, 2025

Agenda Item Wording: **Approval of the appointment of Frankie Bayne to the Farmers Market Committee and the re-appointment of Gouri Johannsen, Erika Fritz, and Claudia Oney for terms ending June 30, 2027, and the re-appointment of Gouri Johannsen as Committee Chair for a one (1) year term ending June 30, 2026.**

Agenda Item Requestor Charlie Reed, City Secretary

Summary/Background: ***FMC Member Responsibilities***

Section 6.05.002: The purpose of the Dripping Springs Farmers Market Committee (the committee") is to: Fulfill the mission of the market; Provide oversight of the market in order to make recommendations related to the market; and Serve as an advisory body for the city council.

Section 6.05.006: The committee is advisory only. They have no authority to make decisions binding on the city. The authority of the committee will include: To make recommendations to the city council regarding market operations; To evaluate the market to identify means of making improvements; To make recommendations related to the drafting and implementation of all rules and procedures for the market to the city council; To assist city staff with the operations of the market, in addition to preparations and post-event recovery of the site; To make recommendations to city council regarding budget for the farmers market and expenditures related to appropriated funds; To perform other duties as established in the rules and regulations for market operations, as enacted by the city council; The committee's work and work product will be subject to the Public Information Act, Texas Government Code chapter 552.

Member Selection

Section 6.05.005(c): Every year, city staff will prepare a slate of nominees for city council consideration. Committee members shall be appointed by majority vote of the city council. Committee members may be residents or business owners in the city limits or ETJ or within 150 miles of the city limits. At least two committee members must be market vendors of which one shall be an agricultural producer. Although not strictly required, preference for committee membership shall be given to persons who raise, grow or make food products, or artists who make crafts from agricultural products.

Membership Requirements

Resident or business owner located in the City Limits or ETJ, or within 150 miles of the city limits. At least two members must be market vendors

Officer Appointments

The chair shall be appointed by the city council from among the membership. A vice-chair shall be selected by the committee members. In the absence of the chair or vice-chair, the remaining committee members may select a person among themselves to preside over a meeting.

Gouri Johannsen has served as the chair of the committee for several years and would like to be considered to continue as the chair.

Membership

The committee shall have eight members who shall serve two-year terms. Members may be reappointed with no limitation on the number of terms one member may serve.

Current Members

Member	Term
Gouir Johannsen, **Chair**	06/30/25
Marianne Simmons	06/30/26
Teresa Strube	06/30/25
Nikki Dahlin	06/30/26
Claudia Oney	06/30/25
Janet Musgrove	06/30/26
Erika Fritz	06/30/25
Sherrie Parks	06/30/26

Vacancies and Applicants

There are four (4) members with terms that expired June 30, 2025. Teresa Strube is resigning from the committee. The three (3) remaining members with expiring terms have requested reappointment. There was one (1) new applicant, Frankie Bayne, that met the requirements, and the chair is recommending this appointment.

Commission Recommendations:

The chair recommends the appointment of Frankie Bayne and the re-appointment of three (3) members whose term expire on June 30, 2025.

Staff Recommendation:

Staff recommends approval these appointments

Next Steps/Schedule:

1. Inform reappointed members and applicants
2. Update website

STAFF REPORT

City of Dripping Springs

PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary

Council Meeting Date: July 1, 2025

Agenda Item Wording: **Approval of appointment of Geoffrey Tahuahua as the Committee Chair for a one (1) year term.**

Agenda Item Requestor: Roman Baligad, Emergency Preparedness and Homeland Security Director

Summary/Background: **Membership:**
Members of the Emergency Management Committee are appointed by the City Council, where the **Mayor shall appoint a member of the City Council as the Chair**. Members are selected at-large (1 seat), and as representatives of the following organizations that are integral in the operation of the Emergency Management Program:

- 1 seat: Chamber of Commerce Representative
- 1 seat: Hays County CERT (Community Emergency Response Team) Representative
- 1 seat: Hays County Constable or designee
- 1 seat: Emergency Services District 1 Representative
- 1 seat: Emergency Services District 6 Representative
- 1 seat: Dripping Springs Independent School District Representative
- 1 seat: Hays County Fire Marshal or designee
- 1 seat: Hays County Emergency Services Representative
- 1 seat: At-Large, Hays County Resident

Commission Recommendations: Chair appointment is up to the Mayor's discretion

Recommended Council Actions: Staff recommends approval.

Attachments: None

Next Steps/Schedule:

STAFF REPORT

City of Dripping Springs

PO Box 384

511 Mercer Street

Dripping Springs, TX 78620

Submitted By: Johnna Krantz, Community Events Coordinator

Council Meeting Date: July 1, 2025

Agenda Item Wording: **Approval of the appointment of Sirenna Cumberland to the Founders Day Committee as an at-large member representing the Dripping Springs Independent School District for a 2-year term ending June 30, 2027, and Scott Berry as her alternate.** *Sponsor: Mayor Bill Foulds*

Agenda Item Requestor: Johnna Krantz, Community Events Coordinator

Summary/Background: The Founders Day Committee is currently a fourteen-member advisory body tasked with managing the City of Dripping Springs' Annual Founders Day celebration. Per Ordinance, FDC members are appointed by City Council for 2-year terms.

A recent update to this Ordinance allows for up to one additional at-large seat for a total of fifteen members. FDC has recommended appointing a representative from DSISD to facilitate event coordination and continued use of DSISD property at 300 Sportsplex Drive and 510 Mercer Street during the festival. Expanding the carnival footprint on DSISD property would assist in alleviating vendor booth congestion on Mercer Street, improving health, safety, and first responder access to all areas of the festival.

DSISD has recommended Sirenna Cumberland to serve as representative with Scott Berry as her alternate. The alternate would attend meetings and vote on behalf of DSISD when the main representative is unavailable.

Staff Recommendation: Staff recommends appointment of representatives from DSISD to an at-large member seat on the Founders Day Committee.

Recommended Council Actions: Appoint Sirenna Cumberland as DSISD representative to the Founders Day Committee and Soctt Berry alternate to one at-large position on the Founders Day Committee for a 2-year term expiring June 30, 2027.

Next Steps/Schedule:

1. Inform DSISD and FDC of council decision
2. Update master roster, group email, and city website
3. Distribute updated roster and notice of current members

From: Holly Morris-Kuentz
To: Michelle Fischer
Subject: Re: Founders Day Committee appointment
Date: Thursday, June 26, 2025 3:06:20 PM

Thank you, Michelle,

Sirenna will be our primary and Scott will be our secondary. I will send them the link.

Holly

On Thu, Jun 26, 2025 at 9:46 AM Michelle Fischer <MFischer@cityofdrippingsprings.com> wrote:

> Holly:
>
> The Founders Day Committee meeting schedule for 2025 is attached. Please ask your nominee and alternate nominee to fill out the application for appointment here:
>
> APPLICATION FOR APPOINTMENT TO COMMISSION/COMMITTEE/BOARD | City of Dripping Springs Texas Meetings
>
> We look forward to having a DSISD representative on the Committee!
>
> Thank you.
>
> Michelle
>
> DRIPPING SPRINGS Texas
>
> Michelle J. Fischer
> City Administrator
> mfischer@cityofdrippingsprings.com
> 512.858.4725 City Hall
> 737.701.6409 Mobile
> 511 Mercer Street • PO Box 384
> Dripping Springs, TX 78620
> cityofdrippingsprings.com
>
> City of Dripping Springs
> Our Beliefs and Values

--

Dr. Holly Morris-Kuentz, Superintendent
Dripping Springs Independent School District

STAFF REPORT

City of Dripping Springs

PO Box 384

511 Mercer Street

Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary/Municipal Court Clerk

Council Meeting Date: July 1, 2025

Agenda Item Wording: **Approval of the appointment of Marilyn Miller, Attorney at Law, as the City of Dripping Springs Municipal Court Judge for a two (2) year term ending June 2027.**

Agenda Item Requestor: Michelle Fischer, City Administrator/ Municipal Court Administrator

Summary/Background: Every odd year the City Council selects the Municipal Court Judge for a term of two years. The City's Code of Ordinances and Government Code Chapter 30, Subsection A, Section 30.00006 (attached) outline the process and procedures for appointing the judge.

Sec. 12.02.007. Judges.

(a) The municipal court of record shall be presided over by a judge, who shall be known as the "presiding municipal judge." The presiding judge shall be appointed by ordinance for a term of two years and shall be entitled to a salary set by the city council. The amount of the judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

(b) The judge must:

(1) Be a citizen of the United States;

(2) Be a resident of this state;

(3) Be a licensed attorney in good standing; and

(4) Have two or more years of experience in the practice of law in this state.

(c) A person may not serve as a municipal judge if the person is otherwise employed by the municipality. A municipal judge who accepts other employment with the municipality vacates the judicial office.

(d) If a vacancy occurs in the office of municipal judge, the city council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.

(e) There shall also be as many as three alternate judges appointed by the city council, subject to the same qualifications, who shall have all the powers and shall discharge all the duties of a municipal judge while serving as municipal judge. Each alternate judge shall be appointed for a term of two years.

(f) A municipal judge may be removed from office pursuant to section 30.000085, Government Code.

Currently, Marilyn Miller serves as the Municipal Court Judge and has been the Judge for over 20 years. She is a licensed attorney in good standing and practices locally in Dripping Springs. Marilyn Miller has volunteered to continue her appointment.

Recommended Council Actions: Staff recommends approval of the appointment of Marilyn Miller for at term of two years ending on June 2027.

Attachments:

1. Government Code Section 30, Subchapter A, Section 30.0006

Next Steps/Schedule: If appointed administer oath of office and provide appointment report to the Texas Office of Court Administration.

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 30. MUNICIPAL COURTS OF RECORD

SUBCHAPTER A. GENERAL LAW FOR MUNICIPAL COURTS OF RECORD

Sec. 30.00006. JUDGE.

(a) A municipal court of record is presided over by one or more municipal judges.

(b) The governing body shall by ordinance appoint its municipal judges.

(c) A municipal judge must:

(1) be a resident of this state;

(2) be a citizen of the United States;

(3) be a licensed attorney in good standing; and

(4) have two or more years of experience in the practice of law in this state.

(d) The governing body shall provide by ordinance for the term of office of its municipal judges. The term must be for a definite term of two or four years.

(e) The municipal judge shall take judicial notice of state law and the ordinances and corporate limits of the municipality. The judge may grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court. A municipal judge is a magistrate and may issue administrative search warrants.

(f) The municipal judges within a municipality may exchange benches and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.

(g) A person may not serve as a municipal judge if the person is employed by the same municipality. A municipal judge who accepts employment with the municipality vacates the judicial office.

(h) The governing body shall determine the salary of a municipal judge. The amount of a judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

Added by Acts 1987, 70th Leg., ch. 811, Sec. 1, eff. Aug. 31, 1987. Renumbered from Government Code Sec. 30.486 by Acts 1997, 75th Leg., ch. 165, Sec. 8.02, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 691, Sec. 1, eff. Sept. 1, 1999.

City of Dripping Springs

ORDINANCE NO. 2250.10

Municipal Court of Record

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS ESTABLISHING A MUNICIPAL COURT OF RECORD, INCLUDING PROVIDING FOR FINDINGS OF FACT, PURPOSE, JURISDICTION, AND DEFINITIONS; PROVIDING FOR THE CREATION OF A MUNICIPAL COURT OF RECORD, APPOINTMENT OF A MUNICIPAL COURT JUDGE, ESTABLISHING SALARY AND TERM OF OFFICE FOR MUNICIPAL COURT JUDGE AND ALTERNATES; POWERS AND RULES OF THE COURT; APPOINTMENT OF COURT CLERK; PROVIDING FOR RELATION TO OTHER ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs ("City") seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record rather than the current Municipal Court; and

WHEREAS, the City Council determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the municipality; and

WHEREAS, the City Council finds that the appointment of a municipal court judge is necessary; and

WHEREAS, the City Council is authorized to establish a municipal court of record pursuant to Texas Government Code, Chapter 30.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. INTRODUCTION

A. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Dripping Springs and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

B. Purpose

This ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City, and within its extra-territorial jurisdiction, as prescribed by State law, through the enforcement of the City of Dripping Springs's ordinances and the efficient disposition of cases arising from such ordinances.

C. Jurisdiction

The provisions of this ordinance shall apply within the City Limits and within the extra-territorial jurisdiction (ETJ) of the City as prescribed by state law.

D. Definitions

(1) "Appellate court" means the county criminal court, the county criminal court of appeals, or the municipal court of appeals; or the county court at law if there is no county criminal court, county criminal court of appeals, or municipal court of appeals.

(2) "City" the City of Dripping Springs, an incorporated municipality in Hays, County Texas.

(3) "City Council" or "Council" means the governing body of the City of Dripping Springs

(4) "Municipal court of record", means Municipal Court of Record in the City of Dripping Springs.

(5) "Municipal judge" means the presiding judge and alternate judges of the Municipal Court of Record in the City of Dripping

2. ESTABLISHMENT OF COURT OF RECORD

A. Scope

The provisions of this section govern the creation, establishment, operation of the municipal court of record, including the qualifications and terms of office of the judges of the court.

B. Creation of the Municipal Court of Record

There is hereby established the Municipal Court of Record in the City of Dripping Springs. The municipal court that is operating on the date that this Ordinance is adopted shall complete its pending cases and be abolished, and all cases arising from alleged offenses occurring after the date of the adoption of this Ordinance shall be filed within the new Municipal Court of Record in the City of Dripping Springs for disposition.

C. Jurisdictional Limits of Court

The Municipal Court of Record shall have jurisdiction pursuant to Chapter 30 of the Government Code and other statutes as proscribed by the Texas Legislature.

D. Judges of Court

(1) The Municipal Court of Record shall be presided over by a judge, who shall be known as the "presiding municipal judge." The presiding judge shall be appointed by

ordinance for a term of two (2) years and shall be entitled to a salary set by the City Council. The amount of the judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

(2) The judge must:

(a) Be a citizen of the United States;
(b) Be a resident of this state;
(c) Be a licensed attorney in good standing; and
(d) Have two (2) or more years of experience in the practice of law in this state.

(3) A person may not serve as a municipal judge if the person is otherwise employed by the municipality. A municipal judge who accepts other employment with the municipality vacates the judicial office.

(4) If a vacancy occurs in the office of municipal judge, the City Council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.

(5) There shall also be as many as three (3) alternate judges appointed by the City Council, subject to the same qualifications, who shall have all the powers and shall discharge all the duties of a municipal judge while serving as municipal judge. Each alternate judge shall be appointed for a term of two (2) years

(6) A municipal judge may be removed from office pursuant to Section 30.000085, Government Code.

E. Writ Power

The judges of the municipal court of record may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the municipal court of record and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the municipal court of record.

F. Court Rules

The Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as modified by Subchapter A, Chapter 30, Texas Government Code, govern the trial and appeal of cases from the municipal court of record. The court may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with law.

G. Clerk of Court

The City Council shall appoint a clerk of the municipal court of record. The clerk shall keep the records of the municipal court of record, issue process, and generally perform the duties for the court that a clerk of the county court at law exercising criminal jurisdiction is required by law to perform for that court. In addition, the clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county

courts. The clerk shall have the authority to hire, direct, and supervise deputy clerks, warrant officers, and other personnel necessary for the proper operation of the court as provided by the annual budget of the clerk's office. The clerk and other court personnel perform their duties under the direction and control of the presiding judge.

3. RELATION TO OTHER ORDINANCES

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety.

4. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED & APPROVED this the 12th day of August, 2008, by a 5 to 0 to 0 vote of the City Council of the City of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS

By: _____
Todd Purcell, Mayor

ATTEST:

_____
Jo Ann Touchstone, City Secretary

APPROVED AS TO FORM:
Alan J. Bojorquez, City Attorney

STAFF REPORT

City of Dripping Springs

PO Box 384

511 Mercer Street

Dripping Springs, TX 78602

Submitted By: Dane Sorensen, Utilities Director

Council Meeting Date: 7/1/202I

Agenda Item Wording: **Discuss and consider approval of adding Utility Operator I position.** *Sponsor: Mayor Bill Foulds, Jr.*

Summary/Background: City staff is seeking to add a Utility Operator I position. Staff had planned to add this position in October of 2025 but due to recent staffing issues we are seeking to fill the position as soon as possible. There is salary savings in the utilities fund to cover the additional position until October.

Commission Recommendations: N/A

Recommended Council Actions: Utilities Director recommends adding additional Utility Operator I position

Attachments: Utility Operator I Job description

Next Steps/Schedule: Advertise job on City website

Review applicants and select best candidate

DRIPPING SPRINGS
Texas

UTILITY OPERATOR I
FULL-TIME NON-EXEMPT

A. GENERAL PURPOSE

Under the general supervision of the Utilities Services Manager, the Utility Operator I will be responsible for operating the daily safe operation of the City's wastewater treatment plant, collection system, lift stations, and water distribution systems in accordance with all local, state, and federal rules and regulations. The City's utilities operate 24 hours a day, 365 days a year.

B. ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Prepares and maintains various plant operations and maintenance records with accuracy, clarity and completeness.

2. Maintains records of samples, results, and field-testing parameters in accordance with predefined standards.

3. Performs routine process control testing on treatment process and routine regulatory compliance testing on water and wastewater systems.

4. Performs routine and non-routine maintenance on chemical feed equipment, pumps, motors, and valves. Troubleshoots equipment as necessary.

5. Provides detail oriented, accurate recording of scientific data for regulatory reporting.

6. Responds quickly to emergencies and equipment breakdowns to restore normal operations.

7. Promptly responds to system alerts and alarms, diagnosing issues and taking appropriate corrective actions as necessary.

8. Reads various laboratory equipment displays and correctly records results on log forms.

9. Provides organizational support by following all policies and procedures.

10. Must be present on site when scheduled and on time; arrives at meetings and appointments on time.

11. Observes and follows safety and security procedures; reports potentially unsafe conditions;

uses equipment and materials properly.

12. Maintains grounds at various City facilities including the wastewater treatment plant and lift stations.

13. Must be able to multi-task to meet all productive standards and complete assignment and work in a timely manner.

14. Must use Microsoft Word, Excel, and Outlook for reporting and communications.

15. Must live within 45 minutes of normal travel time to Dripping Springs, Texas. Will be required to be on-call.

16. Ability to establish, maintain, and foster positive and effective working relationships with those contacted during work.

17. Ability to maintain confidentiality.

18. Performs all other duties as assigned.

C. EDUCATION, EXPERIENCE, AND CERTIFICATIONS

1. Requires a High School Diploma or GED Equivalent.
2. This position has a six month probationary period.
3. Possesses TCEQ Class D wastewater operator license or has the ability to obtain within six months of employment.
4. TCEQ Class C wastewater operator license is preferred. Must obtain TCEQ Class C wastewater operator license after 3 years of employment.
5. Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals.
6. Ability to establish and maintain effective working relationships with employees, City officials, media, and general public.
7. Ability to communicate effectively orally and in writing.
8. Ability to handle confidential and sensitive information while maintaining confidentiality.
9. Valid Texas Driver's License and good driving record (required).

D. TOOLS AND EQUIPMENT USED

Personal computer, including Microsoft Office; email; phone; printer; copy machine; SCADA; laboratory equipment; crane truck; backhoe; mower; string trimmer; motor vehicle; and mobile or portable radio; and general maintenance equipment.

E. SPECIAL REQUIREMENTS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to perform the essential functions if needed.

1. Work is performed mostly in field settings. Considerable outdoor work is required in the maintenance of various City facilities. Must be able to work outside in all weather conditions and be able to lift a minimum of 80 pounds.
2. While performing the duties of this job, the employee is regularly required to stand; sit; walk; talk or hear; handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is often required to climb or balance; stoop, kneel, crouch, or crawl.
3. Must be able to distinguish colors when working with equipment, electrical panels, etc.; must be able to operate assigned vehicle or equipment.

F. WORK HOURS

Core work hours are between 8:00 am and 5:00 pm including one unpaid hour for lunch, Monday through Friday, except holidays. This is a full-time position and eligible for overtime as described in the CITY OF DRIPPING SPRINGS PERSONNEL MANUAL. Additional hours on nights, weekends, holidays, and during emergencies will be needed in this position subject to the direction of the City Utilities Operations Manager or Utilities Director. Any overtime hours performed must be preapproved by the direct supervisor.

G. WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to perform the essential functions if needed.

1. While performing the duties of this job, the employee is regularly exposed to high, precarious places; microorganisms found in sewage; waterborne diseases; outside weather conditions; extreme cold; extreme heat and risk of electrical shock. The employee is frequently exposed to fumes or airborne particles and toxic or caustic chemicals. The employee is occasionally exposed to wet and/or humid conditions; moving mechanical parts; explosives; risk of radiation and vibration.
2. The noise level in the work environment is usually moderate.

H. SALARY

Pay range is $21 to $23 per hour. Salary is commensurate with the position. Pay days will be the days as listed in the current CITY OF DRIPPING SPRINGS PERSONNEL MANUAL.

I. BENEFITS

Benefits shall be in accordance with those outlined in the CITY OF DRIPPING SPRINGS PERSONNEL MANUAL, as may be modified by the employee's offer letter and subsequent revisions to the Manual.

J. EQUAL OPPORTUNITY EMPLOYER

The City's employment decisions are made without regard to race, color, religion, sex, age, national origin, sexual orientation, handicap, or marital status. Discrimination or harassment against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect

of personnel administration because of political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, age, disability, veteran status, sex, or marital status is prohibited. To discuss an accommodation, please contact the Human Resources Director, Chase Winburn at (512) 502-8313.

Please note: *This Job Description is not a contract and shall not be construed to alter an employee's at-will relationship. The terms and conditions of any employee's position with the City may be altered by the City Council at any time. To the extent reasonably possible, this Job Description, the Personnel Manual, and the employee's Offer Letter shall be read together in harmony. If there are conflicts between this Job Description, the Personnel Manual, and the employee's Offer Letter, the most specific term or condition of employment shall govern.*

DIVISION 2. MEETINGS[1]

Sec. 1.02.045. City council committees.

(a) The mayor shall appoint councilmembers, following each municipal election, to the following council committees. These appointed councilmembers shall act as liaisons from their respective committee(s) to the city council.

(1) Economic development committee.

(2) Transportation committee.

(3) Farmers market committee.

(4) Emergency management committee.

(b) The mayor shall appoint councilmembers, following each municipal election, to the following areas of oversight:

(1) Parks.

(2) Public health and safety.

(3) Utilities.

(4) Finance.

(5) Transportation and streets.

(6) Community events and services.

(Ordinance 2019-22, adopted 7/9/19; Ord. No. 2023-16 , § 2, 6-6-2023)

DIVISION 2. MEETINGS[1]

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(6) Community events and services.

(Ordinance 2019-22, adopted 7/9/19; Ord. No. 2023-16 , § 2, 6-6-2023)

STAFF REPORT

City of Dripping Springs

PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary

Council Meeting Date: June 20, 2024

Agenda Item Wording: **Discuss and consider approval of the appointment of Scott Berry and the re-appointment of Doug Crosson and John Pettit, and Travis Crow to the Transportation Committee for terms ending June 30, 2027 and the appointment of Travis Crow as the Committee Chair for a term of one (1) year.**

Agenda Item Requestor: Tory Carpenter, Planning Director

Summary/Background: There are three (3) expiring seats not including the Chair appointment. The committee member representing DSISD is stepping down and the school district has sent the attached letter of recommendation for a new appointment. The other two members with expiring terms are seeking re-appointment.

Member Selection

Section 2.04.155 (c): Every two years on even years starting in June 2014, city staff will prepare a slate of nominees for city council consideration. The slate will include nominees including but not limited to those with a background and experience in civil engineering, land/transportation planning, real estate/development, business ownership, and alternative mobility. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city secretary in writing.

Membership Requirements

Resident of City or ETJ, at least one public member must be a city resident.

Officer Appointments

Section 2.04.155 (a): The committee will have eight voting members, one of whom will be the committee chair appointed by the city council. A vice-chair will be selected by the chair and approved by a majority of the transportation committee members. The vice-chair will serve as the chair in the absence of the chair.

Current Committee

Member	*Term*	*Seat*
Travis Crow, Chair	06/30/25	City Council Member
Sharon Hamilton, Vice Chair	06/30/26	At-Large
Elaine Cogburn	06/30/25	DSISD Representative
Jimmy Brown	06/30/26	At-Large
John Pettit	06/30/25	At-Large
Wade King	06/30/26	City Council Representative
Chad Gilpin	NA	City Engineer
Doug Crosson	NA	PZC Representative
Roman Grijalva	6/30/26	At-Large
Tory Carpenter	N/A	Planning Director
Riley Sublett	N/A	Maintenance Director

Committee Recommendation: The Chair recommends approval of the DSISD recommendation.

Recommended Council Actions: Staff recommends approval of committee member and committee Chair

Attachments:

1. Recommendation Letter

Next Steps/Schedule:

1. Notify members of Council decision
2. Update website and master roster
3. Administer Oath of Office and Statement of Officer to new member

Dripping Springs
INDEPENDENT SCHOOL DISTRICT

Dr. Holly Morris-Kuentz, Superintendent

June 10, 2025

The Honorable Bill Foulds
Mayor of City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

Subject: Dripping Springs ISD Representatives for Transportation Committee

Dear Mayor Foulds:

I am writing to recommend the appointment of Scott Berry, Chief Operations Officer for Dripping Springs Independent School District, to serve as the school district's representative for the City of Dripping Springs Transportation Committee. We understand the appointment will be considered by the City Council for a two-year term.

Sincerely yours,

Holly Morris-Kuentz
Superintendent

Welcome to

TEXAS DISPOSAL SYSTEMS

We are excited to announce that beginning July 1, 2025, Texas Disposal Systems (TDS) will be the new Solid Waste and Recycling services provider for the City of Dripping Springs.

TDS Services will begin the first week of July. Please note, your current trash and recycling pickup days may be changing. For specific details on your new schedule, please reference page 2-4.

The last collection with your current provider will take place on your regularly scheduled service day the week of June 24, 2025 – June 30, 2025. Please leave your old carts at the curb to be collected by Waste Connections or your current provider.
If you are currently using a provider other than Waste Connections, you must use TDS going forward.

TDS is here to make this transition smooth and easy for you.

-Your TDS Team

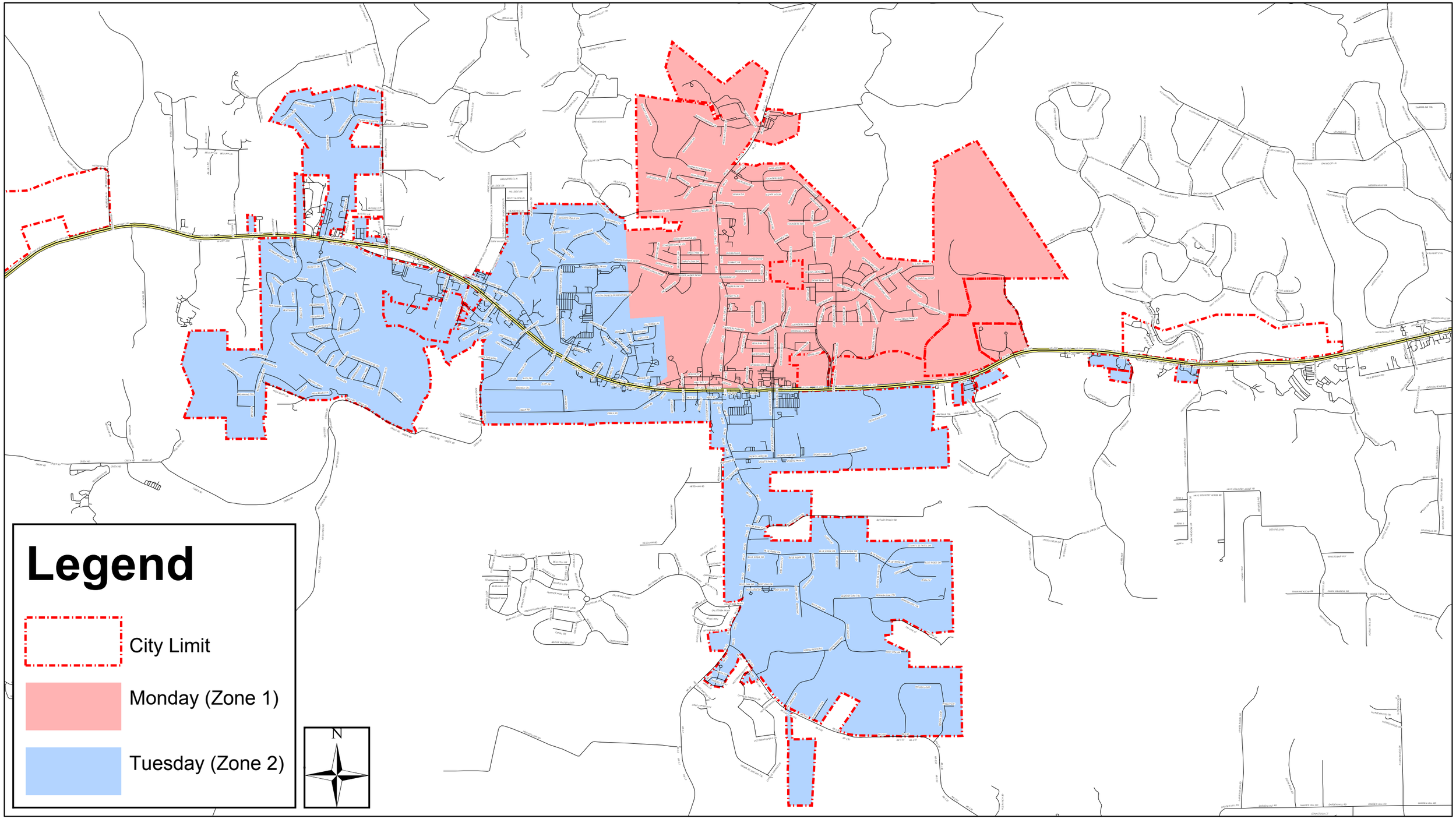
Please have carts at the curb by 7:00 a.m. on your service day.

For questions, please contact Customer Care at (844) 873-7734.

Landfill Management
Single Stream Recycling
Solid Waste Disposal
Composting

TEXAS DISPOSAL SYSTEMS
TexasDisposal.com

City of Dripping Springs Residential Service Days



TEXAS DISPOSAL SYSTEMS

New Waste Service Schedule

TEXAS DISPOSAL SYSTEMS

JULY 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	WASTE CONNECTIONS LAST PICK-UP	1 ZONE 2 AND BULKY	2	3	4	5
6	7 ZONE 1 WASTE PICK-UP ONLY	8 ZONE 2 WASTE PICK-UP ONLY	9	10	11	12
13	14 ZONE 1 AND BULKY	15 ZONE 2 AND BULKY	16	17	18	19
20	21 ZONE 1 WASTE PICK-UP ONLY	22 ZONE 2 WASTE PICK-UP ONLY	23	24	25	26
27	28 ZONE 1 AND BULKY	29 ZONE 2 AND BULKY	30	31		

AUGUST 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 ZONE 1 WASTE PICK-UP ONLY	5 ZONE 2 WASTE PICK-UP ONLY	6	7	8	9
10	11 ZONE 1 AND BULKY	12 ZONE 2 AND BULKY	13	14	15	16
17	18 ZONE 1 WASTE PICK-UP ONLY	19 ZONE 2 WASTE PICK-UP ONLY	20	21	22	23
24	25 ZONE 1 AND BULKY	26 ZONE 2 AND BULKY	27	28	29	30

SEPTEMBER 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 ZONE 1 WASTE PICK-UP ONLY	2 ZONE 2 WASTE PICK-UP ONLY	3	4	5	6
7	8 ZONE 1 AND BULKY	9 ZONE 2 AND BULKY	10	11	12	13
14	15 ZONE 1 WASTE PICK-UP ONLY	16 ZONE 2 WASTE PICK-UP ONLY	17	18	19	20
21	22 ZONE 1 AND BULKY	23 ZONE 2 AND BULKY	24	25	26	27
28	29 ZONE 1 WASTE PICK-UP ONLY	30 ZONE 2 WASTE PICK-UP ONLY				

OCTOBER 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6 ZONE 1 AND BULKY	7 ZONE 2 AND BULKY	8	9	10	11
12	13 ZONE 1 WASTE PICK-UP ONLY	14 ZONE 2 WASTE PICK-UP ONLY	15	16	17	18
19	20 ZONE 1 AND BULKY	21 ZONE 2 AND BULKY	22	23	24	25
26	27 ZONE 1 WASTE PICK-UP ONLY	28 ZONE 2 WASTE PICK-UP ONLY	29	30	31	

Welcome to

TEXAS DISPOSAL SYSTEMS

YOUR NEW SERVICE DETAILS:

TRASH & RECYCLE
(every week)

SERVICE DAY:	FIRST SERVICE:
MONDAY	JULY 7
TUESDAY	JULY 1

BULKY
(every other week)

SERVICE DAY:	FIRST SERVICE:
TUESDAY	JULY 1
MONDAY	JULY 14
TUESDAY	JULY 15

Please reference the map on page 2 to determine your service day

Please have carts at the curb by 7:00 a.m. on your service day.

For questions, please contact TDS Customer Care at (844) 873-7734.

Landfill Management
Single Stream Recycling
Solid Waste Disposal
Composting

TEXAS DISPOSAL SYSTEMS
TexasDisposal.com

City of Dripping Springs Collection Details:

Contract Information:

Effective July 1, 2025, Texas Disposal Systems (TDS) is the contracted provider of solid waste disposal and recycling curbside collection for the City of Dripping Springs.

Your trash and recycling pickup day occur on the same day of the week. Trash and recycling collection happens every week.

Trash and recycling pickup is limited to the contents of the cart.

TDS does not accept hazardous materials, non-compactable materials, dirt, concrete or construction materials.

Bulky & Brush Service Information:

City of Dripping Springs residents receive bulky and yard waste pickup every other week on trash collection day.

Each collection is limited to a maximum of four (4) cubic yards per household.

Bulky pickup includes materials not easily contained in a bag such as, but not limited to, furniture, carpets and rugs, lawn equipment (drained of oil and gas), large toys, large appliances, and yard trimmings in bags or bundles.

Yard waste must be bundled, tied and cut into four (4) foot lengths with cut ends facing the curb. Limbs must be 6 inches or less in diameter.

Please see bulky and brush pickup guidelines attached for more information.

Additional Information:

Observed Holidays:

- Thanksgiving Day
- Christmas Day
- New Year's Day

On such holidays, service will slide one (1) day after the normal collection day. *Subject to change.

Additional carts may be requested through TDS Customer Care at (844) 873-7734.

Please note: Recycling is optional. If you do not wish to have recycling services, please call TDS Customer Care at (844) 873-7734.

For service updates and collection reminders, download the Waste Wizard app. See page 6 for more information on the Waste Wizard.

TEXAS DISPOSAL SYSTEMS

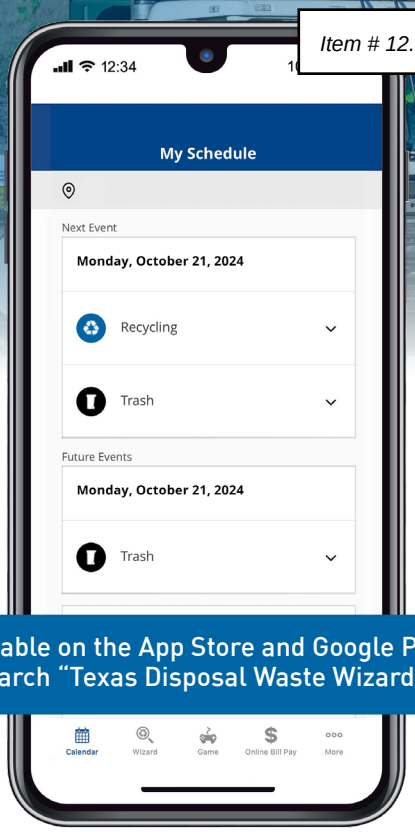
WASTE WIZARD

Customized information tool for residential customers

The Waste Wizard app is the newest way Texas Disposal Systems (TDS) educates and partners with local communities about proper waste disposal.

The TDS Waste Wizard allows you to stay up to date on service alerts and scheduling changes, view your cart collection calendar, sign up for custom reminders regarding your curbside service and learn about proper disposal of commonly used items through our "What Goes Where" tool.

The Waste Wizard App reduces day-to-day hassle, improves residential satisfaction, and provides ease of mind to all residential managers and also features a kid-friendly interactive game.



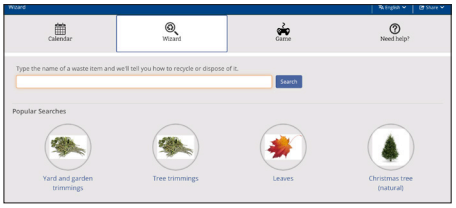
Available on the App Store and Google Play
Search "Texas Disposal Waste Wizard"

NOTIFICATIONS

Residential customers can sign up for collection day reminders via email, phone call or text message through the Waste Wizard App. Customers can also sync their collection schedule to their mobile device calendar.

In addition to collection day reminders, residential customers will receive service alerts in the case of any disruptions, delays or rescheduled service due to holidays, inclement weather or route issues.

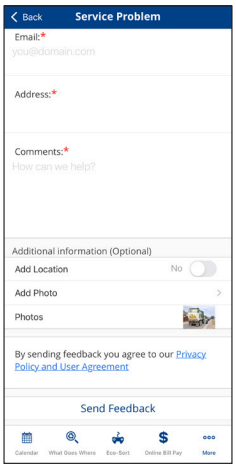
WHAT GOES WHERE?



The "What Goes Where" feature allows customers to search for commonly used items to determine which waste stream the item should be placed in, and offers solutions for items that TDS does not accept.

The "What Goes Where" tool minimizes contamination, and increases recycling adoption.

SERVICE PROBLEM SUBMISSION



All service problems or requests can be submitted through the Waste Wizard and handled by our Customer Care Team in a timely manner.

Try the Waste Wizard App today at TexasDisposal.com/waste-wizard

TEXAS DISPOSAL SYSTEMS

What Items are Recyclable?

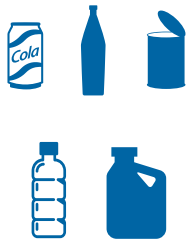
YES

RECYCLABLE

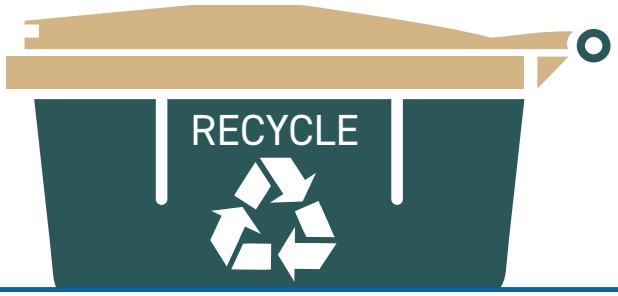
CLEAN PAPER/CARDBOARD

- MAGAZINES
- NEWSPAPERS
- OFFICE PAPERS
- CEREAL BOXES
- SHIPPING BOXES

EMPTY CONTAINERS



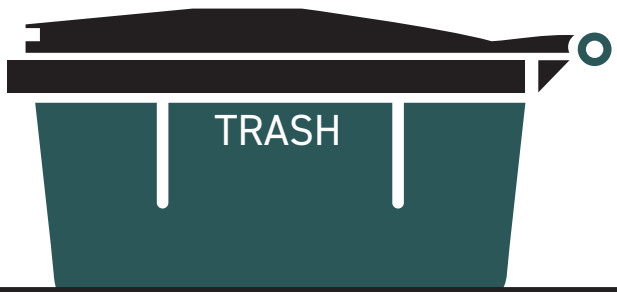
- ALUMINUM CANS
- GLASS BOTTLES
- TIN CANS
- PLASTIC BOTTLES
- PLASTIC CONTAINERS



NO

NOT RECYCLABLE

- FOOD
- STYROFOAM
- LIGHT BULBS
- AEROSOL CANS (EMPTY)
- COAT HANGERS
- CLOTHING
- CDS OR DVDS
- PET FOOD BAGS
- PET WASTE
- GARDEN HOSES
- TEXTILES
- DIAPERS
- PIZZA BOXES (GREASY)



LANDFILL MANAGEMENT
SINGLE STREAM RECYCLING
SOLID WASTE DISPOSAL
COMPOSTING

Scan to learn more about the Waste Wizard tool and download the app.

TEXAS DISPOSAL SYSTEMS

800-375-8375 | TexasDisposal.com

¿Qué artículos son reciclables?

SI

RECICLAR

PAPEL/CARTÓN LIMPIO

PERIÓDICO
REVISTAS

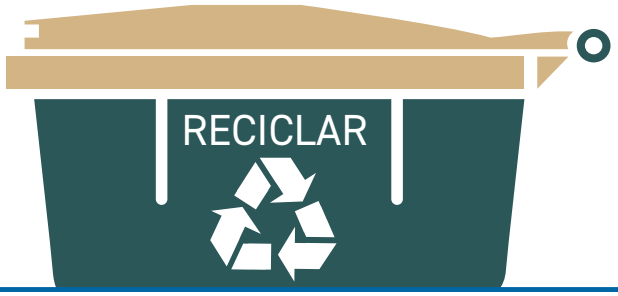

DOCUMENTOS DE OFICINA
CAJAS DE CEREAL


CAJAS DE ENVÍO

CONTENEDORES VACIOS


LATAS DE ALUMINIO
BOTELLAS DE VIDRIO


LATAS
BOTELLAS DE PLÁSTICO
CONTENEDORES DE PLÁSTICO



NO

NO RECICLABLE

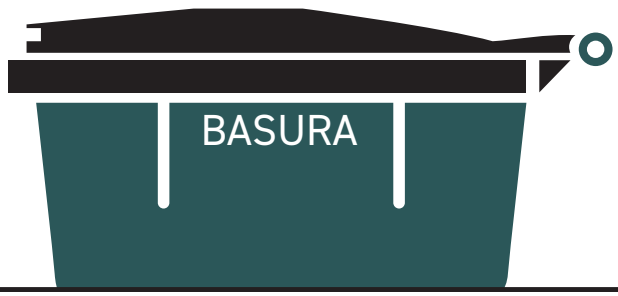

COMIDA
EL POLIESTIRENO


BOMBILLAS
LATAS DE AEROSOL (VACÍAS)
GANCHOS


ROPA
CDS O DVDS

BOLSAS DE ALIMENTOS PARA MASCOTAS
RESIDUOS DE MASCOTAS
MANGUERAS DE JARDIN


TEXTILES
PAÑALES
CAJAS DE PIZZA (GRASOSA)



Administración de Relleno Sanitario
Reciclaje de un solo flujo
Eliminación de residuos sólidos
Compostaje

Escanee para obtener más información sobre la aplicación Waste Wizard.

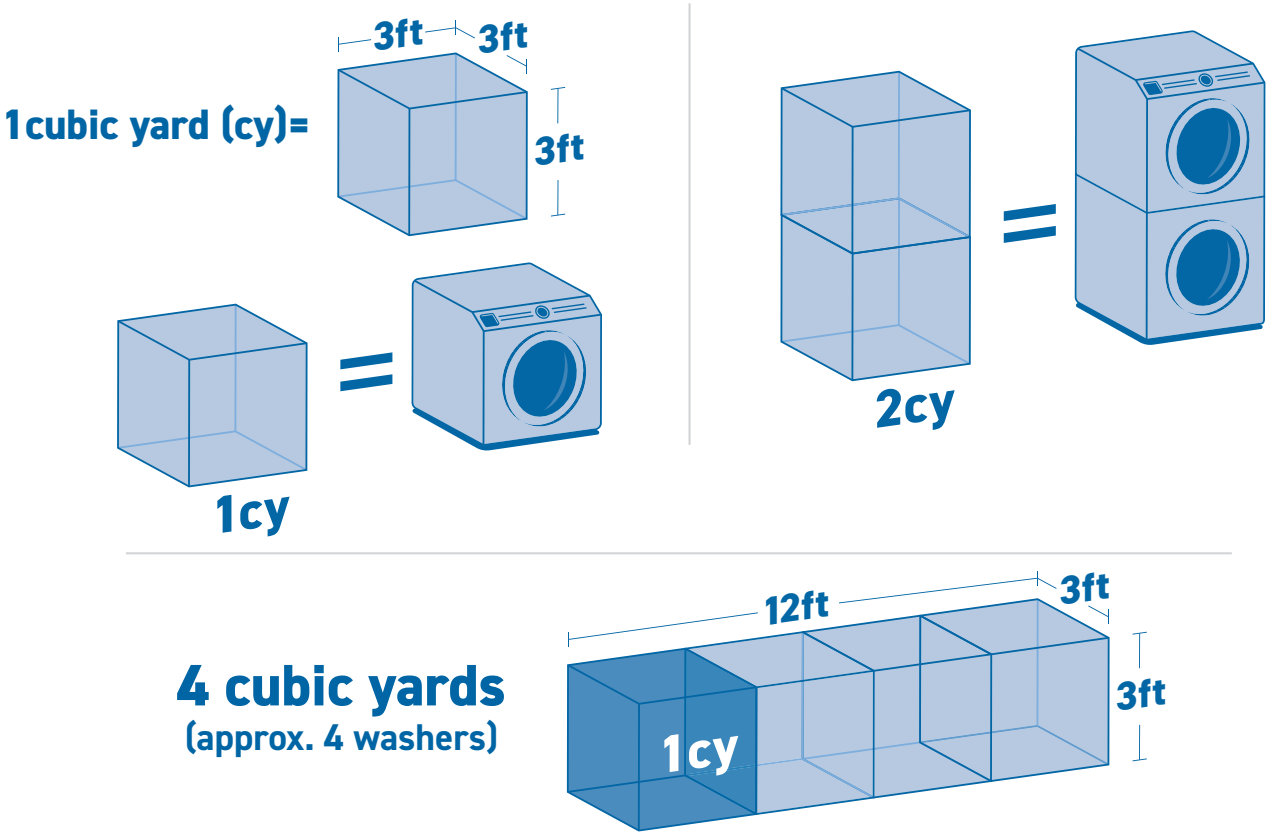
TEXAS DISPOSAL SYSTEMS

800-375-8375 | TexasDisposal.com

PREPARING YOUR BULKY ITEMS FOR PICKUP

TDS is a proud advocate for the environment. In an effort to properly dispose of your bulky items, follow our collection guidelines.

Visual Representation of 4 Cubic Yards



TDS will service within limits and guidelines; anything outside of these limits will not be serviced. For all curbside bulky pickups, any combination of bulky items or yard trimmings should not exceed 4 cubic yards. Please call Texas Disposal Systems at (844) 873-7734 for any questions.

BULKY ITEMS PICKUP GUIDELINES

4 feet in length (trunks)

4 feet in length (brush)
Cut ends of branches facing the curb

6" or less in diameter
(trunks/branches)

DO's:

- **DO** keep branches, trunks and brush cut under four feet in length
- **DO** cut trunks to under 6 inches in diameter
- **DO** tie branches with twine or string
- **DO** place brush at least 5 feet away from other objects
- **DO** bundle your branches

DON'Ts:

- **DON'T** stack brush against fences, homes or vehicles
- **DON'T** place brush by mailboxes, water meters or low-hanging wires
- **DON'T** place brush on road or alley ways
- **DON'T** exceed more than 4 cubic yards of any combination of bulky items or yard trimmings

No paints or liquids

No Batteries

No dirt, rocks or soil

No Tires

DO's:

- **DO** remove freon from appliances and have it tagged by a licensed technician
- **DO** keep your bulky waste organized neatly
- **DO** seal or secure loose items like cushions, appliance doors and wires
- **DO** place bulky waste at least 5 feet away from other objects such as mailboxes, water meters, vehicles and low-hanging wires

DON'Ts:

- **DON'T** include hazardous items like tires, batteries, liquids, paint or chemicals
- **DON'T** set out non-compactable items like gravel, dirt, rocks, sand or construction debris
- **DON'T** place items on roadways or streets

TEXAS DISPOSAL SYSTEMS

City-Related Bills Passed 2025 Session

Table of Contents

Land Use

H.B. 21 (Gates/Bettencourt) – Housing Finance Corporations: provides, among other things, that:

1. meetings of housing finance corporations (HFCs) are subject to the Public Information Act and Open Meetings Act;

2. the area in which an HFC may exercise its power is limited to: (a) the jurisdictional boundaries of a sponsoring city; (b) the boundaries of a sponsoring county; or (c) for an HFC sponsored by more than one local government, the combined area of each sponsoring city and county;

3. an HFC may exercise its power outside the area described in (2), above, if a resolution or order approving that exercise of power in the outside area is adopted by the governing body of: (a) each sponsoring local government; (b) each city or county that contains any part of the outside area in which the HFC proposes to operate; and (c) any HFC sponsored by a city or county described in (a) or (b), above;

4. bonds issued by an HFC may be issued only to finance or support residential developments or homes that are located inside the boundaries of: (a) the sponsoring local government; or (b) outside the boundaries of the HFC's sponsoring local governments, if a resolution or

order, as applicable, approving the issuance of bonds is adopted by the governing body of: (i) each city that contains any part of the residential development or home; and (ii) for a residential development or home located in the unincorporated area of a county, each county that contains any part of the residential development or home;

5. a property-based tax exemption for a multifamily residential development developed by an HFC is available only if, among other things: (a) certain income-based occupancy requirements are met; (b) the income-restricted residential units are comparable to non-income-restricted units; (c) unit rental rates are limited by income and family size; and (d) the HFC does not discriminate against potential tenants who participate in housing voucher programs;

6. an HFC receiving a property-based tax exemption must submit certain annual audit reports exhibiting compliance with applicable laws to the Texas Department of Housing and Community Affairs and the chief appraiser of the appraisal district in which the development is located;

7. an HFC development may lose its property-based tax exemption due to noncompliance;

8. property owned by an HFC and the income derived therefrom, are exempt from license fees, recording fees, and other taxes imposed by the state or any political subdivision of the state only if: (a) all applicable audit requirements are satisfied; (b) the property is located in the area where the HFC is authorized to exercise its power; (c) a certain underwriting assessment is completed and made public; and (d) if property tax exemption is claimed, the appropriate one-time exemption application has been submitted.

(Effective immediately.)

H.B. 24 (Orr/Hughes) – Zoning Amendments and Protests: provides, among other things, that:

1. a protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of: (a) at least 20 percent of the area of the lots or land covered by the proposed change; (b) except as provided by (c), below, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or (c) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change: (i) has the effect of allowing more residential development than the existing zoning regulation or district boundary; and (ii) does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development;

2. in computing the percentage of land under Number 1, above: (a) the area of streets and alleys shall be included; and (b) the land area is not calculated individually for each tract of land subject to the proposed change but in the aggregate for all tracts of land subject to the change;

3. for a proposed change to a zoning regulation or district boundary that is protested under Number 1, above, the proposed change must receive, in order to take effect, the affirmative vote of at least: (a) three-fourths of all members of the governing body for a protest described by Number 1(a) or (b), above; or (b) a majority of all members of the governing body for a protest described by Number 1(c), above;

4. for a proposed zoning change, before the 15th day before the date of a required public hearing, notice of the time and place of the public hearing must be published: (a) in an official newspaper or a newspaper of general circulation in the city; and (b) on the city's internet website, if the city maintains one;

5. the term "proposed comprehensive zoning change" means a city proposal to: (a) change an existing zoning regulation that: (i) will have the effect of allowing more residential development than previously; and (ii) will apply uniformly to each parcel in one or more zoning districts; (b) adopt a new zoning code or zoning map that will apply to the entire city; or (c) adopt a zoning overlay district that: (i) will have the effect of allowing more residential development than previously; and (ii) will include an area along a major roadway, highway, or transit corridor;

6. only certain statutory notice provisions are required for a proposed comprehensive zoning change;

7. a zoning change that has the effect of making residential development less restrictive than the previous regulation is conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change; and

8. for a proposed change in zoning classification that does not apply to the whole city: (a) the zoning commission of a home-rule city shall post a notice sign not later than the 10th day before the date the zoning commission holds a hearing on a proposed change until the date of a final determination on the proposed change by the city's governing body; (b) the sign must be at least 24 inches long by 48 inches wide and located either on: (i) the property affected by the change; or (ii) a public right-of-way for a change initiated by the city that affects multiple properties; and (c) the zoning commission may elect to provide, maintain, and pay for a notice sign under this section or require an applicant for a change in zoning classification to provide, maintain, and pay for the sign.

(Effective September 1, 2025.)

H.B. 517 (Harris Davila/Schwertner) – Property Owners' Association Fines: prohibits a property owners' association from assessing a fine against a property owner related to the planting or maintenance of green turf or vegetation while the property is subject to residential watering restrictions mandated by a city, water utility, or other water supplier, and for at least 60 days following the lifting of the watering restrictions. (Effective September 1, 2025.)

H.B. 2025 (Tepper/Hughes) – Tax Receipts on Plats: provides that a person seeking to record a plat, replat, or amended plat or replat of real property or a condominium after September 1 of a year no longer must have attached to it a certain tax receipt indicating that the taxes imposed by the applicable taxing units for the current year have either been paid or not been calculated. (Effective September 1, 2025.)

H.B. 2512 (Geren/King) – Extraterritorial Jurisdiction Release: provides, among other things, that: (1) a resident may only file a petition for release of an area from the extraterritorial jurisdiction (ETJ) if the resident resides in the area subject to the release; (2) if a city receives a petition for release, the city shall provide notice of the petition to the residents and landowners of the area described by the petition not later than the seventh business day after the date of receipt; (3) before an area is released from a city's ETJ by election, a landowner in the area to be released must be provided the opportunity to have their property remain within the city's ETJ; and (4) a city's written consent is not required to reduce the city's ETJ as necessary to comply with release by petition or election. (Effective September 1, 2025.)

H.B. 2464 (Hefner/Middleton) – **Home-Based Businesses**: among other things: (1) defines a "home-based business" (HBB) as a business that is operated: (a) from a residential property; (b) by the owner or tenant of the property; and (c) for the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service; (2) defines a "no-impact-home-based-business" (NIHBB) as a HBB that: (a) has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the city's occupancy limit for the property; (b) does not generate on-street parking or a substantial increase in traffic through the area; (c) operates in a manner in which none of its activities are visible from a street; and (d) does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule; (3) provides that a city council may not adopt or enforce an ordinance, regulation, or other measure that: (a) prohibits the operation of a NIHBB; (b) requires a person that owns or operates a NIHBB to obtain a license, permit, or other approval to operate; or (c) requires a person that owns or operates an HBB to rezone the property for a non-residential use or install a fire sprinkler protection system if the residence where the business is operated consists only of a single-family detached residential structure or a multi-family residential structure with not more than two residential units; (4) provides that, subject to (2), above, a city may: (a) require that a HBB comply with federal, state, and local law, including a city fire and building code or city regulation related to health and sanitation, transportation or traffic control, solid or hazardous waste, or pollution and noise control; (b) require that a HBB be compatible with the residential use of the property where the business is located; (c) require that a HBB be secondary to the use of the property as a residential dwelling; and (d) limit or prohibit the operation of a HBB that sells alcohol or illegal drugs, is a structure sober living home, or is a sexually oriented business; (5) provides that a person is not prohibited from enforcing a rule or deed restriction imposed by a homeowners' association or by other private agreement; and (6) provides that a municipality is not prohibited from adopting or enforcing an ordinance regulating the operation of a short-term rental unit. (Effective immediately.)

H.B. 2559 (Patterson/Bettencourt) – Development Moratoria: provides that, with regard to a development moratorium adopted by a city: (1) not later than the 30th day before a public hearing on a moratorium, the city must: (a) publish notice of the time and place of the hearing in the

newspaper; and (b) send notice of the hearing by certified mail to any person who has given certain written notice to the city secretary within the prior two years; (2) the city council must hold two public hearings on the moratorium, but may not hold the second public hearing before the 30th day after the date of the first public hearing; (3) not later than the 12th day after the date of the second public hearing, the city council must begin a final determination on the imposition of a moratorium by giving the ordinance adopting a moratorium at least two readings that are not less than 28 days apart; (4) the moratorium ordinance must receive the affirmative vote of at least three-fourths of all members of the city council on final reading in order to take effect; (5) a moratorium expires on the 90th day after its adoption unless it is extended by the city council; (6) a moratorium may not exceed an aggregate length of greater than 180 days; and (7) a city may not adopt a moratorium before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of property, or affects the same geographical area identified by the previous moratorium. (Effective September 1, 2025.)

H.B. 2844 (Landgraf/Kolkhorst) – Mobile Food Vendor Regulation Preemption: this bill, among other things:

1. preempts a city, county, or public health district from requiring certain small-scale food businesses or their employees to obtain a permit or pay a permitting fee to operate a food service establishment, temporary food service establishment, retail food establishment, temporary retail food establishment, or retail food store if the business: (a) holds a permit issued by the Texas Department of State Health Services (DSHS) for that purpose; or (b) is licensed as a food manufacturer;

2. preempt a city's authority to prohibit or regulate mobile food vending in a manner that conflicts with state law;

3. empowers the executive commissioner of the Health and Human Services Commission to adopt narrowly tailored rules for mobile food vendors to address demonstrable health and safety risks;

4. provides that the rules adopted under Number 3, above, may not: (a) limit the number of mobile food vending licenses the department may issue; (b) address the hours of operation for mobile food vendors; (c) restrict a mobile food vendor's propane capacity below the capacity state law allows for commercial vehicles; or (d) require a mobile food vendor to: (i) operate a specific distance from the perimeter of a commercial establishment or restaurant; (ii) enter into any agreement with a commercial establishment or restaurant in order to operate; (iii) have a handwashing sink in the vehicle of a mobile food vendor who sells only prepackaged food; (iv) associate with a commissary if the mobile food vendor's food vending vehicle carries the equipment necessary to comply with state law and properly disposes of grease and other cooking waste; (v) provide the vendor's fingerprints as a condition of holding a mobile food vendor license; (vi) install a global positioning system tracking device on the mobile food vendor's food vending vehicle; (vii) keep the mobile food vendor's food vending vehicle in constant motion except when serving customers; submit to an additional fire inspection a vehicle the vendor demonstrates has passed a state or local fire inspection within the preceding 12 months; or (viii) submit to

health inspections other than an inspection DSHS, or a local authority under a collaborative agreement, conducts unless DSHS is investigating a reported foodborne illness;

5. requires a mobile food vendor to obtain a mobile food vending license from the state for each food vending vehicle and have each of their mobile food vehicles undergo a health inspection within 14 days of applying for a license;

6. provides that the inspection required in Number 5, above, shall ensure that: (a) an applicant's food vending vehicle is safe for preparing, handling, and selling food; and (b) an applicant is in compliance with all applicable laws and rules;

7. prohibits a city from barring a mobile food vendor from operating in its jurisdiction if: (a) the mobile food vendor holds a mobile food vending license; and (b) complies with all other state and local laws;

8. permits DSHS to charge fees related to the licensing and inspection processes;

9. requires a person who drives a food vending vehicle to hold a commercial driver's license;

10. requires a mobile food vendor to: (a) submit to and pass any required health inspection; (b) display the mobile food vendor's license and health inspection certificate in a conspicuous location for public view; (c) comply with all laws and rules regarding food safety, including any food safety and food manager certifications; and (d) comply with all state and local laws in the jurisdiction in which the mobile food vendor operates, including all fire codes, location restrictions, and zoning codes.

11. permits a local authority, on its request, to enter a collaborative agreement with the department to allow the local authority to conduct required health inspections and reclassify vendors in accordance with rules adopted by DSHS;

12. requires DSHS to reimburse the local authority acting under a collaborative agreement for the cost of conducting a health inspection using money collected for health inspection fees;

13. authorizes a city to investigate a mobile food vendor on reasonable suspicion the vendor is violating the law or on receipt of a health or safety complaint; and

14. requires a city to report suspected violations of state law to DSHS.

(The provisions described in Number 4, above, are effective September 1, 2025; the remaining provisions are effective July 1, 2026.)

H.B. 3234 (Cortez/Menéndez) – **Regulating County-Owned Buildings**: prohibits a political subdivision in a county with a population greater than one million from requiring a county to notify the political subdivision or obtain a building permit for any new construction or any renovation of a county-owned building or facility if the construction or renovation work is supervised and inspected by a state-licensed engineer or architect. (Effective September 1, 2025.)

H.B. 3866 (Landgraf/Sparks) – Outdoor Storage Containers at Commercial Facilities: among other things: (1) prohibits a person from installing or operating an intermediate bulk container recycling facility within 2,000 feet of a private residence; (2) requires the owner to register the container with the Texas Commission on Environmental Quality (TCEQ); (3) authorizes TCEQ to conduct inspections of the containers; (4) exempts facilities from these regulations if they do not stage, store, or process more than 50 intermediate bulk containers at any time; and (5) allows a city to adopt an ordinance prohibiting the installation or operation of an outdoor storage container in a location more than 2,000 feet from a private residence. (Effective September 1, 2025.)

H.B. 4163 (Guillen/Perry) – **Agricultural Operations**: provides that a city may not impose a governmental requirement that directly or indirectly requires the owner or lessee of an agricultural operation to mow, bale, shred, or hoe material on the right-of-way of a portion of a public road that is adjacent to an agricultural operation. (Effective September 1, 2025.)

H.B. 4506 (Bonnen/Hagenbuch) – Electronic Notice for Zoning Changes: this bill: (1) authorizes the electronic delivery of zoning notices by e-mail or text message if: (a) the recipient elects to receive notice electronically; and (b) the city establishes an online portal on the city's website through which a notice recipient may elect to receive notice electronically and manage their preferences; and (2) requires a city to deliver notice as otherwise provided if the recipient does not acknowledge receipt of the electronic notice. (Effective immediately.)

S.B. 15 (Bettencourt/Gates) – Single-Family Residential Density: with respect to a tract of land that has no recorded plat, that will be platted and located in an area zoned for single-family homes, and is five acres or more in a city with a population above 150,000 located wholly or partly in a county with a population of more than 300,000, provides that:

1. a city may not adopt or enforce an ordinance or other measure that requires: (a) a residential lot to be: (i) larger than 3,000 square feet; (ii) wider than 30 feet; or (iii) deeper than 75 feet; or (b) a ratio of dwelling units per acre that prevents a single-family home from being built on a residential lot that is at least 3,000 square feet, if regulating the density of dwelling units on a residential lot;

2. with respect to a residential lot that is 4,000 square feet or less: (a) a city may not adopt or enforce an ordinance or other measure that requires a lot to have: (i) any setback or building plane greater than: (A) 15 feet from the front or ten feet from the back of the property; or (B) five feet from the side of the property; (ii) covered parking; (iii) more than one parking space per unit; (iv) off-site parking; (v) more than 30 percent open space or permeable surface; (vi) fewer than three full stories not exceeding ten feet in height measured from the interior floor to ceiling; (vii) a maximum building bulk; (viii) a wall articulation requirement; or (ix) any other zoning restriction that imposes restrictions inconsistent with this section Number 2, above, including restrictions through contiguous or overlapping zoning districts; and (b) a city may require: (i) the sharing of a driveway with another lot; (ii) permitting fees equivalent to the permitting fees charged for the development of a lot the use of which is restricted to a single-family residence; or (iii) impact fees; and (iv) a

setback related to environmental features, erosion, or waterways, to the extent authorized by federal or other state law.

3. a city is not prohibited from imposing restrictions that are applicable to all similarly situated lots or subdivisions, including requiring all subdivisions or all small lots to fully mitigate stormwater runoff;

4. property owners associations are not prohibited from enforcing rules or deed restrictions;

5. a person adversely affected or aggrieved, or a housing organization, may bring an action against a city or an officer or employee of the city in their official capacity for an alleged violation;

6. in an action brought under Number 5, above: (a) a court may: (i) enter a declaratory judgment; (ii) issue a writ of mandamus compelling a defendant officer or employee to comply; and (iii) issue an injunction preventing the defendant from further violations; and (b) a court shall award reasonable attorney's fees and court costs incurred in bringing an action to a prevailing claimant; and

7. Numbers 1 – 6, above, do not: (a) affect requirements directly related to: (i) the use and occupancy of residential units leased for a term of less than 30 days; or (ii) flooding, sewer facilities, or well water located on an individual residential lot and serving only that lot; or (b) apply to an area located within: (i) one mile of a campus of the perimeter of a law enforcement training center in a county that has a population of 2,600,000 or more; (ii) 3,000 feet of an airport or military base; or (iii) 15,000 feet of the boundary of certain military facilities.

(Effective September 1, 2025.)

S.B. 250 (Flores/Hickland) – Annexation of Connecting Railroad Right-of-Way: among other things, provides that a city that is annexing an area may also annex an additional area if: (1) the area is adjacent to a right-of-way of a railway line, spur, or other railroad property that is contiguous and runs parallel to the city's boundaries and contiguous to the area being annexed; and (2) each owner of the area agrees to the annexation by the city. (Effective immediately.)

S.B. 783 (Menéndez/Hernandez) – Building Materials Exemptions: provides, among other things, for additional exemptions to the current building materials preemption related to: (1) an energy code adopted by the State Energy Conservation Office for building energy efficiency performance standards; (2) an energy and water conservation design standard established by the State Energy Conservation Office; and (3) a high-performance building standard approved by a board of regents relating to the construction of a building, structure, or other facility owned by an institution of higher education. (Effective September 1, 2025.)

S.B. 785 (Flores/Guillen) – Manufactured Homes: this bill: (1) prohibits a city from requiring a specific use permit or other similar permit for a new HUD-code manufactured home if: (a) the home has been constructed in accordance with state and federal law; and (b) the city does not

require a specific use permit for other residential property in the same zoning classification; (2) requires a city with zoning regulations or zoning district boundaries to: (a) permit the installation, by right, of a new HUD-code manufactured home for use as a dwelling within the city limits under at least one: (i) residential zoning classification; (ii) type of residential zoning district; or (iii) dedicated zoning classification for residential HUD-code manufactured homes; and (b) ensure at least one of the zoning classifications or districts has been adopted and applies to an area within the city; (3) requires cities with a comprehensive zoning classification map to indicate on the map the areas within the city that comply with (2), above; (4) provides that (2) and (3), above, do not: (a) limit a city's historic preservation authority; (b) affect deed restrictions in place before January 2, 2025; or (c) apply to a city: (i) in which all areas zoned for residential use have deed restrictions on September 1, 2025, prohibiting the placement of manufactured homes; or (ii) that does not have any areas or districts zoned for business or industrial use. (Effective September 1, 2026.)

S.B. 840 (Hughes/Hefner) – Mixed Use and Multifamily Development: among other things, provides that for a city with a population over 150,000 located in a county with a population over 300,000:

1. "Multifamily residential" means the use or development of a site for three or more dwelling units within one or more buildings, including a residential condominium;

2. "Mixed-use residential" means the use or development of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development;

3. a city shall allow mixed-use residential use and development or multifamily residential use and development in a zoning classification that allows office, commercial, retail, warehouse, or mixed-use use or development as an allowed use under the classification;

4. a city may not require the change of land use classification or regulation or approval of an amendment, exception, or variance to a land use classification or regulation, special exception, zoning variance, conditional use approval, special use permit, or comprehensive plan amendment prior to allowing a mixed-use residential use or development or multifamily residential use or development in an area covered by a zoning classification described by Number 3, above;

5. the provisions of Numbers 3 and 4, above, do not apply to a building proposed to be converted that is located: (a) in an area that allows heavy industrial use; (b) within 1,000 feet of an existing heavy industrial use; (c) within 3,000 feet of an airport or military base; or (d) in an area designated by a city as a clear zone or accident potential zone;

6. a city may not adopt or enforce an ordinance, order, zoning restriction, or other regulation that: (a) imposes on a mixed-use residential or multifamily residential development: (i) a limit on density that is more restrictive than the greater of: (A) the highest residential density allowed in the city; or (B) 36 units per acre; (ii) a limit on building height that is more restrictive than the greater of: (A) the highest height that would apply to an office, commercial, retail, or warehouse development constructed on the site; or (B) 45 feet; or

(iii) a setback or buffer requirement that is more restrictive than the lesser of: (A) a setback or buffer requirement that would apply to an office, commercial, retail, or warehouse development constructed on the site; or (B) 25 feet; (b) requires a mixed-use residential or multifamily residential development to provide: (i) more than one parking space per dwelling unit; or (ii) a multi-level parking structure; (c) restricts the ratio of the total building floor area of a mixed-use residential or multifamily residential development in relation to the lot area of the development; or (d) requires a multifamily residential development not located in an area zoned for mixed-use residential use to contain nonresidential uses.

7. if the city authority responsible for approving a building permit or other authorization required for the construction of a mixed-use residential or multifamily residential development determines that a proposed development meets city land development regulations, the authority shall administratively approve the permit or other authorization and may not require further action by the governing body of the city for the approval to take effect;

8. for a building or the structural components of a building that is being used for office, retail, or warehouse use, that is proposed to be converted from nonresidential occupancy to mixed-use residential or multifamily residential occupancy for at least 65 percent of the building and at least 65 percent of each floor of the building that is fit for occupancy, and was constructed at least five years before the proposed date to start the conversion, in connection with the use, development, construction, or occupancy of a building proposed to be converted to mixed-use residential or multifamily residential use, a city may not: (a) require: (i) the preparation of a traffic impact analysis or other study relating to the effect the proposed converted building would have on traffic or traffic operations; (ii) the construction of improvements or payment of a fee in connection with mitigating traffic effects related to the proposed converted building; (iii) the provision of additional parking spaces, other than the parking spaces that already exist on the site; (iv) the extension, upgrade, replacement, or oversizing of a utility facility except as necessary to provide the minimum capacity needed to serve the proposed converted building; or (v) a design requirement, including a requirement related to the exterior, windows, internal environment of a building, or interior space dimensions of an apartment, that is more restrictive than the applicable minimum standard under the International Building Code; or (b) impose an impact fee on land where a building has been converted to mixed-use residential or multifamily residential use unless the land on which the building is located was already subject to an impact fee before a building permit related to the conversion was filed with the city;

9. a person adversely affected or aggrieved, and a housing organization, may bring an action against a city for declaratory or injunctive relief relating to alleged violations; and

10. for an action brought under Number 9, above: (a) a claimant who prevails in the action is entitled to recover: (i) declaratory and injunctive relief; and (ii) court costs and reasonable attorney's fees; and (b) the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.

(Effective September 1, 2025.)

S.B. 1035 (Sparks/Spiller) – **Agricultural Operations**: allows a person aggrieved by a political subdivision's enforcement of a nuisance action or other governmental requirement on certain agricultural operations to bring an action against the political subdivision to obtain declaratory or injunctive relief to block the enforcement of the government requirement and allow for the recovery of court costs and reasonable attorney's fees if they prevail. (Effective immediately.)

S.B. 1106 (Parker/Harris) – Public Improvement Districts: requires a city to: (1) post a copy of a public improvement district (PID) service plan and certain other information on the city's website within seven days of approving, amending, or updating the plan; (2) submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) post on its website certain information about city PIDs. (Effective January 1, 2026.)

S.B. 1252 (Schwertner/King) – Residential Energy Backup Systems: this bill: (1) defines "residential energy backup system" to mean a backup energy system installed at a residential property that is: (a) capable of providing no more than 50 kilowatts of electricity to the residence; or (b) has a storage capacity of no more than 100 kilowatt hours; (2) prohibits a city from adopting or enforcing: (a) an amendment to the National Electrical Code that would regulate the installation or inspection of a residential energy backup system; or (b) an ordinance, rule, or other measure that would regulate the installation or inspection of a residential energy backup system; and (3) clarifies that the authority of a municipally owned utility to regulate the installation or inspection of a residential energy backup system within the utility's service area is not limited by these regulations. (Effective September 1, 2025.)

VETOED S.B. 1253 (Perry/C. Bell) – Impact Fee Credits: provides that: (1) a political subdivision shall provide a credit against water and wastewater impact fees otherwise assessed to a development to a builder or developer for the construction, contribution, or dedication of an eligible facility, system, or product that results in water reuse, conservation, or savings; (2) a facility, system, or product eligible for a credit under (1), above, includes a facility, system, or product that: (a) reduces per service unit water consumption, supply requirements, or necessary treatment and distribution infrastructure per service unit; (b) decreases the need of wastewater collection and treatment facilities per service unit; (c) diminishes the demand for stormwater and drainage facilities per service unit; or (d) integrates practices or technologies that achieve water efficiency, reuse, or conservation performance that exceed standard compliance requirements; and (3) a political subdivision that provides a credit under the bill shall establish procedures for: (a) calculating and applying the credits in a fair and consistent manner; and (b) reviewing and approving credits. (Effective September 1, 2025.)

S.B. 1341 (Hancock/McQueeney) – Manufactured Homes: amends the definition of "manufactured home" to the statutory citation for the definition of manufactured home under federal law. (Effective September 1, 2025.)

S.B. 1566 (Bettencourt/Darby) – City Utilities in the Extraterritorial Jurisdiction: permits a city that holds a certificate of convenience and necessity to serve a tract of land that has been released from the city's extraterritorial jurisdiction by petition or election. (Effective immediately.)

S.B. 1567 (Bettencourt/Vasut) – Occupancy of Dwelling Units: for certain home rule cities with a population of less than 250,000 which either contain or are adjacent to the campus of an institution of higher education with a student enrollment of more than 20,000: (1) prohibits a city from adopting or enforcing a zoning ordinance, rule, or other regulation that limits the number of people who may occupy a dwelling unit based on: (a) age; (b) familial status; (c) occupation; (d) relationship status; or (e) whether the occupants are related to each other by a certain degree of affinity or consanguinity; (2) for zoning purposes, defines "dwelling unit" to: (a) include a house, an apartment unit, or any unit in a multiunit residential structure; and (b) exclude a unit in a hotel, motel, or other establishment in which more than half of the units are intended to be used for transient accommodations; (3) authorizes a city to impose a limit on the number of occupants of a dwelling unit that is not more restrictive than: (a) one occupant per sleeping room with a minimum floor area of 70 square feet; and (b) on additional occupant for each additional 50 square feet of floor area in the same sleeping room; (4) otherwise allows a city to impose a limit on the number of people who may occupy a dwelling unit based on health and safety standards contained in: (a) a building code; (b) a fire code; (c) standards adopted by the Department of State Health Services; or (d) local, state, or federal affordable housing program guidelines; (5) prohibits a city from requiring a real estate agent, broker, or third party fiduciary to provide access to a lease or other document to determine the number of unrelated occupants of a dwelling unit for the purpose of enforcing a dwelling unit occupancy requirement; and (6) authorizes a claimant in a city to bring an action against the city for a declaratory judgment, mandamus or other equitable relief due to an alleged violation of these rules and authorizes a court to award a prevailing claimant reasonable attorney's fees and costs. (Effective September 1, 2025.)

S.B. 1844 (Paxton/Craddick) – Disannexation for Failure to Provide Services: provides, among other things, that: (1) a majority of the property owners of an area of a city, including one or more tracts, lots, or parcels, or portions thereof, may petition to disannex the area if the city fails or refuses to provide or cause to be provided certain services to the area: (a) pursuant to a statutory requirement or adopted service plan, as applicable; (b) pursuant to a written services agreement or resolution, as applicable; or (c) if any part of the area is located adjacent to a navigable waterway and the area did not become part of the municipality under the statutory provisions applicable to a non-consent annexation; (2) if a valid petition is received under (1), above, a city must disannex the area within 60 days; (3) if a city fails to disannex the area within 60 days, the signers of the petition may bring a court action to order the disannexation; (4) the court shall order the disannexation and award attorney's fees and costs if the court finds that a valid petition was filed with the city and that the city failed to: (a) perform its obligations pursuant to an applicable service plan, written services agreement, or resolution authorizing annexation; (b) perform in good faith; or (c) if the petition for disannexation covers an area described by (1)(c), above, connect a majority of the properties in the area, regardless of whether the area was annexed, to the city's water and wastewater systems, if any other area in the city is connected to the city's water and wastewater systems; (5) if an area described by (1)(c), above, is disannexed, the landowners of that area are not eligible for a refund of taxes or fees; and (6) these provisions do not apply to an area located in an area previously designated as an industrial district. (Effective September 1, 2025.)

S.B. 1883 (Bettencourt/Buckley) – Impact Fees: provides, among other things, that:

1. at least 60 days before the date of the first publication of the notice of a required hearing on the land use assumptions and capital improvements plan related to an impact fee, the city shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed;

2. approval of the imposition of an impact fee by a city requires an affirmative vote of two-thirds of the members of the governing body;

3. a city may not increase the amount of an impact fee for three years from the later of the date the fee was adopted or most recently increased;

4. nothing in Number 3, above, prohibits a city from implementing an impact fee collection schedule that allows less than the maximum adopted impact fee to be collected or phased in up to the maximum adopted impact fee for a period not to exceed ten years;

5. a city council shall, within 120 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and determine whether to amend the plan;

6. at least 60 days before the date of the first publication of the notice of the hearing on proposed amendments to land use assumptions, a capital improvements plan, or an impact fee, the city shall make available to the public the land use assumptions and the capital improvements plan, and any amount of any proposed amended impact fee per service unit;

7. not less than 50 percent of the members of the impact fee advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a governmental entity;

8. a city may not use the existing planning and zoning commission as the impact fee advisory committee;

9. before a city may increase an existing impact fee or adopt a new impact fee for a service area where an impact fee had previously been adopted, the city must conduct an independent financial audit and hold a hearing on the results of the audit;

10. the independent financial audit under Number 9, above, must: (a) be conducted by an independent auditor who: (i) is a certified public accountant or licensed public accountant; and (ii) has not been under contract to provide any service to the city during the 12 months preceding the commencement of the audit; and (b) provide, if applicable, a detailed accounting of: (i) the amount of funds collected from any impact fee imposed by the city; (ii) the amount of interest accumulated on collected impact fees; (iii) any proposed capital improvements or facility expansions to be financed from an impact fee in the service area that were not constructed; (iv) the amount of funds collected from impact fees by the city

that have not been spent; (v) each impact fee collected by the city in the service area; (vi) the allocation of each impact fee made to the city; (vii) any waived impact fees in the service area; (viii) any requested refunds of impact fees; (ix) any refunded impact fees in the service area; and (x) any errors or omissions of credits in impact fee calculations;

11. the city shall make the audit available to the public on the city's website at least 30 days before: (a) the publication of notice for the hearing on the land use assumptions and capital improvements plan; and (b) adoption of the order setting said hearing;

12. a city may use impact fee revenue to conduct the required audit; and

13. the attorney general may bring an action on behalf of a property owner to: (a) contest an impact fee; or (b) recover a refund; and (10) strict compliance with notice requirements is required.

(Effective September 1, 2025.)

S.B. 1948 (Perry/Ashby) – Agricultural Facility Regulation: prohibits a city from adopting or enforcing an ordinance or other measure that requires the installation of a fire protection sprinkler system in: (1) an agricultural pole barn; (2) a nonresidential farm building; (3) a cotton gin; (4) a cottonseed storage building; (5) a grain storage facility; (6) a livestock market; or (7) a commercial feed mill. (Effective September 1, 2025.)

S.B. 2419 (Paxton/Dean) – Disannexation of Limited Special Districts: provides that a limited district may exercise all powers and duties granted to a former special district by law in the portion of a disannexed area located in the district if the district: (1) was created by the conversion of a special district under a strategic partnership agreement; and (2) is located in and serves an area that has been disannexed from a city following an election for that purpose. (Effective immediately.)

S.B. 2477 (Bettencourt/Patterson) – Building Conversions to Mixed Use and Multifamily Use: among other things, for a city with a population over 150,000 located in a county with a population over 300,000, provides that:

1. "Multifamily residential" means the use or development of a site for three or more dwelling units within one or more buildings, including a residential condominium;

2. "Mixed-use residential" means the use or development of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development;

3. if the city authority responsible for approving a building permit or other authorization required for the conversion of a building to mixed-use residential or multifamily residential use determines that a proposed development meets city land development regulations the authority shall administratively approve the permit or other authorization and may not require further action by the governing body of the city for the approval to take effect;

4. for a building or the structural components of a building that is being used primarily for office use, is proposed to be converted from primarily office use to mixed use residential or multifamily residential occupancy for at least 65 percent of the building and at least 65 percent of each floor of the building that is fit for occupancy, and was constructed at least five years before the proposed date to start the conversion, provides that a city may not: (a) in connection with the use, development, construction, or occupancy of a building proposed to be converted to mixed-use residential or multifamily residential use, require: (i) the preparation of a traffic impact analysis or other study relating to the effect the proposed converted building would have on traffic or traffic operations; (ii) the construction of improvements or payment of a fee in connection with mitigating traffic effects related to the proposed converted building; (iii) the provision of additional parking spaces, other than the spaces that already exist on the site of the proposed converted building; (iv) the extension, upgrade, replacement, or oversizing of a utility facility except as necessary to provide the minimum capacity needed to serve the proposed converted building; (v) a limit on density that is more restrictive than: (A) the highest residential density allowed in the city; or (B) 36 units per acre; (vi) a building proposed to be converted to multifamily residential occupancy not located in an area zoned for mixed-use residential use to contain nonresidential uses; (vii) a design requirement, including a requirement related to the exterior, windows, internal environment of a building, or interior space dimensions of an apartment, that is more restrictive than the applicable minimum standard under the International Building Code; (viii) the change of a zoning district or land use classification or regulation or approval of an amendment, exception, or variance to a land use classification or regulation, special exception, zoning variance, conditional use approval, special use permit, or comprehensive plan amendment prior to allowing conversion of a building to mixed-use residential use or development or multifamily residential use; (ix) a floor-to-area ratio that is less than the greater of: (A) 120 percent of the existing floor-to-area ratio of the building, if the proposed conversion does not increase the existing height or site coverage of the building; or (B) the highest floor-to-area ratio allowed for a building on the site; (x) a limit on impervious cover or site coverage that is less than the existing impervious cover or site coverage of the building or site; or (xi) an additional drainage, detention, or water quality requirement, if the proposed conversion does not increase the amount of impervious cover on the building site; and (b) impose an impact fee on land where a building has been converted to mixed-use residential or multifamily residential use unless: (i) the land on which the building is located was already subject to an impact fee before a building permit related to the conversion was filed with the city; and (ii) for an impact fee related to water and wastewater facilities, the conversion increases the demand for those services for the building;

5. the provisions of Numbers 3 and 4, above, do not apply to a building proposed to be converted that is located: (a) in an area that allows heavy industrial use; (b) within 1,000 feet of an existing heavy industrial use; (c) within 3,000 feet of an airport or military base; or (d) within 15,000 feet of the boundary of certain military facilities;

6. a person adversely affected or aggrieved, certain Texas nonprofit organizations, and housing organizations may bring an action against a city for declaratory or injunctive relief relating to a violation of Numbers 3 and 4, above;

7. for an action brought under Number 6, above: (a) a claimant who prevails in the action is entitled to recover injunctive relief and court costs and reasonable attorney's fees; and (b) the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.

(Effective September 1, 2025.)

S.B. 2835 (Johnson/Talarico) – Single-Stairway Regulations: provides that a city may allow apartment buildings to be served by a single stairway regardless of the city's adoption of the International Building Code if the building meets certain conditions, including having: (1) no more than six stories above grade and which is not a high-rise; (2) no more than four dwelling units on any floor; (3) automatic sprinkler locations in interior exit stairways; (4) an exterior stairway or an interior exit stairway is provided with doors in a certain configuration; (5) limited openings to the interior exit stairway enclosure; (6) interior exit stairway enclosures with: (a) a fire-resistance rating of not less than two hours; and (b) no elevator opening; (7) a minimum one hour fire-resistance rated corridors in certain areas; (8) no more than 20 feet of travel distance between the exit stairway from the door of any dwelling unit; (9) exit access travel that does not exceed 125 feet; (10) an exit serving certain units that does not discharge through any other occupancy, including an accessory parking garage; (11) an exit that does not terminate in an egress court where the court depth exceeds the court width; (12) no openings within ten feet of openings into the stairway other than required exit doors having an one-hour fire-resistance rating; (13) emergency escape and rescue openings on all floors served by the single exit; (14) no electrical receptacles in an interior exit stairway; and (15) an automatic smoke and fire detection system that activates the occupant notification system in: (a) common spaces outside of dwelling units; (b) laundry rooms, mechanical equipment rooms, and storage rooms; (c) all interior corridors serving dwelling units; and (d) all main floor landings or interior and exterior exit stairways. (Effective September 1, 2025.)

S.B. 2965 (Creighton/C. Bell) – Removal of Territory from Emergency Services District Following Annexation: among other things, provides that: (1) if a city annexes territory located in an emergency services district, intends to remove the territory from the district, and is capable of being the sole provider of emergency services to the territory, the city shall send written notice of those facts, and the completed service plan, if applicable, to the district's board not later than the 30th day after completing the annexation; (2) the territory remains part of the district and does not become part of the city until the secretary of the board receives the notice and the district's board of directors disannexes the territory from the district; (3) if the board determines that the city services planned to be provided in the territory will meet or exceed the level provided by the district in the territory at the time of disannexation, the board shall disannex the territory; (4) if the board determines that the city services planned to be provided in the territory will not meet or exceed the level provided by the district, the board: (a) shall adopt that determination by resolution; (b) must send a copy of the resolution to the city not later than the 30th day after the date of adoption; and (c) may not disannex the territory; (5) a district is considered to have approved a disannexation if the board fails to provide a resolution disapproving the disannexation before the 30th day after the date the board receives the notice from (1), above; (6) if the city disagrees with the board's determination that the city's services will not meet or exceed the level of service provided by the district, the city may adopt a resolution stating the grounds for the disagreement and requesting

arbitration; (7) if the city adopts a resolution under (6), above, the city and the district shall resolve the dispute using binding arbitration; and (8) the request for binding arbitration must be in writing and may not be made before the 60th day after the date the city receives, as applicable: (a) a resolution from the district under (4), above; or (b) notice from the district regarding the amount of compensation required following the annexation. (Effective September 1, 2025.)

Public Safety and Emergency Management

H.B. 33 (McLaughlin/Flores) – Uvalde Strong Act: provides, among other things, that:

1. no later than December 1, 2025, the Advanced Law Enforcement Rapid Response Training Center at Texas State University – San Marcos shall create a template for use by a local law enforcement agency or emergency medical services provider in evaluating and reporting on the agency's or provider's response to an active shooter incident at a primary or secondary school facility;

2. the center may collaborate with the Texas Division of Emergency Management (TDEM), the Department of Public Safety (DPS), the Sheriff's Association of Texas, or the Texas Police Chiefs Association to develop the template;

3. the template must include: (a) prompts for reporting on the following items: (i) a brief description and outcome of the active shooter incident; (ii) a statement of personnel and equipment deployed during the incident; (iii) a cost analysis, including salaries, equipment, and incidentals; (iv) a copy of appropriate incident logs and reports; (v) any maps, forms, or related documentation used in responding to or evaluating the agency's or provider's response to the incident; (vi) a summary of any deaths or injuries that occurred as a result of the incident; (v) any information relating to the status of criminal investigations and subsequent prosecutions arising out of the incident; (vi) a final evaluation including conclusions relating to the agency's or provider's response to the incident; (vii) problems encountered during the response regarding personnel, equipment, resources, or multiagency response; (viii) suggestions for revising policy, such as improving training and equipment; and (ix) any additional considerations that would improve the agency's or provider's response to active shooter incidents at primary or secondary school facilities in the future; and (b) any other content the center considers appropriate;

4. the center shall develop a training program for peace officers and emergency medical services personnel for responding to active shooter incidents at primary and secondary school facilities;

5. in developing the training program, the center: (a) shall incorporate the findings of at least one final report submitted in Number 3, above, regarding a local law enforcement agency's or EMS's response to an active shooter incident at a primary or secondary school facility; and (b) may collaborate with TDEM, the Texas Commission on Law Enforcement (TCOLE), DPS, or the Department of State Health Services (DSHS);

6. each city police department shall employ or appoint a public information officer who must obtain certification in emergency communications from TDEM, and complete continuing education on emergency communications;

7. the chief administrative officer of an agency may be appointed or employed as a public information officer;

8. TDEM in coordination with the Emergency Management Council shall: (a) develop a guide in collaboration with DPS on preparing for and responding to an active shooter incident at a primary or secondary school facility for civic, volunteer, and community organizations; (b) post the guide on its website for public use and must provide a comprehensive approach to preparing for and responding to active shooter incidents at primary and secondary school facilities;

9. each local law enforcement agency and emergency medical services provider that responds to an active shooter event by providing law enforcement services or emergency medical services, or both, shall: (a) not later than the 45th day after the date of the event, initiate an evaluation of the agency's or provider's response to the event and submit a preliminary report to TDEM, DPS, and the center regarding, at minimum, the items required in the template created under Number 1, above; and (b) not later than the 90th day after the date of the event, or as soon as practicable thereafter, finalize and submit the report to TDEM, DPS, and the center;

10. a local law enforcement agency or emergency medical services provider that complies with Number 9, above, regarding an active shooter event is not required to conduct a post disaster evaluation or report;

11. information obtained or created by TDEM or DPS in carrying out their obligations are confidential and are not subject to disclosure under the Public Information Act, and any meetings between a law enforcement agency or emergency medical services provider and TDEM or DPS are not subject to open meetings requirements under the Open Meetings Act;

12. TDEM by rule shall require the peace officers of each local law enforcement agency to complete a training program for responding to active shooter incidents at primary and secondary school facilities developed by the center;

13. TDEM by rule shall require emergency medical services personnel of each emergency medical services provider developed by TDEM that involves reviewing at least one final evaluation and report required by Number 9, above;

14. a public information officer in Number 6, above, shall: (a) obtain certification from TDEM in emergency communications not later than the first anniversary of the date the public information officer was hired or appointed; and (b) complete a continuing education program on emergency communications approved by TDEM once during each 12-month period beginning on the date the public information officer obtained certification;

15. TDEM shall establish minimum education and training requirements for initial certification and continuing education by designating courses approved by FEMA, and the minimum requirements must include courses on: (a) the National Incident Management System; (b) the Incident Command System; and (c) the basic skills and principles necessary to fulfill the role of a public information officer with respect to emergency communications;

16. each entity shall: (a) maintain records that demonstrate the compliance of each public information officer employed or appointed by that entity with the certification and continuing education requirements; and (b) submit to TDEM the compliance records required to be maintained;

17. to prepare for complex response to and investigations of emergencies that require mutual aid and support from more than one governmental entity, DPS shall consult with the sheriff of each county in which a primary or secondary school facility is located to determine which governmental entities that employ a first responder are reasonably likely, in the sheriff's opinion, to respond to an active shooter incident at one of those facilities;

18. DPS, each sheriff, and each governmental entity identified by the sheriff shall collectively participate in: (a) multiagency tabletop exercises at least once each odd-numbered year; and (b) an in-person drill at least once each even-numbered year;

19. DPS and each governmental entity identified by a sheriff shall collectively enter into a mutual aid agreement not later than January 1, 2026, that establishes the procedures for the provision of resources, personnel, facilities, equipment, and supplies in responses to critical incidents in a vertically integrated fashion;

20. in establishing the procedures, DPS and local law enforcement agencies shall: (a) give priority to establishing the interoperability of communications equipment among the parties to the agreement; (b) establish procedures for interagency coordination in activities arising from critical incidents, including evidence collection; (c) set jurisdictional boundaries; and (d) determine the capabilities, process, and expectations among the parties to the agreement;

21. each council of governments shall develop a mental health resources plan to address the mental health needs of first responders following a critical incident and provide the plan to each local emergency management director in the state;

22. DPS and each local law enforcement agency located wholly or partly within the geographic boundaries of a council of governments shall collectively enter into a mutual aid agreement that establishes the procedures for the provision of resources, personnel, facilities, equipment, and supplies in responses to critical incidents in a vertically integrated fashion;

23. a political subdivision that elects, appoints, or employs first responders shall develop a resilient emergency management system to coordinate the political subdivision's response to an emergency, and the system must provide for the establishment of: (a) a shared

emergency response plan across each department or agency of the political subdivision with a first responder; and (b) a multi-department and agency coordination group to support resource prioritization and allocation for the political subdivision during an emergency;

24. the governing body of a political subdivision by official action must approve the resilient emergency management system for the political subdivision;

25. each political subdivision and interjurisdictional agency with an operations plan for emergency response shall adopt and implement measures for the prompt recovery of services provided by the political subdivision or agency after an active shooter emergency;

26. a law enforcement agency shall make available for use by the agency's peace officers sufficient tactical equipment to allow the peace officers to effectively respond to a critical incident and may satisfy this requirement by providing tactical equipment to equip the greater of: (a) at least 20 percent of the agency's peace officers; or (b) five of the agency's peace officers;

27. a law enforcement agency may enter into a mutual aid agreement with a law enforcement agency with overlapping or adjacent jurisdiction to share tactical equipment during a critical incident in the quantity that allows the agency to meet the equipment requirement;

28. each council of governments shall develop a mental health resources plan to address the mental health needs of a first responder following a critical incident that occurs within the territory of the council;

29. a plan: (a) must identify and provide for Education and training to a first responder prior to a critical incident on topics including the potential psychological impact that being involved in an accident may have on the first responder and resources available to the first responder to address the psychological impact of an incident, including mental health counseling, peer support programs, and stress management practices or a list of recommended providers located within the territory of the council of governments who can provide the education and training; (b) may recommend that an employer of a first responder create a process to conduct a critical incident stress debriefing following an incident and create a peer support program to support the first responder following an incident; and (c) may include any other recommendation the council of governments considers appropriate to address the mental health needs of a first responder following a critical incident;

30. each political subdivision that receives a plan shall implement the plan and share the plan with each council of governments that has jurisdiction over the political subdivision to ensure regional plan integration and awareness;

31. TCOLE, with input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency including: (a) the physical resources available to officers, including access to at least one breaching tool and one ballistic shield;

and (b) the policies of the agency including policies on active shooters, including a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted;

32. a law enforcement agency may enter into a mutual aid agreement with a law enforcement agency with overlapping or adjacent jurisdiction to share protective equipment during a critical incident to meet the requirements related to the physical resources available to officers;

33. as part of the minimum curriculum requirements, TCOLE shall require a peace officer to complete, as part of the minimum curriculum requirements, the following emergency response management training courses, or a substantially similar successor course as determined by TCOLE, in collaboration with TDEM: (a) Introduction to Incident Command System; and (b) National Incident Management, An Introduction; and

34. TCOLE shall require a peace officer whose duties involve the supervision of officers in an incident response to complete, as part of the continuing education programs, an advanced incident response and command course, in collaboration with TDEM as determined by TCOLE rule.

(Effective September 1, 2025.)

H.B. 75 (Smithee/Alders) – Bail Determinations: provides that not later than 24 hours after the time a magistrate determines that no probable cause exists to believe that a person committed the offense for which the person was arrested, the magistrate shall enter in the record written findings to support that finding. (Effective September 1, 2025.)

H.B. 121 (King/Nichols) – School Safety Measures: provides, among other things, that: (a) a fire marshal or any officer, inspector, or investigator of a city who holds a permanent peace officer license is added to the definition of a peace officer under state law; and (b) the sheriff of a county with a total population of less than 350,000 in which a school district or open-enrollment charter school is located shall call and conduct a school safety meeting at least twice each calendar year, not less than three months apart, with certain school district employees and law enforcement personnel, including the police chief of a city police department in the county or the police chief's designee. (Effective immediately.)

H.B. 163 (Cortez/Blanco) – Epinephrine Delivery Systems: provides that an entity in this state, including a governmental entity, may adopt a policy regarding the maintenance, administration, and disposal of epinephrine delivery systems. (Effective September 1, 2025.)

H.B. 742 (Thompson/Parker) – Human Trafficking Training: provides, among other things, that: (1) a first responder, within the time prescribed by the Health and Human Services Commission (HHSC) rule, shall successfully complete a training course approved by the executive commissioner on identifying, assisting, and reporting victims of human trafficking; and (2) the HHSC executive commissioner shall approve training courses on human trafficking prevention,

including at least one course available without charge, and post a list of the approved training courses on HHSC's Internet website. (Effective September 1, 2025.)

H.B. 908 (Spiller/Zaffirini) – Missing Child: requires a law enforcement agency to: (1) immediately, but not later than two hours after the agency receives the report of a missing child, enter applicable information into the National Center for Missing and Exploited Children (NCMEC) system, among others; and (2) inform the person who filed the report that the information in (1), above, will be entered into the NCMEC system, among others. (Effective September 1, 2025.)

H.B. 1024 (Shaheen/Hagenbuch) – Warrants: requires a law enforcement agency to execute, as soon as practicable, a warrant that is directed to the agency and issued for the return of a releasee in the super-intensive supervision program based on a violation of a condition of parole or mandatory release supervision related to the electronic monitoring of the releasee. (Effective September 1, 2025.)

H.B. 1105 (Cole/Eckhardt) – Paramedics Tuition Exemption: provides, among other things, that an institution of higher education shall exempt from the payment of tuition and laboratory fees any student who is enrolled in one or more courses offered as part of an emergency medical services curriculum and is employed as a paramedic by a city. (Effective September 1, 2025.)

H.B. 1261 (Cunningham/Flores) – Disposition of Abandoned or Unclaimed Personal Property: provides, among other things, that: (1) for purposes of any unclaimed or abandoned personal property, a person designated by the city to dispose of the property may, instead of sending a notice to the last known address of the owner of the property by certified mail, place a one-time notice on the internet website and social networking website of the law enforcement agency that seized the property; and (2) the notice described in (1), above, shall state that if the owner does not claim the property before the 90th day after the date of the notice, the property shall be disposed of, and the proceeds placed in the city treasury. (Effective September 1, 2025.)

H.B. 1593 (Campos/Middleton) – Firefighter Suicide Prevention Study: provides, among other things, that: (1) Texas Commission on Fire Protection (TCFP) shall establish an advisory committee to study the need to implement suicide prevention and peer support programs in fire departments in this state; and (2) not later than September 1, 2026, the advisory committee shall prepare and submit a report to the governor and the legislature which must: (a) provide an overview of suicide prevention and peer support groups in fire departments; (b) address possible licensing requirements and any confidentiality concerns; and (c) provide recommendations on: (i) the need for legislation to implement suicide and peer support groups in fire departments; (ii) whether to encourage local governments to develop local suicide prevention and peer support groups in fire departments; and (iii) specific programs to be implemented in this state. (Effective September 1, 2025.)

H.B. 1639 (Patterson/Alvarado) – Female Firefighter Cancer Study: directs the Texas Department of State Health Services, in collaboration with the Texas Commission on Fire Protection, to: (1) conduct a study on the increased incidence of cancer in female firefighters, focusing on cancers specific to women, including ovarian and breast cancer; and (2) prepare and

submit a report regarding (1), above, to the legislature not later than September 1, 2026. (Effective September 1, 2025.)

H.B. 1871 (Dyson/Schwertner) – Attempted Capital Murder of a Peace Officer: provides, among other things, that the offense of attempted capital murder of a peace officer is a felony of the first degree, punishable by imprisonment for life or for any term of not more than 99 years or less than 25 years, and that an inmate under a sentence for such offense is not eligible for release on parole. (Effective September 1, 2025.)

H.B. 2128 (Spiller/Hagenbuch) – Rural Firefighting Study: requires that: (1) the Texas A&M Engineering Extension Service conduct a study of rural firefighting and technical rescue service capabilities and compare those capabilities with those of urban cities; (2) the study consider disparities in: (a) available funding for personnel and equipment; (b) the number of qualified candidates to fill new or vacant firefighting and rescue personnel positions; (c) opportunities for affordable training for firefighting and rescue personnel; and (d) any other factor. (Effective immediately.)

H.B. 2217 (Wharton/Hagenbuch) – Bullet-Resistant Vehicle Components Grant: provides, among other things, that: (1) the governor's Criminal Justice Division shall establish and administer a grant program to provide financial assistance to a law enforcement agency to purchase and install motor vehicles used by peace officers of the law enforcement agency in discharging the officers' official duties with bullet-resistant windshields, side windows, rear windows, and door panels; and (2) a law enforcement agency receiving a grant must, as soon as practicable after spending the grant money, provide to the criminal justice division proof of purchase and installation, as applicable, of bullet-resistant windshields, side windows, rear windows, or door panels. (Effective September 1, 2025.)

H.B. 2282 (J. Lopez/Perry) – Warrant Reimbursements: increases the reimbursement fee that a defendant convicted of a felony or a misdemeanor must pay to defray the costs of a peace officer for executing or processing an issued arrest warrant, capias, or capias pro fine, with the fee imposed for the services of the law enforcement agency that processed or executed the warrant. (Effective September 1, 2025.)

H.B. 3000 (King/Perry) – Ambulance Service Providers Grant: provides, among other things, that: (1) the comptroller shall establish and administer the rural ambulance service grant program to support the state purpose of ensuring adequate ground ambulance services by providing financial assistance to qualified rural ambulance service providers in qualified counties; (2) not later than the 30th day after the first day of a qualified county's fiscal year, the county, on behalf of a qualified rural ambulance service provider, may submit a grant application to the comptroller; (3) a county may only submit one application each fiscal year; (4) if a county is awarded a grant under the program, the provider is ineligible to receive additional grant funds under the program from another qualified county in the same fiscal year; (5) a qualified county awarded a grant may use or authorize the use of the grant money only to purchase ambulances, including necessary accessories and modifications, as provided by comptroller rule; and (6) a qualified county awarded a grant may not reduce the budget of the qualified rural ambulance service provider for the county's next fiscal year following the fiscal year of the grant award. (Effective September 1, 2025.)

H.B. 3053 (Virdell/Hall) – **Local Gun Buyback Programs**: prohibits a city or county from adopting or enforcing an ordinance, order, or other measure in which the city or county organizes, sponsors, or participates in a program that purchases or offers to purchase firearms with the intent to remove firearms from circulation, reduce the number of firearms owned by civilians, or allow individuals to sell firearms without fear of criminal prosecution. (Effective September 1, 2025.)

H.B. 3425 (Capriglione/Zaffirini) – Criminal Offense: among other things, provides that a person commits an offense if the person discloses through an electronic communication the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household: (1) with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant; or (2) with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household. (Effective September 1, 2025.)

H.B. 3595 (Barry/Perry) – **Assisted Living Facilities**: among other things: (1) provides that an assisted living facility must adopt and implement an emergency preparedness and contingency operations plan that requires that the facility provide: (a) each resident a climate-controlled area of refuge with at least 15 square feet per resident; (b) that the area of refuge maintain a temperature between 68 and 82 degrees Fahrenheit; and (c) notice to the Texas Department of Health and Human Services (HHS) of any unplanned electricity interruption or outage for more than 12 hours, in the event of an emergency; (2) provides that an assisted living facility's emergency preparedness and contingency operations plan must include information about building equipment, including the location of any on-site generator equipment or backup power sources and residents, including residents who are medically-dependent on electrically powered equipment; and (3) directs HHS to establish construction and licensure standards for assisted living facilities constructed after September 1, 2026, including standards the integration of backup power systems or a connection point for a backup power system and the evacuation of residents in emergencies to other buildings on the same premises with a backup power system or a connection point for a backup power system or portable backup power system. (Effective September 1, 2025.)

H.B. 3732 (A. Martinez/Alvarado) – Fire Department Standards: provides that: (1) a fire department may request an extension from the Texas Commission on Fire Protection (TCFP) to comply with minimum standards related to protective clothing, self-contained breathing apparatuses, personal alert safety systems, incident management systems, personnel accountability systems, and fire protection personnel operating procedures; (2) TCFP shall grant a request for an extension if the fire department provides evidence TCFP finds sufficient to justify the extension; (3) TCFP must adopt rules necessary to implement (2), above; and (4) this extension authority expires on September 1, 2027. (Effective immediately.)

H.B. 4765 (Phelan/Zaffirini) – **Code Enforcement Officers**: among other things, provides that: (1) a city may only engage in code enforcement without employing an individual registered as a code enforcement official if the individual engaging in code enforcement is exempt from state registration requirements; and (2) that an individual is not required to be registered as a code enforcement officer if the individual is required to be licensed or is registered under another state

law and engages in code enforcement under that license or registration. (Effective September 1, 2025.)

H.B. 4264 (Hefner/J. Hinojosa) – Peace Officer Grant Program: provides that: (1) the governor's Criminal Justice Division may establish a grant program for the public purpose of fostering the professional development of peace officers employed in this state; (2) to be eligible for a grant, a person must: (a) hold a master proficiency certificate issued by the Texas Commission on Law Enforcement (TCOLE); (b) be employed on a full-time basis as a peace officer by a law enforcement agency; and (c) meet any other eligibility criteria established by the criminal justice division; (3) only the following persons may apply for a grant: (a) a law enforcement agency on behalf of an employee of the agency who meets the eligibility criteria for a grant; or (b) a person who meets the eligibility criteria for a grant with the consent of the person's employing law enforcement agency; (4) the criminal justice division may award a grant only to a law enforcement agency, and the law enforcement agency may use the money only to increase the compensation of the employee who applied for the grant or for whom the agency applied for the grant; (5) if the grant program is established, the criminal justice division shall establish procedures for: (a) processing grant applications in addition to any other application procedures; (b) evaluating grant applications; and (c) monitoring the use of a grant awarded under the program and ensuring compliance with any condition of a grant; (6) the criminal justice division shall award grants in an amount equal to $6,500 for each award; and (7) a grant may not be awarded to the same person more than one time. (Effective September 1, 2025.)

H.B. 4464 (M. González/Schwertner) – Emergency Management Workers' Compensation: provides, among other things, that: (1) service with Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team by a local government employee member who is activated is considered to be in the course and scope of the employee's regular employment with the political subdivision; (2) the average weekly wage computation for members of state military forces does not apply to Texas Task Force 1 members, intrastate fire mutual aid system team members, and regional incident management team members; and (3) for purposes of workers' compensation coverage, service with Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team, as applicable, by an employee is: (a) considered to be in the course and scope of the employee's regular employment; and (b) included in workers' compensation coverage provided for employees of political subdivisions as opposed to coverage as a state employee. (Effective September 1, 2025.)

H.B. 5238 (R. Lopez/J. Hinojosa) – Disrupting a Meeting: creates a criminal offense for obstructing or interfering with a public meeting, procession, or gathering by electronic disturbance, including hacking, of any virtual component of the meeting, procession, or gathering. (Effective September 1, 2025.)

H.B. 5424 (Bonnen/Middleton) – Volunteer Firefighter Compensation: provides that a fire department may not, in a calendar year, compensate, reimburse, or provide benefits to an individual designated as a volunteer or auxiliary firefighter that exceeds 20 percent of the highest total compensation paid to full-time fire protection personnel by a local government: (1) in the county in which the department is located; or (2) if the county does not have a local government that pays

compensation to full-time fire protection personnel, in adjacent county to the county in which the department is located. (Effective September 1, 2026.)

H.B. 5509 (Bumgarner/Paxton) – Human Trafficking: provides that: (1) the governing body of a city may suspend or revoke a certificate of occupancy for a hotel located in the city if: (a) a law enforcement agency provides an affidavit of probable cause swearing that criminal human trafficking activity is occurring in the hotel; (b) a court with criminal jurisdiction in the county in which the hotel is located issues an order stating the court's finding of probable cause that human trafficking activity is occurring at the hotel; and (c) the city follows the procedures in (2), below, before suspending or revoking the certificate of occupancy; (2) a city that seeks to suspend or revoke a certificate of occupancy for a hotel shall follow procedures that are consistent with the suspension or revocation of a certificate of occupancy for any other type of business or use of land within the city; and (3) the authority in (1), above: (a) does not limit a hotel owner's or operator's right to a public hearing and to present evidence at a proceeding regarding the suspension or revocation of a certificate of occupancy; and (b) may not be construed to create a private cause of action. (Effective September 1, 2025.)

VETOED S.B. 3 (Perry/King) – Consumable Hemp: among other things, creates criminal offenses for the: (1) manufacture, delivery, or possession with intent to deliver certain consumable hemp products; (2) possession of certain consumable hemp products; (3) sale or distribution of certain consumable hemp products to persons younger than 21 years of age; (4) manufacture, distribution, or sale of consumable hemp products for smoking; (5) sale or delivery of certain consumable hemp products near a school; and (6) the provision of certain consumable hemp product by courier, delivery, or mail service. (Effective September 1, 2025.)

S.B. 9 (Huffman/Smithee) – Bail Determinations: provides, among other things, that:

1. as soon as practicable but not later than the tenth business day after the date a defendant enters a pretrial intervention program, the attorney representing the state, or the attorney's designee who is responsible for monitoring the defendant's compliance with the conditions of the program, shall enter information relating to the conditions of the program into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety (DPS) or modify or remove information, as appropriate;

2. the public safety report system must provide, in summary form, the criminal history of the defendant, including information regarding: (a) whether the defendant is currently on community supervision, parole, or mandatory supervision for an offense; (b) whether the defendant is currently released on bail or participating in a pretrial intervention program and any conditions of that release or participation; (c) outstanding warrants for the defendant's arrest that have been entered into the National Crime Information Center database or the Texas Crime Information System, including a warrant issued; and (d) any current protective orders for which the defendant is subject;

3. the public safety report system must be configured to allow a county or city to integrate the jail records management system and case management systems used by the county with the public safety report system;

4. the Office of Court Administration may provide grants to reimburse counties and cities for costs related to integrating their systems but is not required to provide a grant unless the office is appropriated money for that purpose;

5. a magistrate may order, prepare, or consider a public safety report in setting bail for a defendant who is not in custody at the time the report is ordered, prepared, or considered;

6. if a defendant is taken before a magistrate for committing an offense punishable as a felony while released on bail for another offense punishable as a felony, the court before which the case for the previous offense is pending shall consider whether to revoke or modify the terms of the previous bond or to otherwise reevaluate the previous bail decision;

7. a magistrate may not release on bail a defendant who: (a) is charged with committing an offense punishable as a felony if the defendant: (i) was released on bail, parole, or community supervision for an offense punishable as a felony at the time of the instant offense; (ii) has previously been finally convicted of two or more offenses punishable as a felony and for which the defendant was imprisoned in the Texas Department of Criminal Justice; or (iii) is subject to an immigration detainer issued by United States Immigration and Customs Enforcement; or (b) is charged with committing certain violent offenses;

8. an order granting bail signed by a magistrate must include the names of each individual who appointed the magistrate and state that the magistrate was appointed by those individuals; (8) certain magistrates, including mayors and municipal court judges, may not modify the amount or conditions of bond set by the judge of a district court, including the judge of a district court in another county; and

9. the state is entitled to appeal an order of a court in a criminal case if the order grants bail, in an amount considered insufficient by the prosecuting attorney, to a defendant who is charged with certain violent crimes or an offense punishable as a felony and has previously been granted bail for a pending offense punishable as a felony.

(The provisions described in Numbers 1, 3-5, and 7, above, are effective January 1, 2026; the provisions described in Numbers 2 and 6, above, are effective April 1, 2026; and the remaining provisions are effective on September 1, 2025.)

S.B. 34 (Sparks/King) – Wildfires: provides, among other things, that: (1) the Texas A&M Forest Service and West Texas A&M University shall jointly conduct a study to determine the status and condition of fuel loading in wildfire risk zones in this state and the corresponding risk of wildfire to the residents, homes, businesses, and ecology of this state; (2) the Texas A&M Forest Service shall create and maintain a comprehensive database that shows in real time the statewide inventory of firefighting equipment available for use in responding to wildfires; (3) the database must: (a) include a description of the type of firefighting equipment each fire department in this state has available for use in responding to wildfires; (b) include contact information for the fire department with the equipment; (c) be searchable by location and equipment type; and (d) be accessible by all fire departments in this state and allow each fire department to update the database information

regarding the fire department's available equipment; and (4) at least ten percent of appropriations for a state fiscal year from the fund for the purpose of providing assistance to volunteer fire departments under the program is allocated for volunteer fire departments located in areas of this state the service determines are at high risk for large wildfires. (Effective September 1, 2025.)

S.B. 36 (Parker/Hefner) – Homeland Security Division: this bill, among other things:

1. establishes the Homeland Security Division (HSD) in the Texas Department of Public Safety (DPS) to lead multi-agency, multi-jurisdictional, and public-private efforts to enhance law enforcement initiatives and operations in support of homeland security objectives in this state;

2. requires HSD, in collaboration with any other person who by law performs similar duties, to: (a) provide the strategic and operational planning for state border security operations for the state; and (b) support the border security operations of this state by coordinating the law enforcement efforts of federal and state agencies, local governments, and private organizations and by ensuring clarity and alignment on the law enforcement priorities and responsibilities of each stakeholder;

3. requires HSD to coordinate the collection, dissemination, and analysis of intelligence for this state's border security operations and operate intelligence centers dedicated to this purpose;

4. requires HSD to establish policies and procedures relating to the collection and management of intelligence, including establishing intelligence collection priorities and assignment management responsibilities for state agencies, local governments, and private organizations participating in border security operations;

5. requires HSD, in collaboration with any other person who by law performs similar duties, to: (a) regularly develop a comprehensive state homeland security strategic plan; (b) plan and facilitate homeland security exercises in coordination with the Texas Division of Emergency Management (TDEM) and other state agencies, federal agencies, local governments, and any participating private organizations; (c) develop operational and tactical plans for significant law enforcement agencies or contingencies, including assisting each department region with developing plans specific to the needs of that region; (d) conduct assessments of the risks and hazards posed to this state by criminal actors and organizations and the capabilities of state and local stakeholders to respond to the occurrence of those risks and hazards, including by coordinating the annual completion of the following federal assessments: (i) the Threat and Hazard Identification and Risk Assessment; and (ii) the Stakeholder Preparedness Review; (e) establish programs for regular outreach to and information sharing among public and private organizations regarding threats by criminal actors and organizations, including: (i) coordinating the Bomb-Making Materials Awareness Program and similar programs; and (ii) ensuring private industry organizations are aware of criminal threats to critical infrastructure and best practices and resources available to protect and respond to threats to critical

infrastructure; and (f) assist state agencies and local governments in complying with restrictions under federal law on commerce with certain prohibited or restricted entities;

6. requires HSD to coordinate multi-agency, multi-jurisdictional, and public-private efforts to protect critical infrastructure in the state from criminal actors and organizations, specifically prioritizing the protection of critical energy, communications, transportation systems, and water and wastewater systems;

7. requires HSD to conduct exercises to enhance public-private coordination in protecting critical infrastructure of this state from criminal actors and organizations;

8. permits HSD to establish and appoint members to one or more work groups composed of representatives from state and federal agencies, local governments, and private organizations, to: (a) study any issue related to HSD's duties or the law enforcement initiatives or operations of this state; and (b) advise or produce written reports on an issue studied;

9. requires HSD, in collaboration with any person who by law performs similar duties, to establish or operate work groups to study methods or technologies to enhance border security operations and the security of the critical infrastructure of this state, including any task force established to survey the vulnerabilities of state government, local governments, and critical infrastructure;

10. requires HSD, upon request, to provide subject matter expertise and counsel to state agencies and local governments regarding the state's border security operations and critical infrastructure protection or resilience initiatives, including related grant programs, legislation, risk management assessment, and other related initiatives;

11. requires HSD to maintain a publicly accessibly Internet website and publish assessments and other HSD reports that are not confidential and not excepted from disclosure under the Public Information Act (PIA); and

12. provides that if in performing any duty or exercising any authority, HSD or a workgroup or task force of HSD is provided information by a private organization that the private organization considers highly sensitive, proprietary, or otherwise confidential and the private organization notifies in writing of that fact: (a) the information is not public information and is excepted from the requirements under the PIA; and (b) HSD or the applicable work group or task force shall secure the information in the same manner as the private organization secures the information and may not further disclose the information without the consent of the private organization.

(Effective September 1, 2025.)

S.B. 40 (Huffman/Smithee) – Bail Bonds: provides that: (1) a political subdivision, including a city, is prohibited from spending public funds to pay a nonprofit organization that accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond;

(2) if a political subdivision engages in an activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to appropriate injunctive relief to prevent further prohibited activity and further payment of public funds related to that activity; and (3) a party who prevails in an action in (2), above, is entitled to recover the party's reasonable attorney's fees and costs. (Effective September 1, 2025.)

S.B. 305 (Perry/King) – **Unlawful Vehicle Passing**: creates a criminal offense for unlawfully passing a vehicle operated by: (1) an animal control officer or other individual for the purpose of removing an animal or animal carcass from a roadway and using certain prescribed visual signals; or (2) an employee of a local authority for the purpose of issuing a parking citation and using certain prescribed visual signals. (Effective September 1, 2025.)

S.B. 412 (Middleton/Patterson) – Harmful Materials Regulation: provides that: (1) it is an affirmative defense to prosecution for the sale, distribution, or display of harmful materials to a minor that at the time of the offense the actor was a judicial or law enforcement officer discharging the officer's official duties; (2) it is an affirmative defense to a prosecution for sexual performance by a child that at the time of the offense the actor was a judicial officer discharging the officer's official duties; and (3) the affirmative defense to prosecution for the sale, distribution, or display of harmful materials to a minor if the person had a scientific, educational, governmental, or other similar justification is repealed. (Effective September 1, 2025.)

S.B. 528 (Schwertner/Harris Davila) – **Restoring Competency**: among other things, requires each facility that contracts with the Texas Health and Human Services Commission to provide inpatient competency restoration services for an individual to stand trial to enter into a memorandum of understanding with the county and city in which the facility is located and each local mental health authority and local behavioral health authority that operates in the county or city to outline the respective powers and duties of the parties with respect to inpatient competency restoration services. (Effective September 1, 2025.)

S.B. 761 (J. Hinojosa/Thompson) – Crime Victims' Rights: provides, among other things, that:

1. before accepting a plea of guilty or a plea of nolo contendere, the court shall, as applicable in the case inquire as to whether the attorney representing the state has conferred with the victim guardian of a victim, or close relative of a deceased victim regarding the disposition of the case;

2. a victim, guardian of a victim, or a close relative of a deceased victim is entitled to, among other things, the right to be informed by the attorney representing the state of relevant court proceedings, including appellate proceedings, at least five business days before the date of each proceeding or otherwise as soon as reasonably practicable, and to be informed as soon as possible if those proceedings have been canceled or rescheduled before the event;

3. a victim, guardian of a victim, or close relative of a deceased victim may assert the rights either orally or in writing, individually or through an attorney;

4. an individual or entity, including a health care facility, that is required to offer a victim the opportunity to have an advocate from a sexual assault program be present with the victim during the forensic medical examination shall document: (a) whether the offer was extended to the victim; (b) whether the advocate was available at the time of the examination; and (c) if the offer was not extended to the victim, the reason the offer was not extended to the victim;

5. before conducting a law enforcement investigative interview with a victim reporting a sexual assault, other than a victim who is a minor, the peace officer or other individual conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program be present with the victim during the interview;

6. a crime victim has the right to have an attorney present during an investigative interview with the victim, but the attorney may not unreasonably delay or otherwise impede the interview process;

7. the attorney representing the state shall give to each victim of the offense a written notice containing, among other things: (a) a statement that the attorney representing the state does not represent the victim, guardian of the victim, or close relative of a deceased victim; and (b) the right of a victim, guardian of a victim, or close relative of a deceased victim to assert the rights granted to crime victims either orally or in writing, individually or through an attorney;

8. if requested by the victim, the attorney representing the state, at least five days before the date of the court proceeding or the filing of the continuance request or otherwise as soon as reasonably practicable, shall give the victim notice of any scheduled court proceedings and the filing of a request for continuance of trial setting; and

9. if requested by the victim, the attorney representing the state shall give the victim notice of any changes in scheduled court proceedings as soon as possible.

(Effective September 1, 2025.)

S.B. 767 (Sparks/Fairly) – Firefighting Equipment Database: requires: (1) the Texas A&M Forest Service (TFS) to create and maintain a comprehensive database that shows in real time the statewide inventory of firefighting equipment available for use in responding to wildfires; (2) the database to: (a) include a description of the type of firefighting equipment each fire department in the state has available for use in responding to wildfires; (b) include contact information for the fire department that has the equipment; (c) be searchable by location and equipment type; and (d) be accessible by all fire departments in the state and allow each fire department to update the information in the database regarding the equipment the fire department has available; (3) TFS to assist fire departments that provide equipment information to the database annually or as soon as practicable after any change in the availability of the department's firefighting equipment; and (4) TFS to use an electronic notification system to remind fire departments, at least once each calendar year, to update the availability of the department's firefighting equipment. (Effective September 1, 2025.)

S.B. 836 (Paxton/Hull) – Confidentiality of Sexual Offense-Related Material: provides, among other things, that: (1) a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide to the victim written notice containing information about the rights and procedures relating to confidentiality of identifying information and medical records, including procedures to request a pseudonym to be used instead of the person's name in all public files and records concerning the offense; (2) a victim who elects to use a pseudonym must complete a pseudonym form and return the form to the law enforcement agency investigating the offense or to the office of the attorney representing the state prosecuting the offense; (3) a law enforcement agency or an office of the attorney representing the state receiving a pseudonym form shall send a copy of the form to each other agency or office investigating or prosecuting the offense; and (4) a court is prohibited from allowing the electronic transmission or broadcasting of certain court proceedings in which evidence or testimony is offered that depicts or describes acts of a sexual nature unless the court provides notice to and receives express consent for the transmission or broadcasting from the victim or the parent, conservator, or guardian of the victim, as applicable, the attorney representing the state, and the defendant. (Effective September 1, 2025.)

S.B. 857 (Schwertner/Louderback) – **Removing Motor Vehicles**: allows a peace officer or a licensed inspector of the Texas Department of Public Safety to remove or require the operator or a person in charge of a vehicle to move the vehicle from a highway if the person is in violation of driving without a license, driving while their license is invalid, operating a motor vehicle without vehicle liability insurance, or a minor operating a motor vehicle without a license. (Effective September 1, 2025.)

S.B. 868 (Sparks/King) – Volunteer Fire Department Assistance Program: provides that: (1) at least ten percent of appropriations for a state fiscal year from the Volunteer Fire Department Assistance Program fund is allocated for the purposes of providing assistance to volunteer fire departments in areas of the state defined as high risk for large wildfires by the Texas A&M Forest Service; and (2) if the amount of the assistance requested in a state fiscal year by eligible departments is less than the amount allocated, the remaining amount may be used for other types of requests for assistance. (Effective September 1, 2025.)

S.B. 1120 (J. Hinojosa/Johnson) – Crime Victims' Rights: among other things: (1) adds to the definition of "victim" for purposes of crime victims' rights, a person who is a victim of: (a) the offense of family violence or stalking; or (b) an offense relating to a violation of a condition of bond set in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case, regardless of the relationship or association with the defendant; (2) provides additional rights to crime victims, including the right to be informed, on request, of: (a) the defendant's release on parole for the offense involving the victim, including the county in which the defendant is required to reside, and the nonconfidential conditions of the defendant's parole, including any condition prohibiting the defendant from going near the victim's home or work or requiring the defendant to complete a battering intervention and prevention program; (b) any offense in which the defendant is charged while released on parole for the offense involving the victim, if the department is aware of the offense; (c) the issuance of any warrant for the return of the defendant; and (d) any revocation of the defendant's parole for the offense involving the victim; (3) entitles an advocate

for a victim to obtain on behalf of the victim the information in (2), above; (4) provides additional rights to victims of certain offenses involving family violence, stalking, or a violation of protective orders or conditions of bond, including: (a) the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed, and the status of any analysis being performed on any evidence; (b) the right to be notified at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense; (c) the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding: (i) a decision not to file charges; (ii) the dismissal of charges; (iii) the use of a pretrial intervention program; or (iv) a plea bargain agreement; and (d) the right to be notified that the attorney representing the state does not represent the victim, guardian of a victim, or close relative of a deceased victim; and (5) requires a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under (4), above, to: (a) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense; (b) inform the attorney representing the state and the law enforcement agency of any change in the address or phone number; and (c) if the victim, guardian, or relative chooses to receive notifications by e-mail, provide an e-mail address and update any change in that e-mail address. (Effective September 1, 2025.)

S.B. 1164 (Zaffirini/Moody) – Emergency Detention: provides, among other things, that: (1) for purposes of an emergency detention, a peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer has reason to believe and does believe that: (a) the person is a person with mental illness and because of that mental illness: (i) there is a substantial risk of serious harm to that person or to others; (ii) the person evidences severe emotional distress and deterioration in the person's mental condition; or (iii) the person evidences an inability to recognize symptoms or appreciate the risks and benefits of treatment; (b) the person is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person; and (c) there is not sufficient time to obtain a warrant before taking the person into custody; (2) the notification of emergency detention form completed by a peace officer must also include, among other information: (a) the person's date of birth, race, gender, phone number, and address; (b) whether the person was physically restrained and, if so, the reason for the physical restraint; (c) where the call originated at; (d) if a person is a child 17 years of age or younger, whether notice was provided to the child's parents or guardians; and (e) additional observations and history of the person; and (3) a peace officer or emergency medical services provider who transports an apprehended person to a mental health facility: (a) is not required to remain at the facility while the apprehended person is medically screened or treated or while the person's insurance coverage is verified; and (b) may leave the facility immediately after the person is taken into custody by appropriate facility staff and the notification of emergency detention form is provided to the facility. (Effective September 1, 2025.)

S.B. 1177 (Alvarado/Leach) – Fire Safety Inspections: provides that: (1) a fire safety inspection of a public or private school, including an open-enrollment charter school, required by a state or local law, rule, regulation, or ordinance must include an examination of each automated external

defibrillator (AED) on the school campus to determine whether the AED is fully functional, which must include verifying that the AED's pads and battery have not expired and that the AED's status indicator light indicates that the device is ready for use; (2) a person who conducts a fire safety inspection must: (a) provide a written report of the inspection and any relevant paperwork pertaining to the findings of the inspection to: (i) the principal of the school and the superintendent of the applicable school district if the inspection is of a public school; or (ii) the director of the school if the inspection is of a private school; and (b) at the time the person provides the report, indicate on the report the method by which, and the time and date on which, the person provided the report to the appropriate person; (3) the report must be filed at the school campus to which the report relates and according to the year in which the inspection occurred; and (4) the minimum curriculum requirements established by the Texas Commission on Fire Protection must require training on conducting a fire safety inspection at a public or private school. (Effective September 1, 2025.)

S.B. 1271 (Hancock/Frank) – Military Installations: provides, among other things, that: (1) on written application of an authorized representative of the United States to the governor, the governor, in the name and on behalf of this state, may accept the establishment of concurrent jurisdiction of this state with the United States over land in this state owned or acquired by the United States for a military purpose; (2) on the establishment of concurrent jurisdiction over land, a state agency or political subdivision, including a city, may enter into a memorandum of understanding with any officer or agency of the United States for the purpose of coordinating and assigning duties with respect to the concurrent jurisdiction; and (3) a state agency, a political subdivision of this state, and any officer, employee, or agent of the state agency or political subdivision is not liable for acts or omissions occurring on land over which concurrent jurisdiction is established. (Effective immediately.)

S.B. 1349 (Hughes/J. Lopez) – Transnational Repression Training Program: provides, among other things, that: (1) a person commits an offense of transnational repression if: (a) the person commits or conspires to commit an offense including human trafficking, assault, aggravated assault, harassment, stalking, or compelled prostitution with the intent to: (i) cause another person to act on behalf of a foreign government or a foreign terrorist organization; (ii) cause another person to leave or be confined in the United States; (iii) discourage another person from engaging in protected conduct; or (iv) retaliate against another person for engaging in protected conduct; and (b) the person commits or conspires to commit that offense as an agent of a foreign government or foreign terrorist organization; (2) a person commits an offense of unauthorized enforcement of foreign law if, as an agent of a foreign government or foreign terrorist organization, the person, without the approval of this state or the United States: (a) prevents another person in this state from violating the laws of a foreign government; or (b) detects, investigates, monitors, or surveilles another person in this state for the purpose of preventing the other person from violating the laws of a foreign government; (3) the Department of Public Safety (DPS) shall develop a training program for peace officers regarding transnational repression not later than April 1, 2026; (4) the training program must: (a) prepare peace officers to: (i) identify transnational repression; (ii) develop practices for preventing, reporting, and responding to transnational repression; and (iii) recognize communities targeted by transnational repression and misinformation that may be perpetuated by an agent of a foreign government or foreign terrorist organization; and (b) include information about foreign governments and foreign terrorist organizations that are frequently

involved in transnational repression and the methods those governments and organizations use; and (5) DPS shall regularly update the training to address emerging threats and new transnational repression methods used by agents of a foreign government or foreign terrorist organization. (Effective September 1, 2025.)

S.B. 1362 (Hughes/Hefner) – Anti-Red Flag Act: provides, among other things, that: (1) the governing body of a city or an officer, employee, or other body that is part of a city may not adopt or enforce a rule, ordinance, order, policy, or other similar measure relating to an extreme risk protective order unless state law specifically authorizes the adoption and enforcement of such a rule, ordinance, order, policy, or measure; (2) a federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state that infringes on the person's right of due process, keeping and bearing arms, or free speech protected by the United States Constitution or the Texas Constitution is unenforceable as against the public policy of this state and shall have no effect; (3) cities may not accept federal grant funds for the implementation, service, or enforcement of a federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state; (4) any person who serves or enforces or attempts to serve or enforce an extreme risk protective order against a person in this state, unless the order was issued under the laws of this state, commits a state jail felony criminal offense; and (5) the Anti-Red Flag Act does not apply to a protective order issued under Texas laws or to a protective order issued under the laws of another state that is recognized or enforceable under Texas laws. (Effective September 1, 2025.)

S.B. 1376 (Hughes/VanDeaver) – Code Enforcement Officers: provides that a code enforcement officer in training may engage in code enforcement without supervision if the employer of the code enforcement officer does not also employ a registered code enforcement officer. (Effectively immediately.)

S.B. 1497 (Nichols/M. Perez) – Searching Wireless Devices: provides that a skimmer capable of unlawfully intercepting electronic communications or data to perpetrate fraud is not considered a wireless device for purposes of the prohibition against a peace officer searching a person's cellular telephone or other wireless communication device pursuant to a lawful arrest without obtaining a warrant. (Effective September 1, 2025.)

S.B. 1498 (Nichols/M. Perez) – Asset Forfeiture: among other things: (1) provides that an attorney for the state may file for a judgment in the amount of the proceeds for property that is a digital currency, non-fungible token, stablecoin, or wallet not connected to an exchange or network, in: (a) the county in which the proceeds were seized; (b) the county in which the law enforcement agency that initiated the seizure of property is located; or (c) Travis County; and (2) requires that, not later than 72 hours after a law enforcement officer seizes property subject to potential forfeiture that is a digital currency, non-fungible token, stablecoin, the law enforcement agency employing the office shall transfer the property to a wallet that is not connected to an exchange or network, and only accessibly by the law enforcement agency or the attorney representing the state. (Effective immediately.)

S.B. 1598 (Hagenbuch/Curry) – Collision Reports: provides, among other things, that: (1) for written reports of a collision made by a law enforcement officer or compiled by the Texas

Department of Transportation (TxDOT), the information is privileged and for the confidential use of TxDOT and the agency of the United States, this state, or a local government of this state that has use for the information for purposes of collision prevention or a criminal investigation conducted by a law enforcement agency; (2) in addition to the information required to be released in certain instances, the governmental entity may release a vehicle identification number and specific collision information relating to the vehicle to a peace officer who investigated the collision or a person acting on behalf of the law enforcement agency who is authorized by contract to obtain the information; and (3) TxDOT or the governmental entity when releasing information may not release personal information and shall withhold or redact certain information related to the persons involved in the collision. (Effective September 1, 2025.)

S.B. 1637 (King/Hefner) – Deadly Conduct: provides: (1) for an exception to the offense of deadly conduct for a peace officer if, at the time of the offense, the officer: (a) was engaged in the actual discharge of the officer's official duties; and (b) reasonably believed the discharge of the officer's firearm was justified; and (2) the recklessness and danger presumption that an actor who knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm was loaded does not apply to a peace officer engaged in the lawful discharge of the officer's official duties. (Effective September 1, 2025.)

S.B. 1646 (King/Hefner) – Sale of Copper and Brass: provides, among other things, that: (1) a city may not: (a) with respect to copper or brass material, restrict the purchase, acquisition, sale, transfer, or possession of the material by a metal recycling entity from certain persons and businesses or (b) alter or add to the recordkeeping requirements of metal recycling entities; (2) the prohibition in (1), above, does not affect: (a) the authority of a city to issue a license or permit or to inspect a record; and (b) a city ordinance in effect on March 1, 2025, to the extent the ordinance requires a metal recycling entity to submit records to a searchable online database that is used by law enforcement to identify and locate damaged or stolen property and any individuals who may be associated with the damaged or stolen property; (3) on request, a metal recycling entity shall permit a peace officer or a city representative that issues a license or permit to, during the entity's usual business hours: (a) enter the premises of the entity; and (b) inspect a record required to be maintained by the metal recycling entity; (4) the offense of criminal mischief is a felony of the third degree if the actor committed the offense by damaging or destroying a copper or brass component of a critical infrastructure facility, including a system that enables interoperable communications between emergency services personnel during an emergency or disaster, or of equipment appurtenant to the facility or on which the facility depends to properly function, and the damage or destruction causes, wholly or partly, the impairment or interruption of the facility or that equipment; (5) the punishment for an offense of theft is increased to the next higher category of offense if it is shown on the trial of the offense that: (a) the property stolen was copper or brass; and (b) the actor committed the offense by unlawfully appropriating the property from a critical infrastructure facility or from equipment or communication wires appurtenant to or connected to the facility or on which the facility depends to properly function, regardless of whether the equipment or communication wires are enclosed by a fence or other barrier; (6) a person commits an offense of unauthorized possession of certain copper or brass material if the person: (a) intentionally or knowingly possesses copper or brass material; and (b) is not a person who is authorized to possess the copper or brass material; and (7) the offense of engaging in organized criminal activity includes criminal mischief involving certain damage to copper or brass

components of a critical infrastructure facility and unauthorized possession of certain copper or brass material. (Effective immediately.)

S.B. 1660 (Huffman/Cook) – Toxicological Evidence: provides, among other things, that: (1) a crime laboratory that is in possession of toxicological evidence for an alleged intoxication offense shall annually: (a) notify the prosecutor's office in the county in which the alleged offense occurred that the laboratory is in possession of toxicological evidence for an alleged offense that occurred in the county; and (b) provide to the prosecutor's office the date on which the laboratory received the evidence; and (2) if a prosecutor's office does not provide a written denial of a request to destroy toxicological evidence before the 90th day after the date the request is made by hand delivery, certified mail, or e-mail to an address designated by the prosecutor's office, the entity or individual charged with storing the toxicological evidence may destroy the evidence if the retention period for that evidence has expired. (Effective September 1, 2025.)

S.B. 1886 (Sparks/Louderback) – Blood Search Warrant: provides that, notwithstanding any other law, a warrant to collect a blood specimen from a person suspected of committing an intoxication offense may be executed by any peace officer in any county adjacent to the county in which the warrant was issued. (Effective September 1, 2025.)

S.B. 1896 (Huffman/Cook) – Emergency Protection Orders: provides that: (1) a person making a complaint alleging a family violated-related offense or certain other offenses must include the information necessary for the issuance of a magistrate's order for emergency protection; (2) failure to include the information described in (1), above, does not affect the sufficiency of the complaint; (3) the person making the arrest or the having custody of a person arrested for family violence or certain other offenses, on presentation of the arrested person, must provide the magistrate with information regarding the arrested person that is necessary for or will aid the magistrate in issuing an order for emergency protection; and (4) failure to provide the magistrate with the information described in (3), above, does not negate the magistrate's authority or duty to issue an order for emergency protection. (Effective September 1, 2025.)

S.B. 1957 (Hagenbuch/Hickland) – Civilian Oversight Board: provides that a person is not eligible to serve on a civilian oversight board in a civil service city if the person has been convicted of or placed on deferred adjudication community supervision for a felony offense. (Effective September 1, 2025.)

S.B. 2001 (King/Craddick) – Peace Officers with Disabilities: provides, among other things, that: (1) a toll project discount program must include free or discounted use of the entity's toll project by an electronic toll collection customer whose account relates to a vehicle registered to a disabled peace officer; (2) a person who is disabled as a result of an injury suffered during the course and scope of the person's employment as a peace officer is entitled to register, for the person's own use, one vehicle without payment of any fee paid for or at the time of registration except the fee for the license plates if the motor vehicle is owned by the person and has a gross vehicle weight of 18,000 pounds or less or is a motor home; (3) the initial application for license plates must be accompanied by: (a) a written statement from a physician who is licensed to practice medicine in this state; (b) a written statement completed by the chief law enforcement officer of the law enforcement agency that employed the person, certifying that the person is disabled as a

result of an injury suffered during the course and scope of the person's employment as a peace officer; and (c) any other information required for an application; (4) the license plates in (2), above, must include: (a) the letters "DPO" on the plate if the plate is issued for a vehicle other than a motorcycle; and (b) the words "Disabled Police Officer" at the bottom of each license plate; (5) a person who receives license plates in (2), above may receive a disabled parking placard for each set of license plates; (6) if a vehicle displays special license plates issued in (2), above, and is being operated by or for the transportation of the person whom the plates were issued the vehicle: (a) may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities; and (b) is exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government; and (7) parking spaces or areas designated for the exclusive use of vehicles transporting persons with disabilities may be used by vehicles displaying license plates issued in (2), above. (Effective September 1, 2025.)

S.B. 2177 (Hagenbuch/Little) – Law Enforcement Grant: provides, among other things, that: (1) the governor's criminal justice division shall establish and administer a grant program through which a law enforcement agency may apply for a grant designed to improve clearance rates for violent and sexual offenses; (2) grant money awarded may be used to pay for: (a) hiring, training, and retaining personnel to: (i) investigate violent and sexual offenses; (ii) collect, process, and forensically test evidence; or (iii) analyze violent and sexual offenses, including temporal and geographical trends; (b) acquiring, upgrading, or replacing technology or equipment related to evidence collection, evidence processing, or forensic testing; and (c) upgrading record management systems to achieve compliance with the reporting requirements; (3) a law enforcement agency that receives a grant under the program annually shall report: (a) the clearance rate and the percentage of the clearance rate that is clearance by arrest and the percentage that is clearance by exception for: (i) violent offenses; (ii) sexual offenses; and (iii) offenses including indecency with a child, sexual assault, aggravated sexual assault, murder, capital murder, aggravated kidnapping, aggravated assault with a deadly weapon, or aggravated robbery; (b) the average duration between the date of the offense and the date of clearance; and (c) the percentage of the grant amount used for each authorized use; (4) the criminal justice division shall periodically evaluate the practices employed by grant recipients to identify policies and procedures that have successfully improved clearance rates for violent and sexual offenses; and (5) a governmental entity may not reduce the amount of funds provided to a law enforcement agency because the agency received a grant. (Effective immediately.)

S.B. 2180 (Hagenbuch/Isaac) – Polygraph Examinations: provides that: (1) the Texas Commission of Law Enforcement (TCOLE) by rule may establish minimum requirements for the training, testing, and certification of peace officers to conduct polygraph examinations for the purpose of: (a) a preemployment examination of a candidate applying for a position that requires a license; or (b) a criminal investigation; (2) TCOLE shall adopt rules prohibiting a peace officer from conducting a polygraph examination unless the officer: (a) completes a training course approved by TCOLE; and (b) passes an examination administered by TCOLE that is designed to test the officer's knowledge of investigative polygraphy; and (3) TCOLE shall issue a certification to conduct polygraph examinations to a peace officer who applies for the certification, completes the required training, and passes the required examination. (Effective September 1, 2025.)

S.B. 2284 (A. Hinojosa/J. Lopez) – **Regulating Archery Equipment**: among other things: (1) provides that city may not adopt or enforce regulations that relate to the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of archery equipment, commerce in archery equipment, and the discharge of a firearm or archery equipment at a sport shooting range; (2) requires archery equipment owners to obtain liability insurance coverage for certain damages involving the use of the archery equipment; and (3) provides that the restrictions described in (1) and (2), above do not affect a city's authority to regulate the discharge of archery equipment within city limits other than at a sport shooting range and the carrying of archery equipment at a public park, public meeting of a governmental body, political rally, meeting, or parade, or a nonfirearms-related school, college, or professional athletic event. (Effective September 1, 2025.)

S.B. 2371 (Nichols/M. Perez) – Skimmers: provides, among other things, that: (1) if a merchant discovers a skimmer in or on an electronic terminal or is notified of the presence of a skimmer, the merchant shall, in the manner prescribed by Financial Crimes Intelligence Center (FCIC) rule: (a) disable, or cause to be disabled, the electronic terminal on which the skimmer was discovered; (b) notify a law enforcement agency and FCIC that a skimmer has been detected; and (c) take appropriate measures to protect the electronic terminal from tampering until FCIC or the law enforcement agency arrives and the skimmer is removed; (2) FCIC shall cooperate with law enforcement agencies in conducting an investigation of the report; (3) if the skimmer is reported to be located on an electronic terminal, FCIC may inspect, in coordination with a law enforcement agency, the electronic terminal that is the subject of the report and any other electronic terminal located at the same place of business; (4) a merchant shall cooperate with FCIC or the law enforcement agency during an investigation of a skimmer discovered or reported at the merchant's place of business and allow the inspection and alteration of an electronic terminal at the place of business as necessary; (5) except as otherwise provided, information is confidential and not subject to disclosure under the Public Information Act (PIA), if the information is from a report received by FCIC or prepared or compiled by FCIC in connection with the report or an investigation; (6) information may be disclosed to: (a) an institution of higher education; (b) a law enforcement agency; (c) a payment card issuer, a financial institution that is not a payment card issuer, or a payment card network that may be impacted by the use of a skimmer on an electronic terminal; (d) another person if the disclosure of the information is authorized or required by other law or court order; (e) a trade association representing a financial institution; (f) a center contractor or other agent; or (g) the Texas Department of Banking; (7) a law enforcement agency or FCIC: (a) may disclose the public information if the law enforcement agency or the chief intelligence coordinator for FCIC determines the disclosure of the information furthers a law enforcement purpose; and (b) may not disclose to the public the identity of a person who submits a report of a suspected skimmer to FCIC; and (8) a person commits: (a) a Class C misdemeanor offense if the person refuses to allow an inspection of an electronic terminal at the merchant's place of business; (b) a Class B misdemeanor offense if the person negligently or recklessly disposes of a skimmer that was installed on an electronic terminal by another person; and (c) a felony of the third degree if knowing that an investigation is ongoing or that a criminal proceeding has been commenced and is pending, the person disposes of a skimmer installed on an electronic terminal by another person. (Effective immediately.)

S.B. 2514 (Hughes/Hefner) – Hostile Foreign Adversaries Unit: provides, among other things, that: (1) the hostile foreign adversaries unit is established in the Department of Public Safety (DPS) to support DPS's duty to: (a) prevent the harassment and coercion of this state's residents from foreign adversary operations; (b) strengthen state agencies against foreign adversary operations; and (c) protect this state's critical infrastructure against threats foreign adversary operations pose; (2) not later than December 1 of each even-numbered year, the unit shall submit to the governor and the legislature a written report that assesses the threat foreign adversary operations posed to this state, including to this state's residents and governmental units, during the preceding two years; (3) on request by the unit, a state agency or a local law enforcement agency shall provide information relating to any foreign adversary operation that the agency has researched or investigated or otherwise holds relevant information on; (4) the unit shall provide for the secure storage of sensitive information obtained or produced as part of the report, and information determined as sensitive is not subject to disclosure under the Public Information Act; (5) with the approval of the director, the unit may share sensitive information with another federal, state, or local law enforcement agency; (6) an employee or volunteer of a state agency or a political subdivision of this state may not: (a) accept transportation to or lodging in a country that is a foreign adversary and that is paid for by the foreign adversary because of the employee's or volunteer's position with the state or political subdivision; or (b) accept a gift or item of value from a person representing a foreign adversary for any purpose, including to pay for travel expenses or as reimbursement for the costs of attending a conference or other event in a country that is a foreign adversary or that is hosted on behalf of a foreign adversary or a principal of a foreign adversary; (7) an employee or volunteer of a state agency or a political subdivision of this state shall report to the Texas Ethics Commission (TEC), in the form and manner TEC requires, each interaction, communication, or meeting the employee or volunteer has with a person acting on behalf of a foreign adversary not later than the 30th day after the date of the interaction, communication, or meeting; and (8) in addition to the requirements for certification, a cybersecurity training program that occurs on or after May 1, 2026, must include education on: (a) the threat of foreign adversaries and other hostile foreign actors, including the United Front Work Department of the Central Committee of the Chinese Communist Party and other coordinated foreign influence operations; (b) known efforts by foreign adversaries to target and influence subnational governments, including efforts made by the United Front Work Department; (c) identifying and recognizing suspected foreign influence operations; (d) informational resources promulgated by federal, state, and nongovernmental organizations on United Front Work Department activities in this state and adjacent states; and (e) reporting to the Texas Ethics Commission as required by (7), above, and to law enforcement agencies suspected foreign influence operations and other interactions with persons acting on behalf of a foreign adversary. (Effective September 1, 2025.)

S.B. 2570 (Flores/Guillen) – Less-Lethal Force Weapons: provides that a guard employed by a correctional facility or a peace officer who is engaged in the discharge of the guard's or officer's official duties is justified in using force with a less-lethal force weapon against another when and to the degree the person reasonably believes the force was necessary to accomplish the person's official duties as a guard or officer and if the person's use of the weapon is in substantial compliance with the person's training. (Effective September 1, 2025.)

S.B. 2786 (Creighton/Lambert) – Texas Success Initiative: provides that the following are exempt from an assessment by an institution of higher education to assess readiness to enroll in

freshman-level academic coursework: (1) a student who is certified as an emergency medical technician by the Texas Department of State Health Services and who is employed by a political subdivision; (2) a student who is certified as a firefighter; or (3) a student who is an individual elected, appointed, or employed to serve as a peace officer for a governmental entity. (Effective immediately.)

Property Tax

H.B. 9 (Meyer/Bettencourt) – Personal Property Tax: provides, among other things: (1) that a person is entitled to an exemption from taxation of $125,000 of the appraised value of income-producing tangible personal property; and (2) that a person is required to file a rendition statement concerning tangible personal property only if, in the person's opinion, the aggregate market value of the property in at least one taxing unit is greater than the amount exempted under (1), above. (Effective January 1, 2026, but only if **H.J.R. 1** is approved at the election on November 4, 2025.)

H.B. 22 (Noble/A. Hinojosa) – Property Tax Exemption: exempts from the property tax all intangible personal property. (Effective January 1, 2026.)

H.B. 30 (Troxclair/Bettencourt) – Property Taxes Following a Disaster: among other things: (1) repeals the provision authorizing cities to adopt a property tax rate that exceeds the voter-approval tax rate without holding an election in the year following the year in which a disaster occurs; and (2) provides that if any part of a taxing unit is located in an area declared to be a disaster area by the governor or the president of the United States and at least one person is granted a property tax exemption for qualified property damaged by a disaster, the governing body of a taxing unit other than a school district or a special taxing unit may direct the designated officer or employee to calculate the voter-approval tax rate of the taxing unit as the lesser of: (a) the voter-approval tax rate calculated in the manner provided for a special taxing unit; or (b) the voter-approval tax rate calculated according to a specific formula using a "disaster relief rate" that accounts for the total amount of a taxing unit's share of the costs associated with certain services provided during a disaster, including debris or wreckage removal and essential assistance efforts. (Effective January 1, 2026.)

H.B. 148 (Turner/Bettencourt) – Appraisal District Boards: among other things: (1) requires a member of the board of directors of an appraisal district established for a county with a population of 75,000 or more to complete a training program before the beginning of each term the member serves; (2) requires the training described in (1), above, to be not less than eight hours for a member of the board of directors of an appraisal district that has contracted to perform duties relating to the assessment or collection of taxes; (2) requires the training described in (1), above, to be provided by an accredited institution of higher education; (3) provides that the term "incompetency" includes the failure to complete the training described in (1), above, for purposes of removal from office; and (4) requires each candidate for an elective position or appointee on an appraisal district board of directors to sign an acknowledgement of director's duties and submit the signed acknowledgement to the chief appraiser. (Effective September 1, 2025.)

H.B. 247 (Guillen/Middleton) – Property Tax Exemption: provides an exemption from taxation of the amount of appraised value of real property that arises from the installation or construction

on the property of an improvement that is installed or constructed pursuant to a border security infrastructure agreement between the property owner and this state or the United States. (Effective January 1, 2026, but only if **H.J.R. 34** is approved at the election on November 4, 2025.)

H.B. 1244 (Guillen/Bettencourt) – Agricultural Appraisal: this bill: (1) provides that land that was eligible for agricultural appraisal remains eligible after a change in ownership if the new owner uses the land in materially the same way it was used in the preceding year and the use is conducted by the same individuals who conducted the use in the preceding year; and (2) requires the chief appraiser to accept an application for agricultural appraisal after the deadline if the land was appraised as agricultural land in the preceding year, the new owner uses the land in materially the same way as the former owner, and the application is received not later than the later of: (a) the delinquency date for the taxes on the land for the year for which the application is filed; or (b) the first anniversary of the date ownership of the land was transferred. (Effective January 1, 2026.)

H.B. 1399 (Harris/Nichols) – Property Tax Exemption: exempts from the property tax tangible personal property consisting of animal feed that is exempt from the sales tax if the property is held by the owner for sale at retail. (Effective January 1, 2026, but only if **H.J.R. 99** is approved at the election on November 4, 2026.)

H.B. 2508 (Turner/Hughes) – Property Tax Exemption: this bill: (1) exempts from property tax the total appraised value of the residence homestead of the surviving spouse of a veteran of the armed services of the United States who died as a result of a condition or disease that is presumed under federal law to have been service-connected if the surviving spouse has not remarried; and (2) provides that a surviving spouse who receives an exemption under (1), above, is entitled to an exemption from taxation of a property the surviving spouse subsequently qualifies as a residence homestead equal to the dollar amount of the exemption the surviving spouse received on the first property in the last year the spouse received the exemption. (Effective January 1, 2026, but only if **H.J.R. 133** is approved at the election on November 4, 2026.)

H.B. 2525 (Darby/Paxton) – Property Tax Exemption: expands the charitable property tax exemption to be available if: (1) an organization provides charitable housing and services in an amount that is not less than four percent of the charitable organization's net resident revenue; (2) the property is used to provide: (a) permanent housing and related services to certain residents aged 62 years of age or older; or (b) housing and related services to persons who are 62 years of age or older in a retirement community, if the retirement community provides certain related services; and (3) the organization performing the charitable function described in (1) or (2), above, has been in existence for at least 20 years and or is under common control of an organization that has been in existence for at least 20 years and performs a charitable function that entitles the organization to a property tax exemption. (Effective January 1, 2026.)

H.B. 2723 (Cunningham/West) – Cemetery Tax Exemption: this bill: (1) requires the chief appraiser to grant an exemption for property used exclusively for human burial that is not held for profit if: (a) the person does not apply for the exemption; (b) the chief appraiser knows or should know based on a reasonable inspection of the property that the property is used exclusively for human burial; and (c) the owner is not identifiable; and (2) authorizes the chief appraiser to request

the assistance of a city or other entity to help determine whether a property is a property described in (1), above. (Effective January 1, 2026.)

H.B. 2894 (Hickland/Flores) – Disabled Veteran Grants: provides, among other things, that a city is entitled to an assistance grant from the state for governments disproportionately affected by the granting of property tax relief to disabled veterans if the amount of property tax revenue lost due to that relief is equal to or greater than: (1) two percent of the local government's general fund if it is a city located adjacent to a United States military installation or a county in which a United States military installation is wholly or partly located; and (2) ten percent of the local government's general fund if it is a city located in a county: (a) in which a military installation is located that has a population of: (i) more than 370,000 but not more than 380,000; (ii) more than 83,000 but not more than 84,000; or (iii) less than 25,000 if the county is adjacent to two counties that contain the same United States Army installation, neither of which has a population greater than 400,000. (Effective September 1, 2025.)

H.B. 3424 (Capriglione/Bettencourt) – Heavy Equipment Held For Sale or Lease: among other things: (1) requires that an owner of heavy equipment inventory shall deposit the property tax assigned to the heavy equipment to the collector once every calendar quarter rather than once every month; (2) requires a tax collector to provide annual written notice to each owner for whom the collector maintains a property tax escrow account for property tax on heavy equipment held for lease notifying the owner of the unit property tax factor the following year for each location in which the owner's heavy equipment inventory is located; and (3) authorizes a person who acquires the business or assets of an owner of heavy equipment to use the same unit property tax factor that the owner who owes the current year tax would use when paying the current year tax. (Effective January 1, 2026.)

H.B. 4809 (Meyer/West) – Appraisal of Historic Property: provides that a property owner may protest: (1) the appraised value of a historic structure or archaeological site; (2) the appraised value of the land necessary to access the structure or site; and (3) the allocation of appraised value between the structure or archeological site and the land. (Effective immediately.)

H.J.R. 1 (Meyer/Bettencourt) – Personal Property Tax: amends the Texas Constitution to authorize the legislature to exempt from the property tax $125,000 of the market value of tangible personal property that is held or used for the production of income. (Effective if approved at the election on November 4, 2025.)

H.J.R. 34 (Guillen/Middleton) – Property Tax Exemption: amends the Texas Constitution to authorize the legislature to exempt from property tax the portion of the value of a person's property that is attributable to the installation or construction in or on the property of border security infrastructure in a county that borders the United Mexican States. (Effective if approved at the election on November 4, 2025.)

H.J.R. 99 (Harris/Nichols) – Property Tax Exemption: amends the Texas Constitution to authorize the legislature to exempt from property tax tangible personal property consisting of animal feed that is held by the owner for sale at retail. (Effective if approved at the election on November 4, 2025.)

H.J.R. 133 (Turner/Hughes) – Property Tax Exemption: amends the Texas Constitution to authorize the legislature to provide: (1) an exemption from property tax of all or part of the market value of the residence homestead of the surviving spouse of a veteran of the armed services of the United States who died as a result of a condition or disease that is presumed under federal law to have been service-connected if the surviving spouse has not remarried; and (2) an exemption from taxation of a property the surviving spouse subsequently qualifies as a residence homestead equal to the dollar amount of the exemption the surviving spouse received on the first property in the last year the spouse received the exemption (Effective if approved at the election on November 4, 2025.)

S.B. 467 (Paxton/Hefner) – Temporary Property Tax Exemption: provides an exemption from taxation for a habitable dwelling that is completely destroyed by a fire and remains uninhabitable for at least 30 days after the fire for the tax year in which the fire occurs. (Effective January 1, 2026, but only if **S.J.R. 84** is approved at the election on November 4, 2025.)

S.B. 850 (Middleton/Bonnen) – Property Tax Refunds: among other things: (1) provides that a person may, but is not required to, apply for a refund of property taxes if the amount of the refund is at least $20; (2) requires that most property tax refunds due to a taxpayer must be paid in 60 days; (3) provides that most refunds not paid by the due date accrue interest at a rate of 12 percent; (4) authorizes a property owner to waive the interest due on a refund after a judicial appeal is finally determined to decrease tax liability; (5) prohibits a final judgement in a judicial property tax appeal from requiring a property owner to file a form with Internal Revenue Service as a prerequisite to the issuance of a refund unless the form is required under federal law. (Effective September 1, 2025.)

S.B. 1023 (Bettencourt/Troxclair) – Property Tax Rate Calculation: requires: (1) the tax rate calculation forms prescribed by the comptroller to be capable of including for each entry other than a mathematical calculation a hyperlink to a document that evidences the accuracy of the entry; and (2) a taxing unit to calculate adjustments made to the value of taxable property due to tax revenue the taxing unit pays into a tax increment reinvestment zone fund separately for each reinvestment zone in which the taxing unit participates. (Effective January 1, 2026.)

S.B. 1352 (A. Hinojosa/Capriglione) – Property Tax Deadlines: this bill: (1) provides that if the chief appraiser extends the deadline for a property owner to file a rendition statement to May 15, the chief appraiser shall also extend the deadline for the property owner to file an application for an exemption for freeport goods; (2) authorizes the chief appraiser to further extend the deadline described in (1), above, for a period not to exceed 60 days; (3) limits the penalty for a late application for an exemption for freeport goods to the lesser of: (a) ten percent of the difference between the amount of tax imposed by the taxing unit on the inventory or property, a portion of which consists of freeport goods, and the amount that would otherwise have been imposed; or (b) ten percent of the amount of tax imposed by the taxing unit on the inventory or property, a portion of which consists of freeport goods; (4) provides that if the chief appraiser extends the deadline for a property owner to file a rendition statement to May 15, the chief appraiser shall also extend the deadline for the property owner to file an application for allocation; (5) authorizes the chief appraiser to further extend the deadline described in (4), above, for a period not to exceed 60 days;

and (6) limits the penalty for a late application for allocation to the lesser of: (a) ten percent of the difference between the amount of tax imposed by the taxing unit on the property without the allocation and the amount of tax imposed on the property with the allocation; and (b) ten percent of the amount of tax imposed by the taxing unit on the property with the allocation. (Effective September 1, 2025.)

S.B. 1453 (Bettencourt/Meyer) – Tax Rate Calculation: among other things: (1) defines "current debt service" for purposes of tax rate calculation to mean the minimum dollar amount required to be expended for debt service in the current year; and (2) permits the governing body of a taxing unit, including a city council, to adopt a debt service tax rate that exceeds the debt service tax rate calculated with the current debt service described in (1), above, only if the rate is proposed by a motion that: (a) states the calculated debt service tax rate; (b) states the proposed debt service tax rate; (c) states the difference between the proposed rate and the calculated debt service tax rate; (d) describes the purpose for which the excess debt revenue collected will be used; and (e) is approved by at least 60 percent of the members of the governing body. (Effective January 1, 2026.)

S.B. 2173 (Parker/Darby) – Tax Liens: provides that: (1) if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties, or interest are due, the tax lien securing the payment of any delinquent taxes, penalties, or interest that are subsequently determined to be due the taxing unit on the property because a residence homestead exemption was erroneously allowed for the property and was subsequently canceled is extinguished; and (2) a tax lien described in (1), above, is not extinguished if the chief appraiser or tax collector determines that the transfer occurred between: (a) two individuals who are related within the first degree of consanguinity; (b) an employer and an employee; (c) a parent company and subsidiary company; or (d) a trust and a beneficiary of that trust. (Effective September 1, 2025.)

Sales Tax

H.B. 135 (Button/Campbell) – Sales Tax Exemption: exempts from the sales tax game animals and exotic animals. (Effective immediately.)

S.B. 2206 (Bettencourt/Geren) – Repeal of Sales Tax Exemption: would, among other things, repeal the sales tax exemption for certain property used in research and development activities. (Effective January 1, 2026.)

Open Government

H.B. 132 (R. Lopez/Hughes) – Confidential Information: provides that the following information is confidential: (1) information that is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating a hostile act by a foreign adversary of the United States and: (a) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency; (b) relates to a tactical plan of the provider; or (c) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider; (2) information collected, assembled, or maintained by or for a

governmental entity for the purpose of preventing, detecting or investigating a hostile act by a foreign adversary of the United States and relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity; (3) information collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting or investigating a hostile act by a foreign adversary of the United States and relates to the details of the encryption codes or security keys for a public communications system; (4) information, other than financial information, in the possession of a governmental entity that: (a) is part of a report to an agency of the United States; (b) relates to a hostile act by a foreign adversary of the United States; and (c) is specifically required to be kept confidential because of a federal law, to participate in a state-federal information sharing agreement or to obtain federal funds; (5) documents or portions of documents in the possession of a governmental entity if they identify the technical details of particular vulnerabilities of critical infrastructure to a hostile act by a foreign adversary of the United States; and (6) information, including access codes and passwords, in the possession of a governmental entity if the information relates to the specifications, operating procedures, or location of a security system used to protect public or private property from a hostile act by a foreign adversary of the United States. (Effective immediately.)

H.B. 1522 (Gerdes/Kolkhorst) – Open Meetings Notice: among other things, provides that, with the exception of a notice of an emergency meeting: (1) the notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least three business days before the scheduled date of the meeting; and (2) the notice of the meeting required under (1), above, at which a governmental body will discuss or adopt a budget for the governmental body must include: (a) a physical copy of the proposed budget unless the governmental body has made the proposed budget clearly accessible on the home page of the governmental body's Internet website; and (b) a taxpayer impact statement showing, for the median-valued homestead property, a comparison of the property tax bill in dollars pertaining to the property for the current fiscal year to an estimate of the property tax bill in dollars for the same property for the upcoming fiscal year if the proposed budget is adopted and a balanced budget funded at the no-new-revenue tax rate is adopted. (Effective September 1, 2025.)

H.B. 1893 (Cook/King) – License Plate Numbers: provides that: (1) the license plate number of a motor vehicle captured visually or audibly in a video recording obtained or maintained by a law enforcement agency is not confidential and may be included in a video recording disclosed under the Public Information Act (PIA); (2) the provision in (1), above, does not preclude a law enforcement agency from asserting other exceptions to disclosure of information under the PIA; and (3) a law enforcement agency may release a video recording obtained or maintained by the law enforcement agency that includes the license plate number of a motor vehicle captured visually or audibly in the video in response to a request for public information under the PIA, and the agency is not required to redact any license plate numbers before releasing the video. (Effective September 1, 2025.)

H.B. 2355 (Fairly/Parker) – Crime Victims Compensation: provides that information provided by a law enforcement agency to the attorney general to allow the attorney general to determine whether a claimant or victim qualifies for an award under the crime victims' compensation fund

and the extent of the qualification shall not be releasable under the Public Information Act. (Effective September 1, 2025.)

VETOED **H.B. 2520** **(Johnson/Middleton) – Notice of Meetings**: among other things, provides that: (1) the notice of each meeting of a governmental body must include an agenda for the meeting that is the subject of the notice that: (a) is sufficiently specific to inform the public of each subject to be considered in the open portion of the meeting, including any matter: (i) that is special or unusual; or (ii) in which the public may have a particular interest; and (b) describes any subject to be considered in the closed portion of the meeting, if applicable; (2) a governmental body may meet in a closed meeting under the personnel exception to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a specific public officer or employee; and (3) a governmental body may not meet in a closed meeting under the personnel exception if the governmental body's deliberations concern operational issues that generally impact a class or group of employees, including changes in the duties or compensation of a class or group of employees. (Effective September 1, 2025.)

H.B. 2788 **(Button/Johnson) – Unemployment Compensation**: provides that any information, including risk assessments, reports, data, protocols, technology specifications, manuals, instructions, investigative materials, crossmatches, mental impressions, and communications that may reveal the methods or means by which the Texas Workforce Commission prevents, detects, investigates, or evaluates fraud in the administration of unemployment compensation benefits and the unemployment compensation tax programs is not public information under the Public Information Act. (Effective immediately.)

H.B. 3112 **(Tepper/Perry) – Cybersecurity Measures**: provides that: (1) a governmental body is not required to conduct an open meeting to deliberate a cybersecurity measure, policy or contract solely intended to protected a critical infrastructure facility located in the jurisdiction of the governmental body; (2) information is excepted from public disclosure under the Public Information Act if it is information that relates to: (a) a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility located in the jurisdiction of the governmental body; (b) coverage limits and deductible amounts for insurance or other risk mitigation coverages acquired for the protection of information technology systems, critical infrastructure, operational technology systems, or data of a governmental body or the amount of money set aside by a governmental body to self-insure against those risks; (c) cybersecurity incident information reported pursuant to state law; and (d) network schematics, hardware and software configurations, or encryption information or information that identifies the detection, investigation, or response practices for suspected or confirmed cybersecurity incidents if the disclosure of such information would facilitate unauthorized access to: (i) data or information, whether physical or virtual; or (ii) information technology resources, including a governmental body's existing or proposed information technology system; (3) a governmental body may disclose information made confidential by (2), above, to comply with applicable state or federal law or a court order; and (4) a governmental body that discloses information under (3), above, must provide notice of the required disclosure to the person or third party who owns the critical infrastructure facility or, not later than the fifth business day before the information is required to be disclosed, or in the event immediate disclosure is required, notifying in writing the person or third party as soon as practicable but not later than the fifth business day after the information is disclosed, and

retain all existing labeling on the information being disclosed describing such information as confidential or privileged. (Effective immediately.)

H.B. 3711 (Capriglione/Sparks) – **Open Meetings Act Offenses**: among other things, provides that: (1) a law enforcement agency that submits a report stating there is probable cause to believe someone has committed an Open Meetings Act (OMA) violation shall simultaneously submit the report to the open records division of the Office of the Attorney General (OAG); (2) on request of the OAG, a law enforcement entity shall provide all requested information that has not been made publicly available regarding an OMA violation investigation to the open records division of the OAG; and (3) if a district attorney, criminal district attorney, or county attorney who receives a report under (1), above, or represents the state in the prosecution of a criminal offense of an OMA violation, decides not to prosecute or to terminate the investigation of a case regarding an OMA offense, the attorney shall publish notice of the attorney's decision to not prosecute or to terminate the investigation of the case, and the attorney's reason for not prosecuting and terminating the investigation of the case, on any Internet website maintained by the attorney's office for a period of not less than one year. (Effective September 1, 2025.)

H.B. 3803 (Lambert/Zaffirini) – Confidentiality of Cemetery Financial Records: provides, among other things, that: (1) information retained by the Banking Department of Texas that relates to the financial condition of a perpetual care cemetery or perpetual care trust fund is confidential; and (2) the banking commissioner may disclose information described by (1), above, to an agency, department, or instrumentality of this or another state or the United States if the commissioner determines disclosure is in the best interest of the public and necessary or proper to enforce the laws of this or another state or the United States. (Effective immediately.)

H.B. 4214 (Curry/Middleton) – Public Information Act: provides that: (1) on or before October 1 of each year, a governmental body subject to the Public Information Act must notify the attorney general of the mailing address and electronic mail address designated by the governmental body for receiving written requests for public information; and (2) the attorney general shall create and maintain on its public website a publicly accessible database of the mailing address and electronic mail address provided by each governmental body for receiving written requests for public information. (Effective immediately.)

H.B. 4219 (Capriglione/Zaffirini) – Public Information: provides that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the tenth business day after the date the request is received; (2) if a governmental body determines the requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the tenth business day after the date the request is received: (a) notify the requestor in writing that the information is being withheld; and (b) identify in the notice the specific previous determination the governmental body is relying on to withhold the requested information; (3) a governmental body that asks for an attorney general's decision in response to a request for public information must state the specific exceptions that apply to the request within a reasonable time but not later than the tenth business day after the date of receiving the written request; (4) if a governmental body fails to respond to a requestor as required by the Public Information Act (PIA), the requestor may send a written

complaint to the attorney general that must include: (a) the original request for information; and (b) any correspondence received from the governmental body in response to the request; and (5) if the attorney general determines the governmental body improperly failed to comply with the PIA in connection with a request for which a complaint is made: (a) the attorney general shall notify the governmental body in writing and require the governmental body's public information officer or the officer's designee to complete open records training not later than six months after receiving the notification; (b) the governmental body may not assess costs to the requestor for producing information in response to the request; and (c) if the governmental body seeks to withhold information in response to the request, the governmental body must: (i) request an attorney general decision not later than the fifth business day after the date the governmental body receives the notification under (5)(a), above; and (ii) release the requested information unless there is a compelling reason to withhold the information. (Effective September 1, 2025.)

H.B. 4310 (Vasut/Hughes) – Special Right of Access: among other things, provides that: (1) a member of governing board of a governmental entity or a member of a nongovernmental entity (entity that has a contract with a governmental that has a stated expenditure of at least $1 million by the governmental body or that results in the expenditure of at least $1 million in public funds by the governmental body in a fiscal year) may inspect, duplicate or inspect and duplicate public information maintained by the governmental body or the nongovernmental entity if the member is acting in the member's official capacity; (2) requested public information shall be provided to the member promptly and without charge; (3) public information requested by the member that is confidential shall be redacted from the information provided to the member without charge; (4) a governmental body or a nongovernmental entity that has been requested to provide information may request the member of the governing board who is receiving public information that is confidential to sign a confidentiality agreement that covers the information and requires that: (a) the information not be disclosed; (b) the information be labeled as confidential; (c) the information be kept securely; or (d) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement; (5) a governmental body or a nongovernmental entity, by providing public information, that is confidential or otherwise excepted from disclosure under the Public Information Act, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future; (6) a member of a governing board who has received a request to sign a confidentiality agreement may seek a decision about whether the information covered by the confidentiality agreement is confidential under law, and a signed confidentiality agreement is void to the extent that the agreement covers information that is determined by the attorney general or a court to not be confidential under law; (7) information subject to attorney-client privilege is not subject to disclosure to a member of a governing board under this section unless the attorney-client relationship upon which the privilege is based applies to the member; and (8) if a governmental body or a nongovernmental entity fails or refuses to comply with an applicable requirement, a member of a governing board who made a request for public information may file a motion, petition, or other appropriate pleading in a district court having jurisdiction for a writ of mandamus to compel the body or entity to comply with the applicable requirement. (Effective September 1, 2025.)

S.B. 710 (Eckhardt/Bucy) – Online Message Board: among other things, provides that: (1) a city may authorize its zoning commission or similar entity to establish and use an online message board for the communication or exchange of information between its members; (2) a message board created for the purpose described by (1), above, must be reauthorized every two years; and (3) an employee of the city must monitor the message board for compliance with the law. (Effective September 1, 2025.)

S.B. 765 (Kolkhorst/Landgraf) – **Fraud Detection Information**: provides that information in the custody of a governmental body that relates to fraud detection and deterrence measures, including risk assessments, reports, data, protocols, technology specifications, manuals, instructions, investigative materials, crossmatches, mental impressions, and communications that may reveal the methods or means by which a governmental body prevents, investigates, or evaluates fraud is confidential and excepted from disclosure under the Public Information Act. (Effective September 1, 2025.)

S.B. 1062 (Kolkhorst/Smithee) – **Digital Newspapers**: provides that in lieu of publishing a notice in a newspaper, a governmental entity may publish a notice in a digital newspaper if that digital newspaper: (1) has an audited paid-subscriber base; (2) has been in business for at least three years; (3) employs staff in the jurisdiction of the governmental entity; (4) reports on local events and governmental activities in the jurisdiction of the governmental entity; (5) provides news of general interest to people in the jurisdiction of the governmental entity; and (6) updates its news at least once each week. (Effective immediately.)

S.B. 1188 (Kolkhorst/Bonnen) – Electronic Health Records & the Use of Artificial Intelligence in Medical Care: among other things, provides that: (1) certain covered entities, which could include a city: (a) must store all electronic health record information of residents only at a location in the United States or a territory of the United States; (b) must ensure that the electronic health record information of Texas residents is accessible only to individuals who require that information to perform duties within the scope of their employment for treatment, payment, or health care operations; (c) must ensure each electronic health record maintained for an individual includes the individual's medical history and any communications between the practitioner and a specialty health care practitioner related to the individual's metabolic health and diet in the treatment of a chronic disease or illness; (d) may not collect or store any information regarding an individual's credit score or voter registration status in their electronic health record; (e) must ensure each electronic health record system the facility, practitioner, or entity uses to store electronic health records of minors automatically allows a minor's parent, guardian, or conservator to fully access the minor's electronic health record unless access to all or a portion of the record is restricted under state or federal law or by a court order; (f) must ensure that each health record and any algorithm or decision assistance tool included in the record includes a separate space to document: (i) an individual's biological sex as either male or female based on the individual's observed biological sex recorded by a health care practitioner at birth; and (ii) information on any sexual development disorder of the individual, whether identified at birth or later in the individual's life; and (g) may amend a person's biological sex information only under certain circumstances; (2) a health care practitioner may use artificial intelligence for diagnostic purposes, including the use of artificial intelligence for recommendations on a diagnosis or course of treatment if: (a) the practitioner is acting within the scope of the practitioner's license, certification,

or other authorization to provide health care services; (b) the particular use of artificial intelligence is not otherwise restricted or prohibited by state or federal law; (c) the practitioner reviews all records created with artificial intelligence in a manner that is consistent with medical records standards developed by the Texas Medical Board; and (d) the use of artificial intelligence is disclosed to the patient; and (3) violations of these regulations can result in injunctive relief, civil penalties, and other disciplinary actions. (Effective September 1, 2025.)

S.B. 1540 (Bettencourt/Capriglione) – Personal Information: protects from public disclosure under the Public Information Act information that relates to the home address, home telephone number, emergency contact information, date of birth, social security number, or family member information of a current or former election official or employee, volunteer, or designee of an election official, or an employee of the secretary of state's office who performs duties relating to elections if the individual: (1) chooses to restrict public access to the information; and (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status. (Effective September 1, 2025.)

S.B. 1841 (Johnson/Y. Davis) – Confidentiality of Personally Identifying Information: deems the following personally identifying information confidential and not subject to disclosure, if the information collected is in relation to a person's use of an airport facility or by certain joint airport boards: (1) a person's profile name associated with a purchase or other online or in-person activity; (2) a person's travel dates and flight information; (3) the dates, times, and amounts of any purchase made by the person; and (4) the person's airport lounge memberships and trusted traveler information. (Effective September 1, 2025.)

S.B. 2145 (Perry/Tepper) – PID and TIRZ Meetings by Telecommunication Device: among other things, provides that: (1) for the advisory body of a public improvement district: (a) if one member of the body is physically present at a meeting, any number of the other members of the body may attend by use of telephone conference call, video conference call, or other similar telecommunication device; (b) members attending via telecommunication device are considered present for quorum, voting, and any form of participation in the meeting; and (c) if members attend a meeting via telecommunication device, the body must: (i) provide two-way audio communication among the members; and (ii) if two-way audio communication is disrupted, stop the meeting until the link is reestablished; and (2) for the board of directors of a tax increment reinvestment zone: (a) if the chair or vice chair of the board is physically present at a meeting of the board, any number of the other members of the body may attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device; (b) members attending via telecommunication device are considered present for quorum, voting, and any form of participation in the meeting; and (c) if members attend a board meeting via telecommunication device: (i) the meeting is still subject to the notice requirements for other meetings of the board; (ii) the board must specify in the notice the meeting location where the chair or vice chair will be physically present; (iii) the board must make the meeting open and audible to the public at the location specified under (2)(c)(ii), above; and (iv) the board must: (A) provide two-way audio communication among the members; and (B) if two-way audio communication is disrupted, stop the meeting until the link is reestablished. (Effective September 1, 2025.)

Transportation

S.B. 1555 (Nichols/Patterson) – **Railroad Grade Crossings**: directs the Texas Department of Transportation to establish and administer a program to award grants to political subdivisions of this state or railroad companies to fund rail-roadway located at intersections of railroads and non-state highways or rail-pedestrian grade separation projects located at intersections of railroads and pedestrian crossings, subject to certain requirements. (Effective immediately.)

S.B. 2366 (Hughes/Hefner) – Grants for Shortline Rail Facility Improvements: provides, among other things, that: (1) for the purpose of increasing public safety, enhancing economic development, and reducing traffic, the Texas Transportation Commission shall establish and administer a program to award grants to districts that own or operate short line railroads to fund projects that: (a) replace short line railroad tracks or bridges; (b) improve short line rail capacity; or (c) restore short line railways; and (2) the commission may not approve a grant unless the commission determines that: (a) at least ten percent of the total project costs will be provided by a source other than the state; or (b) if the grant money is being used as matching funds, at least ten percent of the amount used as matching funds will be provided by a source other than the state. (Effective immediately.)

Utilities and Environment

H.B. 29 (Gerdes/Perry) – Water Loss: provides, among other things, that for a municipally owned utility (MOU) that provides potable water through more than 150,000 service connections: (1) a MOU that has filed an annual water audit with the Texas Water Development Board (TWDB) shall: (a) not later than the 180th day after the date the audit was filed, complete a validation of the audit to ensure the utility accurately assessed potential inaccuracies in data used in the audit; and (b) not later than the first anniversary of the date the audit was filed, develop and submit to the board a water loss mitigation plan; (2) not later than December 31, 2030, and every ten years thereafter, a MOU that has filed an annual water audit with the TWDB shall: (a) complete a more detailed validation of the utility's most current water audit to: (i) determine whether the implementation of water leakage reduction strategies is appropriate; and (ii) investigate the accuracy of the utility's billing data; and (b) update the water loss mitigation plan developed by the utility under (1)(a), above; (3) each water loss mitigation plan developed under (1)(b), above, as updated by (2)(b), above, if applicable, must be incorporated into the utility's most recent water conservation plan not later than the first anniversary of the date the mitigation plan is completed; and (4) the Texas Commission on Environmental Quality shall assess against a MOU an administrative penalty of $25,000 if the utility fails to develop and submit to the TWDB a water loss mitigation plan required by (1)(b), above. (Effective immediately.)

H.B. 143 (King/Hancock) – Power Lines to Oil Wells: provides, among other things, that: (1) when an electrical power line to an oil or gas well does not meet state law standards and poses a risk of causing a fire or injury to a person, the Railroad Commission and the Public Utility Commission, in collaboration, shall to resolve the condition by: (a) requesting that the state fire marshal or a local government authority inspect the condition at the well site or surface facility and requiring the operator to mitigate any dangerous conditions identified by the state fire marshal or local government authority; (b) requesting that the electric cooperative, electric utility, or

municipally owned utility that provides electric service to the well site or surface facility disconnect electric service to the well site or surface facility at the common coupling point at which the cooperative's or utility's equipment meets customer-owned equipment; or (c) taking any other action the commission and the Public Utility Commission consider necessary and appropriate to resolve the condition; and (2) if electric service was disconnected pursuant to a request, the electric cooperative, electric utility, or municipally owned utility must restore electric service to the well site or surface facility on receipt of notice by the Railroad Commission that the condition has been resolved. (Effective September 1, 2025.)

H.B. 144 (King/Schwertner) – Distribution Poles: among other things, requires each electric cooperative, electric utility, and municipally owned utility that distributes electric energy to the public to: (1) submit to the Public Utility Commission (PUC) a plan for the management and inspection of distribution poles the cooperative or utility owns in the cooperative's or utility's distribution system; and (2) not later than May 1 of each year, submit an update to the PUC detailing the entity's compliance with the plan's objectives, the costs of implementing the plan to date, and the results of the entity's inspection of distribution poles, including the number of poles inspected and any remediation or replacement action taken. (Effective immediately.)

H.B. 145 (King/Schwertner) – Wildfire Mitigation Plan: provides, among other things, that: (1) an electric utility, municipally owned utility, or electric cooperative that owns a transmission or distribution facility in a wildfire risk area shall file with the Public Utility Commission (PUC) a wildfire mitigation plan that includes, among other things, a description of the procedures the utility or cooperative intends to use to restore the utility's or cooperative's system during and after a wildfire event, including contact information for the utility or cooperative that may be used for coordination with the division and first responders; (2) an electric utility, municipally owned utility, or electric cooperative that does not implement a plan approved under this section is subject to an administrative penalty; (3) an electric utility, municipally owned utility, or electric cooperative that submits and obtains PUC approval for a wildfire mitigation plan may use the plan as evidence in an action brought against the utility or cooperative for damages resulting from a wildfire ignited or propagated by the utility's or cooperative's facility; and (4) subject to any applicable tariff provision, in an action for damages resulting from a wildfire ignited or propagated by an electric utility's, municipally owned utility's, or electric cooperative's facility, the utility or cooperative is not liable for damages resulting from the wildfire if the trier of fact in the action finds that the utility or cooperative: (a) submitted, obtained commission approval for, and implemented a wildfire mitigation plan; (b) was in compliance with relevant measures of the utility's or cooperative's wildfire mitigation plan with respect to the specific equipment found to have ignited or propagated the wildfire; and (c) did not cause the wildfire intentionally, recklessly, or with negligence. (Effective immediately.)

H.B. 685 (C. Bell/Creighton) – Municipal Rate Discrimination: prohibits a city from establishing a higher rate for water or sewer utilities that applies only to entities that qualify for a sales tax or property tax exemption. (Effective September 1, 2025.)

H.B. 1318 (Guillen/Flores) – Water and Sewer Service in Annexed Area: provides, among other things, that: (1) when a city annexes property and the municipally owned utility (MOU) seeks a certificate of convenience and necessity for water or sewer for the annexed area, the Public Utility

Commission shall determine in its order granting the certificate to the MOU the adequate and just compensation to be paid for the transferred property and damages to or adverse effects on property remaining in the ownership of the retail public utility after single certification; and (2) in determining whether and to what extent property remaining in the ownership of a retail public utility after single certification is damaged or adversely affected in an appeal to district court, a court or jury may only consider the factors provided for in state law. (Effective September 1, 2025.)

H.B. 1584 (Hull/Schwertner) – Priority Facilities for Electric Utilities: among other things: (1) requires an electric utility to maintain a list of priority facilities in the utility's retail service area; (2) provides that "priority facility" means certain medical facilities or a facility for which electric service is considered crucial for the protection or maintenance of public safety, including: (a) a hospital; (b) a police station; (c) a fire station; (c) a critical water or wastewater facility; and (e) a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice; (3) provides that on a declaration of a natural disaster or other emergency by the governor affecting the service area of the electric utility, the utility shall provide the list of priority facilities to the Texas Division of Emergency Management; and (4) provides that a priority facility list submitted to the Texas Division of Emergency Management under the bill is confidential and not subject to disclosure under the Public Information Act. (Effective September 1, 2025.)

H.B. 1606 (Metcalf/Zaffirini) – Vegetation Management: among other things, requires a municipally owned electric utility to periodically provide information about the procedure for a customer to request vegetation management near a transmission or distribution line with bills sent to retail customers of the utility. (Effective September 1, 2025.)

VETOED H.B. 1690 (Gerdes/Kolkhorst) – Groundwater Conservation District Permits: among other things, requires a groundwater conservation district to adopt rules requiring that notice for an application for a permit to transfer groundwater outside the district's boundaries to be: (1) sent by certified mail to: (a) each district that is adjacent to the district considering the application and overlies any portion of the aquifer from which the groundwater would be produced; (b) the commissioners court of each county in which the district considering the application is located and that overlies any portion of the aquifer from which the groundwater would be produced; and (c) the commissioners court of each county in which a district that receives notice under (1)(a), above, is located; and (2) published in a newspaper of general circulation in: (a) the county in which the district considering the application is located; and (b) each county in which a district that receives notice under (1)(a), above. (Effective September 1, 2025.)

H.B. 1991 (Guillen/Gutierrez) – Service Charges for Municipally Owned Utilities: provides that a city that imposes operating, maintenance, replacement, or improvement charges for services provided by a utility system shall: (1) publish the terms and conditions of the charges on the utility system's and the city's websites; and (2) not later than the 30th day after the date the city adopts a change to the terms and conditions of the charges, update the utility system's and the city's Internet websites to reflect the change. (Effective September 1, 2025.)

H.B. 3092 (Gerdes/Schwertner) – Certificate of Convenience and Necessity for Transmission: provides that an electric utility is not required to amend the utility's certificate of public convenience and necessity to construct a transmission line that connects the utility's existing

transmission facilities to a substation or metering point if, among other things, the transmission line does not exceed: (1) five miles in length, if the line connects to a load-serving substation or metering point; or (2) two miles in length, if the line connects to a generation substation or metering point. (Effective September 1, 2025.)

H.B. 3228 (Lambert/Perry) – Solar or Wind Power Facility Lease Agreements: provides, among other things, that: (1) a wind power facility agreement must provide that the grantee is responsible for reuse or recycling, all components of the wind power facility practicably capable of being reused or recycled, including the wind turbine blades, in accordance with any other applicable laws or regulations collecting and reusing or recycling, or shipping, among other things; and (2) a solar power facility agreement must provide that the grantee is responsible for collecting and reusing or recycling, or shipping for reuse or recycling, all components of the solar power facility practicably capable of being reused or recycled, including the photovoltaic modules, in accordance with any other applicable laws or regulations. (Effective September 1, 2025.)

H.B. 3229 (Lambert/Perry) – Recycling of Certain Renewable Energy Components: among other things: (1) requires the owner of a recycling facility that accepts, processes, and repurposes certain renewable energy components to submit a report to the Texas Commission on Environmental Quality (TCEQ) by January 15 of each year that includes: (a) an inventory of all components of a wind turbine generator, solar energy device, or battery energy storage system accepted by the facility for recycling that have not yet been recycled, including any components the facility has taken title to or assumed control of regardless of whether the components are located at the facility; (b) an estimated timeline for recycling or disposing of the components; and (c) a cost estimate for recycling or disposing of the components prepared by an independent, third-party professional engineer licensed in this state; (2) requires TCEQ to maintain on its Internet website a list of recycling facilities in this state that are in compliance with (1), above; and (3) creates an administrative penalty not to exceed $500 a day for each violation of (1), above. (Effective September 1, 2025.)

H.B. 3824 (King/Schwertner) – Battery Energy Storage Facilities: provides, among other things, that: (1) each battery operator or municipally owned utility that owns or operates a battery energy storage facility shall ensure that the facility meets the fire safety standards for design, installation, operation, and safety adopted by the Commissioner of Insurance under the bill in effect at the time the operator or utility first submits an application for a building permit or other similar authorization from the relevant political subdivision to install the facility; (2) unless expressly authorized by another statute, a city or county may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is inconsistent with the standards for design, installation, operation, and safety adopted by the Commissioner of Insurance; (3) before the commercial operations date of a battery energy storage facility, on request by a city in which the facility is located, or a county in which the facility is located if the facility is in an unincorporated area, a battery operator that owns or operates the facility shall, at the battery operator's expense, select and contract with an independent, third-party engineer licensed in this state or other consultant with appropriate expertise to: (a) evaluate the design, safety, and installation of the facility to ensure compliance with the requirements of the bill; and (b) produce a written report to the city or county; (4) the battery operator must make available to the engineer or consultant and the requesting city or county certain documents if held or created by the battery

operator; (5) a battery operator or a municipally owned utility shall produce a site-specific emergency operations plan for each battery energy storage facility site owned or operated by the battery operator or utility that must include, among other things, procedures for communication between the operator or utility and first responders, including procedures that facilitate communication between first responders and emergency contacts designated by the operator or utility; (6) the battery operator or municipally owned utility shall offer to local first responders, at no cost to the responders, education and annual training regarding responding to an equipment failure incident at the battery energy storage facility site; and (7) the Commissioner of Insurance by rule shall: (a) delegate to the state fire marshal the authority to take disciplinary and enforcement actions, including the imposition of administrative penalties, to enforce the bill; and (b) adopt a schedule of administrative penalties for violations subject to a penalty under the bill to ensure that the amount of an administrative penalty imposed is appropriate to the violation. (Effective September 1, 2025.)

H.B. 4341 (McLaughlin/King) – Critical Infrastructure Facility Emergency Response Maps: for a critical infrastructure facility that is a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration, or a military installation owned or operated by or for this state or another governmental entity, provides, among other things, that: (1) each critical infrastructure facility shall provide to the Texas Division of Emergency Management (TDEM) and appropriate public safety agencies: (a) an accurate emergency response map of the facility that is developed in accordance with the standards in (2), below; and (b) an opportunity to tour the facility using the map to verify the map's accuracy; (2) an emergency map must: (a) include: (i) an accurate floor plan overlaid on current, verified aerial imagery of the facility and its surrounding land and a site-specific label for each building of the facility; (ii) a label for each room, named hallway, and external door or stairwell number; and (iii) the location of each known hazard, critical utility, key box, automated external defibrillator, and trauma kit; (b) conform to, integrate with, and be accessible by software used by TDEM, entities operating a local public safety answering point, or appropriate public safety agencies without imposing a fee or requiring the purchase of additional software to access the map and associated data; (c) be in a format capable of being printed, shared electronically, or integrated into an interactive software application; and (d) be in a format easily modified or updated; (3) a critical infrastructure facility may only provide an emergency response map to TDEM and appropriate public safety agencies for purposes of developing a verified source of critical infrastructure mapping data in this state and ensuring efficient emergency response for the facility and may not provide or make available to the public an emergency response map; and (4) TDEM shall establish and administer a grant program to provide mapping services for critical infrastructure facilities to develop emergency response maps. (Effective September 1, 2025.)

H.B. 4520 (A. Martinez/Nichols) – Airport Grants in Economically Disadvantaged Counties: provides that for certain grants to airports, an airport located in an economically disadvantaged county must provide project funding for only five percent of the total project costs rather than ten percent. (Effective September 1, 2025.)

H.B. 5057 (Landgraf/Nichols) – Exclusive Contracts for Municipal Solid Waste Management Services: provides, among other things, that: (1) a public agency that enters into an exclusive contract, including by renewing or amending an existing contract in a manner that grants a

privately owned solid waste management service provider an exclusive right to provide certain additional solid waste services that was not contained in the contract before the renewal or amendment, shall give notice containing: (a) a summary of the purpose of the contract or amendment; and (b) a description of the change made by the contract or amendment; and (2) a public agency required to give notice shall: (a) publish the notice: (i) in a newspaper of general circulation in the jurisdiction of the public agency; and (ii) on a publicly available Internet website maintained by the public agency, if the public agency maintains such a website; and (b) if the public agency requires a privately owned solid waste management service provider to register or obtain approval to operate in the public agency's jurisdiction, give notice to each provider registered with or approved by the public agency to operate in the jurisdiction. (Effective immediately.)

H.B. 5560 (Harris/Perry) – Groundwater Conservation District Penalties: provides that: (1) the groundwater conservation board by rule may set reasonable civil penalties, including a range of reasonable civil penalties, that the groundwater conservation district may recover from any person for breach of any rule of the district in an amount not to exceed $25,000 per day per violation, and each day of a continuing violation constitutes a separate violation; and (2) a court that has assessed a civil penalty against a water and sewer utility for a violation of a district rule limiting groundwater production may authorize the utility to recover, in any manner that is equitable and just, all or part of the civil penalty from any customers or class of customers responsible for causing the utility to violate the rule. (Effective September 1, 2025.)

H.J.R. 7 (Harris/Perry) – Texas Water Fund: amends the Texas Constitution to provide, among other things, that: (1) the Texas water fund consists of money transferred or deposited to the credit of the fund under this constitution or by general law, including money appropriated by the legislature directly to the fund and money from any source transferred or deposited to the credit of the fund authorized by this constitution or by general law; (2) the legislature by general law or by adoption of a concurrent resolution approved by a record vote of a majority of the members of each house may allocate for transfer to the funds and accounts administered by the Texas Water Development Board or that board's successor the money deposited to the credit of the Texas water fund; (3) during a state of disaster, an allocation made under (2), above, may be suspended through the budget execution process or by adoption of a concurrent resolution approved by a record vote of a majority of the members of each house; (4) in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the Texas water fund the first $1 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items that exceeds the first $46.5 billion of that revenue coming into the treasury in that state fiscal year; (5) money deposited to the credit of the Texas water fund may not be transferred to the New Water Supply for Texas Fund for the purpose of financing the construction of infrastructure to transport groundwater that was produced from a well in this state and that, at the time of production, was not brackish, as that term is defined by general law. (Effective if approved at the election on November 4, 2025.)

S.B. 6 (King/King) – Electricity Planning for Large Loads: this bill, among other things, provides that:

1. a municipally owned utility (MOU) or electric cooperative that has not adopted customer choice shall pass through to a large load customer who is subject to the standards adopted under the bill the reasonable costs to interconnect the large load in a manner determined by the electric cooperative or municipally owned utility;

2. the Public Utility Commission (PUC) shall adopt rules to establish standards for interconnecting large load in the Electric Reliability Council of Texas (ERCOT) power region in a manner designed to support business development in this state while minimizing the potential for stranded infrastructure costs and maintaining system reliability;

3. the standards must require each large load customer seeking interconnection to disclose to the interconnecting electric utility or MOU whether the customer is pursuing a substantially similar request for electric service in this state the approval of which would result in the customer materially changing, delaying, or withdrawing the interconnection request;

4. the standards must require each interconnected large load customer subject to disclose to the interconnecting electric utility or MOU information about the customer's on-site backup generating facilities and require the interconnecting electric utility or MOU to provide the information to the independent organization for the ERCOT power region;

5. the standards must set a flat study fee of at least $100,000 to be paid to the interconnecting electric utility or MOU for initial transmission screening studies for large loads;

6. the PUC may not limit the authority of a MOU or an electric cooperative to impose electric service requirements for large load customers on their systems in addition to the standards adopted under the bill;

7. a power generation company, MOU, or electric cooperative must submit a notice to the independent organization for the ERCOT power region before implementing a net metering arrangement between an operating facility registered with the independent organization as a stand-alone generation resource as of September 1, 2025, and a new large load customer;

8. the electric cooperative, transmission and distribution utility, or MOU that provides electric service at the location of the new net metering arrangement may for reasonable cause including a violation of other law, object to the arrangement, provided however, that no reasonable cause objection may be raised after a final decision by the PUC is issued under the bill;

9. the independent organization for the ERCOT power region shall study the system impacts of a proposed net metering arrangement and removal of generation for which the independent organization receives a notice under Number 7, above, and submit the study to the PUC to approve, deny, or impose reasonable conditions on the proposed net metering arrangement as necessary to maintain system reliability, including transmission security and resource adequacy impacts;

10. the PUC shall require the independent organization for the ERCOT power region to ensure that each electric cooperative, transmission and distribution utility, and MOU serving a transmission-voltage customer develops a protocol, including the installation of any necessary equipment or technology before the customer is interconnected, to allow the load to be curtailed during firm load shed;

11. the PUC shall require the independent organization certified for the ERCOT power region to develop a reliability service to competitively procure demand reductions from large load customers with a demand of at least 75 megawatts to be deployed in the event of an anticipated emergency condition;

12. a water supply or sewer corporation may generate electric power for use in the corporation's operations, limited to: (a) powering water well pumps, service pumps, and other equipment for the production, treatment, and transportation of raw water; and (b) powering infrastructure for the treatment and delivery of potable drinking water; and

13. a corporation operating solely as a wholesale water supplier or sewer service in a county with a population of less than 350,000 may generate excess electric power in conjunction with the uses described in Number 12, above, for sale in the ERCOT power region to provide revenue for the corporation only if the corporation: (a) primarily generates electric power solely for the uses described in Number 12, above; and (b) registers as a power generation company.

(Effective immediately.)

S.B. 7 (Perry/Harris) – Water Infrastructure Financing: this bill, among other things:

1. requires the Texas Water Development Board (TWDB) to:
   a. for the development of infrastructure to transport water that is made available by a project, facilitate joint planning and coordination between project sponsors, governmental entities, utilities, common carriers, and other entities, as applicable, to reduce the necessity of exercising the power of eminent domain to obtain interests in real property by using existing transportation and utility easements;
   b. facilitate the development of guidance and best practices for the standardization of the specifications, materials, and components used to design and construct infrastructure to transport water;
   c. facilitate the development of standards and guidance to ensure potential interconnectivity and interoperability between different systems developed to transport water from different projects;
   d. facilitate the development of mechanical and technical standards for the integration of water that is made available by a project into a water supply system or into infrastructure to transport water that is made available by a project, as applicable; and
   e. take other action the board determines necessary to facilitate interconnectivity and interoperability between different infrastructure developed to transport water from different projects;

2. provides the TWDB may convene one or more ad hoc committees composed of representatives of current or potential project sponsors, the Texas Department of Transportation, river authorities, retail public utilities, electric utilities, counties, cities, special purpose districts, common carriers, and other entities considered appropriate by the TWDB to advise and assist the TWDB in fulfilling any purpose described by Number 1, including in drafting any guidance or best practices;

3. provides that the new water supply fund for Texas may be used to:
    a. provide financial assistance to political subdivisions to develop water supply projects that create new water sources for the state, including: (i) water and wastewater reuse projects; (ii) acquisition of water or water rights originating from outside this state; (iii) reservoir projects for which: (A) the required land has already been acquired; (B) a permit for the discharge of dredged or fill material has been issued by the United States Secretary of the Army under the Federal Water Pollution Control Act; and (C) a permit for the storage, taking, or diversion of state water has been issued by the Texas Commission on Environmental Quality; or (iv) the development of infrastructure to transport or integrate into a water supply system water that is made available by a project; and
    b. make transfers from the fund to the Texas Water Development Fund II state participation account;

4. provides that money from the new water supply fund may be used to acquire another person's right acquired or authorized in accordance with state law to impound, divert, or use state water only by a water supply contract or a lease of that right from its owner;

5. provides that the TWDB may use the Texas Water Fund only to transfer money to, among other things:
    a. the Texas water fund administrative fund;
    b. the flood infrastructure fund;
    c. the Texas Water Development Fund II economically distressed areas program account; and
    d. the agricultural water conservation fund;

6. provides that money in the fund consists of, among other things, money transferred or deposited to the credit of the fund under the Texas Constitution;

7. provides that the TWDB shall ensure that a portion of the money transferred from the Texas Water Fund is used for:
    a. water and wastewater infrastructure projects, including projects to rehabilitate or replace deficient or deteriorating infrastructure, prioritized by risk or need for financial assistance, including grants, for: (A) rural political subdivisions; and (B) municipalities with a population of less than 150,000;
    b. projects for which all required state or federal permitting has been substantially completed, as determined by the board;
    c. the statewide water public awareness program;
    d. water conservation strategies;

e. water loss mitigation projects; and
f. technical assistance for applicants in obtaining and using financial assistance from funds and accounts administered by the TWDB;

8. creates the Texas water fund administrative fund to be administered by the TWDB and established for the payment of or reimbursement of the TWDB for the expenses incurred by the TWDB in administering the Texas water fund;

9. provides that using existing resources, the executive administrator shall conduct a study to determine:
    a. the feasibility and practicability of incorporating planning for the development of infrastructure to meet the state's current and future wastewater treatment needs into the process used to produce each state water plan beginning with the five-year state water planning period ending January 5, 2032; and
    b. the statutory changes necessary to facilitate the incorporation of the wastewater treatment planning described by Number 8(a) into the process used to produce each state water plan beginning with the five-year state water planning period ending January 5, 2032;

10. provides that not later than December 1, 2026, the executive administrator shall provide a report of the study's findings to:
    a. the governor;
    b. the lieutenant governor;
    c. the speaker of the house of representatives;
    d. each member of the Texas Water Fund Advisory Committee; and
    e. each member of the standing committees of the senate and the house of representatives having primary jurisdiction over water resources;

11. provides that the TWDB may take all actions necessary to operate the water bank and to facilitate the transfer of water rights from the water bank for future beneficial use, including but not limited to purchasing, holding, and transferring water or water rights in its own name, including purchasing, holding, and transferring water or water rights originating from outside this state for the purpose of providing water for the use or benefit of this state;

12. provides that the TWDB may not issue more than $100 million in bonds during a fiscal year to provide financial assistance for water supply and sewer services for assistance to economically distressed areas for water supply and sewer service projects;

13. creates the Texas Water Fund Advisory Committee, which may submit comments and recommendations to the TWDB regarding the use of money in:
    a. the state water implementation fund for Texas for use by the TWDB in adopting rules and in adopting policies and procedures;
    b. the Texas water fund for use by the TWDB in adopting rules;
    c. the flood infrastructure fund for use by the TWDB in adopting rules; and
    d. the Texas infrastructure resiliency fund for use by the TWDB in adopting rules;

14. provides that the Texas Water Fund Advisory Committee may:
    a. provide comments and recommendations to the TWDB on any matter;
    b. review the overall operation, function, and structure of any fund administered by the TWDB; and
    c. adopt rules, procedures, and policies as needed to administer the bill and implement its responsibilities; and

15. requires the TWDB to develop and maintain on its Internet website a publicly available tool by which a person may obtain information regarding:
    a. state progress toward meeting future water supply needs, including the extent to which water management strategies and projects implemented after the adoption of the preceding state water plan have affected that progress;
    b. water supply projects included in the most recently approved state water plan that received commitments of financial assistance from the board in the preceding year;
    c. the board's commitments of financial assistance for water supply projects, by program;
    d. the net amount of water projected to be developed, conserved, or reclaimed through projects that receive financial assistance from the board;
    e. the TWDB's progress toward providing financial assistance to utilities that have water losses that meet or exceed the threshold established by rule;
    f. the transfer of money from the Texas water fund to other eligible board-administered funds in the preceding year;
    g. the total estimated statewide costs of water, wastewater, and flood infrastructure needs and the estimated amount of state financial assistance required to address those needs; and
    h. the state's progress in closing the gap between total statewide water infrastructure needs and the state financial assistance required to meet those needs.

(Effective September 1, 2025; Number 6, above, is effective September 1, 2027, but only if **H.J.R. 7** is approved at the election on November 4, 2025.)

S.B. 75 (Hall/Wilson) – Texas Grid Security Commission: among other things: (1) creates the Texas Grid Security Commission to evaluate, among other things, using available information on past power outages in Electric Reliability Council of Texas (ERCOT), all hazards to the critical infrastructure of the ERCOT electric grid, including threats that can cause future outages; (2) requires the security commission to evaluate the resilience of cities in Texas in the following essential areas: (a) emergency services; (b) communications systems; (c) water and sewer services; (d) health care systems; (e) financial services; (f) energy systems, including whether energy, electric power, and fuel supplies are protected and available for recovery in the event of a catastrophic power outage; and (g) transportation systems; (3) requires the security commission to investigate the steps that local communities and other states have taken to address grid resilience; (4) provides that based on the findings of the evaluations and investigations conducted the bill, the security commission shall consider and recommend resilience standards for cities and critical components of the ERCOT electric grid; (5) provides that standards considered and recommended for energy systems of cities should include provisions to ensure that energy, electric power, and fuel supplies are protected and available for recovery in the event of a catastrophic power outage;

(6) provides that not later than December 1, 2026, the security commission shall prepare and deliver a report to the legislature on the recommended resilience standards, the estimated costs associated with implementing the recommended standards, the potential effects if the recommended standards are not implemented, and the anticipated timeline for implementation of the recommended standards; (7) provides that not later than December 1, 2026, the security commission shall prepare and deliver to the legislature a plan for protecting critical infrastructure from all hazards, including a catastrophic loss of power in the state; and (8) provides that not later than January 1 of each year, the security commission shall prepare and deliver a nonclassified report to the legislature, the governor, and the Public Utility Commission assessing natural and man-made threats to the electric grid and efforts to mitigate the threats. (Effective immediately.)

S.B. 480 (Perry/Canales) – Water Research: provides that a local government may contract with another local government, the state, or the federal government to jointly participate in research or planning activities related to water resources. (Effective immediately.)

S.B. 482 (Alvarado/Harless) – Assault or Harassment of Utility Employee: provides that: (1) an offense of assault is a felony of the third degree of the offense is committed against a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency; (2) a person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with a person who is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency; and (3) an offense of harassment is a Class A misdemeanor if the offense was committed against a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency. (Effective September 1, 2025.)

S.B. 740 (Perry/Spiller) – Water and Sewer Proceedings: among other things: (1) provides that the Public Utility Commission's (PUC) jurisdiction to fix rates shall be limited to water furnished by the city to another political subdivision, other than another city, on a wholesale basis; (2) provides that a retail public utility that receives water or sewer service from another retail public utility or political subdivision of the state, including an affected county, but not the decision of a city regarding wholesale water or sewer service provided to another city, may appeal to the PUC a decision of the provider of water or sewer service affecting the amount paid for water or sewer service; and (3) requires that the Public Utility Commission adopt rules to create an expedited process to authorize a municipally owned utility, a county, a water supply or sewer service corporation, or a water district or authority to acquire the stock or ownership interest or assets of a utility in receivership, a utility in supervision, or a utility in temporary management, and, if applicable, its certificated service area, in the manner provided by state law. (Effective September 1, 2025.)

S.B. 763 (Alvarado/K. Bell) – Concrete Permits: requires, among other things, that the Texas Commission on Environmental Quality , at least once every eight years, conduct a protectiveness review of a standard permit that authorizes the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing. (Effective September 1, 2025.)

S.B. 1169 (A. Hinojosa/Guillen) – Public Utility Agencies: among other things: (1) adds a water supply or sewer service corporation to the definition of "public entity" for the purposes of state law that allows two or more public entities that have the authority to engage in the collection, transportation, treatment, or disposal of sewage or the conservation, storage, transportation, treatment, or distribution of water to join together as cotenants or co-owners to plan, finance, acquire, construct, own, operate, or maintain water or sewer facilities; (2) provides that each participating public entity may: (a) make an acquisition of property and easements for a facility through a purchase from a public or private entity; and (b) for the use and benefit of each participating public entity, acquire by purchase a public utility, other than an affected county; (3) provides that a public utility agency does not have the power of eminent domain; (4) provides that a public utility agency includes a retail public utility as defined in state law; (5) provides that a participating public entity may withdraw from a public utility agency by providing an ordinance or resolution of the governing body of the participating public entity to the agency not later than the 180th day before the proposed date of withdrawal; (6) provides that the Public Utility Commission (PUC) has appellate jurisdiction over the rates and charges of a public utility agency in the manner provided by state law; (7) provides that ratepayers of a public utility agency may appeal the decision of the agency affecting their water, drainage or sewer rates to the PUC; (8) provides that at the request of the PUC or the Texas Commission on Environmental Quality (TCEQ), the attorney general shall bring suit for the appointment of a receiver that is a public utility agency to collect the assets and carry on the business of a utility or water supply or sewer service corporation that, among other things: (a) has abandoned operation of its facilities; or (b) violates a final order of PUC or the TCEQ; (9) adds public utility agency to the definitions of "retail public utility," "water and sewer utility," and "utility;" (10) provides that ratepayers of a public utility agency may appeal the decision of the governing body of the entity affecting their water, drainage, or sewer rates to the PUC; (11) provides that the board of directors of a public utility agency, within 60 days after the date of a final decision on a rate change, shall provide individual written notice to each ratepayer eligible to appeal the rates; and (12) provides that the PUC may by rule allow a public utility agency that includes a water supply or sewer service corporation as a participant in the agency to render retail water or sewer service without a certificate of public convenience and necessity. (Effective immediately.)

S.B. 1243 (Birdwell/Slawson) – Dissolution of Public Utility Agency: provides that: (1) the public entities that participate in a public utility agency may by concurrent ordinances dissolve the public utility agency and transfer all obligations, assets, permits, and licenses of the public utility agency to the remaining public entities; and (2) a public entity that is the only remaining participant in a public utility agency may by ordinance dissolve the public utility agency. (Effective September 1, 2025.)

S.B. 1261 (Perry/Gerdes) – Financing for Water Supply Projects: among other things: (1) defines "issuer" as a political subdivision, including a city; (2) defines "eligible project" as one or more related water supply projects: (a) that are identified as recommended water management strategies in the state water plan; and (b) the cumulative costs of which are not less than $750 million; (3) provides that the bill does not apply to financial assistance provided by the Texas Water Development Board; (4) provides that to the extent of any conflict or inconsistency between the bill and another law or a municipal charter, the bill controls; (5) provides that as authorized and approved by the governing body of an issuer, obligations may be issued, sold, incurred, and

delivered to: (a) finance or refinance an eligible project; (b) refund obligations, other indebtedness, or contractual obligations of the issuer issued or incurred in connection with an eligible project; and (c) pay the costs of issuance or delivery of the obligations; (6) provides that an obligation may not be secured wholly or partly by a pledge of ad valorem taxes; (7) provides that before an obligation may be issued or incurred, a record of the proceedings of the issuer authorizing the issuance, execution, incurrence, and delivery of the obligation and any contract providing revenue or security pledged to the payment of the obligation must be submitted to the attorney general for review; and (8) provides that money in the State Water Implementation Fund for Texas may be used for projects detailed in the bill. (Effective September 1, 2025.)

S.B. 1302 (Kolkhorst/C. Bell) – Waste Discharge Permits: provides that: (1) after the Texas Commission on Environmental Quality (TCEQ) denies or suspends a discharger's authority to discharge under a general permit, the discharger may not discharge under the general permit until the executive director actively authorizes the discharger to use the general permit; and (2) the executive director may not use an automatic process to authorize the use of a general permit. (Effective September 1, 2025.)

S.B. 1662 (Zaffirini/Guillen) – Public Drinking Water Supply Systems: provides that the Texas Commission on Environmental Quality (TCEQ) may provide notice not more than 24 hours in advance to a public drinking water supply system that obtains its water supply from underground sources of the TCEQ's intent to perform water quality testing to investigate a complaint related to the public drinking water supply system's water quality. (Effective September 1, 2025.)

S.B. 1663 (Zaffirini/Guillen) – Groundwater Contamination Notification: provides that as soon as practicable but not later than the 30th day after the date the Texas Commission on Environmental Quality (TCEQ) receives notice or obtains independent knowledge of groundwater contamination, the TCEQ shall make every effort to give notice of the contamination by first class mail, e-mail, notice placed on the door of a residence, or another effective delivery method to: (1) each owner of a private drinking water well that may be affected by the contamination; (2) each applicable groundwater conservation district; and (3) the residents of each residential address within one mile of the site of the contamination. (Effective September 1, 2025.)

S.B. 1664 (Schwertner/Hull) – Transmission and Distribution Utility Rates: provides that if a regulatory authority proposes to enter an order approving a transmission and distribution utility's change in rates that differs from the change initially proposed by the transmission and distribution utility, the regulatory authority shall require the utility to provide to the regulatory authority a new stand-alone document that includes the information required by the bill for the proposed change. (Effective September 1, 2025.)

S.B. 1697 (Zaffirini/VanDeaver) – Solar Energy Devices: among other things: (1) requires the Public Utility Commission (PUC) to develop and periodically update a guide to provide customers with certain information on solar energy devices for a home; and (2) provides that for at least 12 months after the PUC publishes each version of the guide, each electric utility that issues a bill directly to a customer for any electric product or service and each electric cooperative, municipally owned utility, and retail electric provider shall: (a) include a link to the guide on the utility's,

cooperative's, or provider's Internet website; and (b) provide information about accessing the guide with each bill. (Effective September 1, 2025.)

S.B. 1789 (Schwertner/McQueeney) – Electric Service Quality and Reliability: provides, among other things, that: (1) if an electric utility fails to comply with the standards required by the bill the utility's system is damaged by a weather-related event or natural disaster, the Public Utility Commission (PUC) may at the utility's next rate proceeding reduce the utility's return on equity for infrastructure used or installed to repair or replace the damaged portion of the system; (2) the PUC by rule shall adopt standards for the structural integrity of transmission and distribution poles that must, among other things, require an electric utility, municipally owned utility, or electric cooperative to inspect transmission and distribution poles and take appropriate remedial action as necessary on a timeline established by the PUC; (3) the governing body of a municipally owned utility or an electric cooperative shall adopt for the utility or cooperative, as applicable, the standards adopted by the PUC under (2), above; (4) each electric utility, municipally owned utility, and electric cooperative shall submit to the PUC an annual report on: (a) the implementation of the utility's or cooperative's transmission and distribution pole maintenance schedule; (b) the results of the utility's or cooperative's inspection of transmission and distribution poles, including any remediation or replacement action taken; and (c) any other information the PUC requires; (5) the PUC may impose an administrative penalty against a municipally owned utility or electric cooperative for a violation of the bill or a rule adopted under the bill; and (6) a municipally owned utility or an electric cooperative operating on the effective date of the initial standards adopted by the PUC under (2), above, shall adopt the standards as required by the bill not later than the 120th day after the date the PUC adopts the standards. (Effective September 1, 2025.)

S.B. 1967 (J. Hinojosa/A. Martinez) – Flood Infrastructure Fund: provides that: (1) the water loan assistance program fund may be used by the Texas Water Development Board (TWDB) to provide grants to drainage districts for water supply projects, including projects that contain a flood control component; (2) the TWDB may not disqualify a drainage district from receiving a grant under (1), above, because the district does not: (a) have historical data about water use; (b) provide retail water service to consumers; or (c) have a certificate of convenience and necessity under which it provides retail water or wastewater service; (3) in prioritizing projects for the State Water Implementation Fund for Texas, the TWDB must also at least consider the following criteria, among other things, whether the project is a water supply project that contains a flood control component, regardless of whether the applicant holds a certificate of convenience and necessity under which it provides retail water or wastewater service; and (4) a "flood project" for the Flood Infrastructure Fund means a drainage, flood mitigation, or flood control project, including construction of multi-purpose flood mitigation and drainage infrastructure projects that control, divert, capture, or impound floodwater, stormwater, agricultural runoff water, or treated wastewater effluent and treat and distribute the water for the purpose of creating an additional source of water supply. (Effective September 1, 2025.)

S.B. 2078 (Kolkhorst/Gerdes) – Composting Facilities by Certain Counties: provides, among other things, that: (1) a person may not deposit at a composting facility located in a county that does not contain a city with a commercial food waste composting ordinance food waste that is: (a) collected for composting in a city that has a commercial food waste composting ordinance; and

(b) subject to such an ordinance; and (2) a person is liable for a civil penalty of $1,000 for each violation of (1), above. (Effective September 1, 2025.)

S.B. 2351 (Alvarado/Walle) – Concrete Permits: provides that if the Texas Commission on Environmental Quality (TCEQ) amends the standard permit authorizing the operation of a permanent concrete plant that performs wet batching, dry batching, or central mixing, the TCEQ may require each facility operator authorized to begin new construction of a facility under the former standard permit to update the facility's plans for the new construction in accordance with the amended standard permit if: (1) the facility operator did not begin the construction, expansion, or modification before the adoption of the amended permit; and (2) the facility operator filed a request under TCEQ rules for an extension to begin construction. (Effective immediately.)

Community and Economic Development

H.B. 2765 (Guillen/Zaffirini) – Rural Economic Development: among other things: (1) expands the entities eligible to receive financial assistance from the Rural Economic Development and Investment Program to include: (a) counties with a population of not more than 200,000; (b) a public utility owned by a city with a population of not more than 50,000; and (c) a political subdivision that is wholly or partly located in a county with a population of not more than 200,000; (2) provides that financial assistance from the program described in (1), above, may be used for mineral extraction activities; (3) removes the requirement that a loan made from the Texas economic development fund must require monthly payments beginning not later than the 90th day after the loan is made; (4) authorizes the Department of Agriculture to use any money in the Texas economic development fund to make loans and grants; and (5) limits the maximum aggregate amount of outstanding loans provided to any one person by the Texas economic development fund to $1 million. (Effective September 1, 2025.)

H.B. 3010 (Ashby/Nichols) – Rural Infrastructure Disaster Recovery Program: provides that: (1) the Texas Division of Emergency Management (TDEM) shall establish and administer a rural infrastructure disaster recovery program designed to provide financial assistance in the form of grants to rural communities located in a disaster area for the purpose of rebuilding and repairing critical infrastructure damaged by a disaster; and (2) a political subdivision is eligible to apply to the TDEM for a grant under the bill if the political subdivision is: (a) a county: (i) that: (A) has a population of less than 100,000; (B) has a gross domestic product of less than $2 billion; (C) has a poverty rate greater than 15 percent; and (D) is located wholly or partly in a disaster area; and (ii) for which the total dollar amount of damages resulting from the disaster, as shown in an assessment of damages prepared after the disaster, exceeds the amount equal to ten percent of the state and local sales and use taxes collected in the county during the state fiscal year preceding the year in which the disaster occurs; or (b) a political subdivision other than a county that is wholly or partly located in a county described by (2)(a), above. (Effective September 1, 2025.)

S.B. 617 (Schwertner/Harris Davila) – Homelessness: among other things, provides that: (1) a city may not approve the conversion of city property to provide housing to homeless individuals unless the city holds a public hearing not less than 90 days before the conversion begins; (2) the hearing must be held at a location within one mile of the property; and (3) the city must provide

notice of the hearing by mail to each residence and business located within a one-mile radius of the property. (Effective September 1, 2025.)

S.B. 1143 (Blanco/Talarico) – Workforce Development Programs: among other things, requires the Texas Workforce Commission (TWC) to: (1) annually evaluate the effectiveness of the TWC's federally funded youth programs; (2) annually evaluate the best practices for local workforce development boards to: (a) meet the current and projected workforce needs of employers in workforce development areas; and (b) provide workforce development services to individuals who are at least 14 years of age but younger than 25 years of age; and (3) provide a report detailing the TWC's findings on the effectiveness of the TWC's federally funded youth programs to the legislature not later than January 15 of each odd-numbered year. (Effective September 1, 2025.)

Elections

H.B. 521 (Guillen/Paxton) – Voting Assistance: among other things, provides that an election officer commits an offense if the officer knowingly provides assistance to a voter in marking a ballot in violation of the law. (Effective September 1, 2025.)

H.B. 640 (Bumgarner/Parker) – Office Hours: among other things, provides that during an election period, the city secretary shall keep his or her office open for election duties for at least three hours each day, during regular office hours, on the days on which the main business office of the city is regularly open for business. (Effective September 1, 2025.)

H.B. 1661 (Vasut/Bettencourt) – Election Supplies: provides that: (1) the number of election ballots provided to an election precinct by an authority responsible for procuring election supplies for an election shall not exceed the total number of registered voters in the precinct unless the county participates in the countywide polling place program; (2) the authority responsible for procuring the election supplies for an election commits a Class A misdemeanor if the authority intentionally fails to provide an election precinct with the required number of ballots; (3) the authority responsible for procuring the election supplies for an election commits an offense if the authority intentionally fails to promptly supplement distributed ballots upon request by a polling place; (4) the penalty for intentionally failing to distribute or deliver election supplies within the prescribed deadline shall be increased to a Class A misdemeanor; (5) the penalty for intentionally obstructing the distribution of election supplies for an election shall be increased to a Class A misdemeanor; and (6) the penalty for the unlawfully releasing certain election information by an election officer, watcher or other person serving at a polling place in an official capacity before the polls close or the last voter has voted, whichever is later, shall be increased to a state jail offense. (Effective September 1, 2025.)

H.B. 2253 (Bhojani/Paxton) – Bond Measures: provides that: (1) not later than the 74th day before election day, the authority that ordered an election on the issuance of a bond may cancel the election on the bond measure if: (a) not earlier than the 90th day before the election on the measure, the governor issues a disaster declaration, regarding a natural disaster or other disaster threatening the health, safety, or general welfare of the authority's residents; and (b) the governing body of the authority, after holding an open meeting as described in (2), below, determines that

canceling the election on the measure is necessary due to damage to the authority's election system, to avoid harm to the authority's election workers, or to avoid harm to voters within the authority's jurisdiction; (2) the governing body of authority may hold an open meeting solely whether to deliberate to cancel an election on the measure to authorize the issuance of bonds due a disaster declaration issued under (1)(a), above; and (3) the governing body shall provide reasonable public notice of the meeting and allow members of the public and the press to observe the meeting described in (2), above, to the extent practicable under the circumstances. (Effective September 1, 2025.)

H.B. 5115 (Shaheen/Hughes) – Election Fraud: among other things, provides that: (1) a person commits an offense if the person knowingly or intentionally makes any effort to: (a) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or (b) refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid; and (2) an offense under (1), above, is a felony of the second degree unless: (a) the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a felony of the first degree; or (b) the person is convicted of an attempt, in which case the offense is a felony of the third degree. (Effective September 1, 2025.)

S.B. 506 (Bettencourt/Paul) – Ballot Propositions and Petitions: this bill:

1. requires that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;

2. provides that if a court orders a new election to be held after a contested election is declared void, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition substantially submit the question with such definiteness and certainty that the voters are not misled;

3. provides that, not later than the seventh day after the date that a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election or an authorized representative of a home-rule city may submit the proposition for review by the secretary of state (SOS);

4. requires the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading, inaccurate, or prejudicial;

5. provides that if the SOS determines that the proposition is misleading, inaccurate, or prejudicial, the city shall draft a proposition to cure the defect and give notice of the new proposition not later than the third day after receiving notice from the secretary of state;

6. authorizes a proposition drafted by a city under Number 5, above, to be submitted to the SOS under the process outlined in Number 3, above;

7. provides that if the SOS determines that the city has drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;

8. requires, in an action in a district court seeking a writ of mandamus to compel the city to comply with the provision described in Number 1, above, the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs, but that if the secretary of state determines that the proposition is not misleading, inaccurate, or prejudicial, or drafts the ballot proposition language, a plaintiff or relator who prevails may not be awarded the party's reasonable attorney's fees, expenses or court costs;

9. waives and abolishes governmental immunity to suit to the extent of the liability created by Number 8(b), above;

10. provides that, following a final judgment that a proposition failed to comply with the provision described in Number 1, above, a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding;

11. requires a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

12. provides that a political subdivision may not propose a measure, including a charter amendment, that will appear on the same ballot as a petition-initiated measure if: (a) the two measures generally address the same subject matter; or (b) a provision of a proposed measure would invalidate or conflict with any portion of a petition-initiated measure; and

13. provides that a measure proposed by a political subdivision in violation of Number 12, above, is void if the measure is proposed not earlier than the 180th day before the date the political subdivision's secretary receives the petition, and a political subdivision may be enjoined from proposing the measure.

(Effective September 1, 2025, but changes in bill only apply to a petition submitted on or after January 1, 2026.)

S.B. 827 (Parker/DeAyala) – Election Audits: provides that: (1) the audit of the results of electronic voting systems, other than electronic voting system results for a voting system that uses direct recording electronic voting machines, shall be conducted by hand; and (2) a candidate shall be entitled to appoint a watcher to be present at the count. (Effective September 1, 2025.)

S.B. 1494 (Johnson/Anchia) – Date of Election: provides that: (1) the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2025, change the date on which it holds its general election for officers to the November uniform election date in odd-numbered years. (Effective immediately.)

S.B. 2166 (Parker/Shaheen) – Voting Tabulation Equipment: among other things, provides that: (1) the general custodian of election records and the testing board for the public test of logic and accuracy shall prepare and conduct the first test of automatic tabulating equipment used at a central counting station and the test of automatic tabulating equipment used at a polling place; (2) the first test of automatic tabulation equipment used in a central counting station and the test of automatic tabulating equipment used at a polling place shall be conducted in conjunction with the public test of logic and accuracy; (3) the automatic tabulating equipment used in a central counting station shall be tested immediately: (a) before each time the counting of ballots with the equipment begins; and (b) after each time the counting of ballots with the equipment is completed; (4) on completing the first test of automatic tabulating equipment used in a central counting station and the test of automatic tabulating equipment used at a polling place, the general custodian of election records shall place the test ballots and other test materials in a container provided for that purpose and seal the container so it cannot be opened without breaking the seal; (5) the general custodian of election records shall provide the test materials to the presiding judge of the central counting station before subsequent tests of the automatic tabulating equipment used at the central counting station are conducted; (6) the test materials may not be made available for public inspection until the first day after the final canvass of the election is completed and the sealed container containing the test materials may be unsealed to allow for public inspection of the records and shall be resealed after the inspection of those records is completed; (7) the general custodian of election records is the custodian of the test materials following the completion of the first test of automatic tabulating equipment used in a central counting station and the test of automatic tabulating equipment used at a polling place; (8) immediately after receiving a voting system from a vendor, the general custodian of election records shall perform a hash validation on each ballot marking device, each unit of automatic tabulating equipment, and each tabulation computer to verify that the source code of the equipment has not been altered; (9) not later than the 48th day before election day, the general custodian of election records shall conduct a logic and accuracy test, and the test must be open to the public; (10) notice of the logic and accuracy test described in (9), above, shall be published on the political subdivision's website, if the political subdivision maintains a website, or on the bulletin board used for posting notice of meetings of the political subdivision's governing body if the political subdivision does not maintain a website, at least 48 hours before the test begins; (11) if the test cannot be conducted before the 48th day before election day, the general custodian shall conduct the test as soon as practicable after that date and must notify the secretary of state within 24 hours of the determination that the deadline cannot be met; (12) the general custodian of election records shall adopt procedures for testing that: (a) ensure that each type of automatic tabulating equipment, ballot marking device, and direct recording electronic voting device used in the election is tested; (b) include each type of ballot used in the election, including mail ballot stock and ballots marked from ballot marking devices, if any; (c) require that tested ballots are marked and labeled to ensure they are not used in an upcoming election; and (d) require that, if the testing board determines that the test is unsuccessful, the general custodian of election records: (i) identify the cause of the unsuccessful test and prepare a written explanation; (ii) publish the written explanation online; (iii) retain the materials used in the unsuccessful test; and (iv) conduct a retest that is open to the public following the unsuccessful test; (13) not later than 48 hours before voting begins in an election, the general custodian of election records shall conduct a test of logic and accuracy of the electronic pollbook system used in the election; and (14) notice of the test described in (13), above, must be published on the political subdivision's website, if the

political subdivision maintains a website, or on the bulletin board used for posting notice of meetings of the political subdivision's governing body if the political subdivision does not maintain an Internet website, at least 48 hours before the test begins. (Effective September 1, 2025.)

S.B. 2216 (Hughes/Pierson) – Election System Equipment: provides that: (1) the equipment used in the operation of a voting system must be stored in a locked room; (2) the inventory of electronic information storage media maintained by the general custodian of records must include information on the polling location at which the storage media will be used; and (3) the general custodian of election records shall: (a) place security seals on each unit of voting system equipment to prevent unauthorized access to the equipment; and (b) create a procedure for documenting: (i) which specific seals are placed on each unit of voting system equipment; and (ii) any instances where the seals are removed, including the identity of the individual who removed the seals and accessed the voting system equipment and the purpose for accessing the equipment. (Effective September 1, 2025.)

S.B. 2217 (Hughes/Shaheen) – Election Reporting: among other things, provides that: (1) not later than the 30th day after election day, the general custodian of election records shall prepare a reconciliation of the total number of votes cast and the total number of voters accepted to vote by personal appearance at each polling place in the custodian's county during the early voting period and on election day respectively; (2) the general custodian of election records shall post the results of a reconciliation conducted under (1), above, on the county's website in the same location that the county provides information on election results; (3) the general custodian of election records for an authority holding an election that uses an electronic device to accept voters shall prepare a report including information required to be included in a combination form and a list of voters who were accepted to vote, including a reference to the voter's county election precinct and polling location where the voter was accepted to vote, not later than the 30th day after election day; and (4) a report produced under (3), above, is an election record and shall be retained by the general custodian of election records for the period for preserving the precinct election records. (Effective September 1, 2025.)

S.B. 2753 (Hall/Isaac) – Elections: among other things, provides that:

1. the authority responsible for designating polling places shall, at a minimum, designate: (a) the location designated as the main early voting polling place; (b) each location designated as a permanent branch polling place; and (c) each location designated as a temporary branch polling place;

2. an election officer shall open and examine the ballot boxes and remove any contents from the boxes on the first day of voting at a polling place during early voting or on election day;

3. election precinct returns must include the total number of voters who voted at the polling place during early voting by personal appearance and on election day as indicated by the poll list;

4. the canvassing authority shall prepare a tabulation stating for each candidate and for and against each measure: (a) the total number of votes received in each precinct; (b) the total number of votes received in each precinct; and (c) the sum of the precinct totals;

5. the period for early voting by personal appearance begins on the 12th day before election day, continues through the day before election day, and includes Saturdays, Sundays, and holidays, except as otherwise provided by law;

6. for an election held on the May uniform election date and any resulting runoff election, the period for early voting by personal appearance begins on the ninth day before election day, continues through the day before election day, and includes Saturdays, Sundays, and holidays, except as otherwise provided by law;

7. an election authority must follow certain procedures for delivering voted early voting ballots to be counted manually or using automated tabulating equipment at the close of the early voting and at the close of polls on election day;

8. voted early voting ballots to be counted manually shall be kept in a separate ballot box from voted early voting ballots to be counted using automatic tabulating equipment;

9. the early voting board may not count early voting ballots until the polls open on election day or the fourth day before election day, in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with, or through a contract for election services, with such a county;

10. not later than the time of the local canvas, the early voting clerk shall deliver to the local canvassing authority a reporting of the total number of early voting votes by mail for each candidate or measure by election precinct;

11. voted early voting ballots retained or delivered to the main early voting polling place shall be treated as ballots voted on election day at the same polling place for processing and tabulation purposes; and

12. the Texas Secretary of State (SOS), by no later than August 1, 2027, to adopt rules to implement the above provision and publish a report in the Texas Register stating that the SOS has consulted with county election officials and is confident that the counties are prepared to implement such provisions.

(Bill is effective September 1, 2025, but changes in law in the bill only apply to an election ordered on or after the date the SOS publishes the report described in Number 12, above.)

S.B. 2964 (Hughes/Bucy) – **Defective Mail In Ballots**: among other things, provides that: (1) if an early voting clerk receives a timely carrier envelope for a mail in ballot that is not in full compliance with applicable requirements, the clerk, not later than the second day after the clerk discovers the defect and before the time of delivering the jacket envelops to the early voting ballot board, shall send the voter a notice of the defect and a corrective form by mail or by common or

contract carrier; (2) the early voting clerk shall include with the notice delivered to the voter: (a) a brief explanation of each defect in the noncomplying ballot; and (b) a notice that the voter may cancel the voter's application to vote by mail or correct the defect; (3) if the early voting clerk determines that it would not be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, the clerk may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may: (a) request to have the voter's application to vote by mail canceled; (b) submit a corrective action form by mail or by common or contract carrier; or (c) come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect; and (4) the early voting clerk shall: (a) in addition to sending the voter notice of the defect or notifying the voter of the defect by telephone or e-mail, notify the voter of a defect using an online tool that shall be developed by the Secretary of State; and (b) if possible, permit the voter to correct a defect using the online tool. (Effective September 1, 2025.)

Personnel

H.B. 35 (Thompson/West) – First Responder Peer Support Network: among other things: (1) establishes a peer support network program for emergency medical services personnel and firefighter first responders; (2) tasks the Texas Division of Emergency Management to develop and administer the network described in (1), above, for certain personnel in urban and rural jurisdictions, including peer-to-peer support, suicide prevention training, technical assistance, and identifying, retaining, and screening participating licensed mental health professionals, and connecting first responders with clinical resources at no cost to the first responders; and (3) provides that information relating to a first responder's participation in the peer support network program or services is confidential and not subject to disclosure under the Public Information Act. (Effective September 1, 2025.)

H.B. 198 (Bumgarner/Parker) – Cancer Screenings: provides, among other things, that: (1) a city that employs firefighters shall offer an occupational cancer screening to each firefighter at no cost in the fifth year of the firefighter's employment, and once every year following the initial screening; (2) the occupational cancer screening must be confidential, and in addition to testing for cancer, include: (a) a urine test; (b) a pulmonary function test; (c) an electrocardiogram; (d) an infectious disease screening; (e) a breast cancer screening; (f) a blood test; and (g) subject to (3) below, a chest x-ray; (3) a firefighter is eligible to receive a chest x-ray during the screening once every five years; (4) the Texas Commission on Fire Protection (TCFP) shall adopt rules establishing minimum standards for the screening using standards developed by the National Fire Protection Association (NFPA); and (5) a city that employs firefighters is not required to offer a screening in (1) above, if the city offers an annual occupational medical examination under a plan submitted to the TCFP no later than February 1 of each year that is endorsed by a physician and is in substantial compliance with standards developed by the NFPA. (Effective June 1, 2026.)

H.B. 331 (Patterson/J. Hinojosa) – Disease Presumption: this bill: (1) removes the requirement that a firefighter, peace officer, or emergency medical technician who suffers an acute myocardial infarction or stroke must have been engaging in a situation or participating in a training exercise that involved "nonroutine" stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity for the disease presumption to apply; (2) adds law enforcement to the list of emergency

response activities listed in (1), above; and (3) expands the duration from which the acute myocardial infarction or stroke must have occurred to not later than eight hours after the end of a shift in which the firefighter, peace officer, or emergency medical technician was engaging in the activity described in (1), above. (Effective immediately.)

H.B. 762 (Leach/Bettencourt) – Severance Pay: among other things, provides that: (1) a political subdivision, including a city, that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an employee or independent contractor must include: (a) a requirement that severance pay that is paid from public money may not exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contract would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; and (b) a prohibition of the provision of severance pay when the employee or independent contractor is terminated for misconduct; (2) a political subdivision shall post each severance agreement in a prominent place on the political subdivision's internet website; and (3) for an action brought against a political subdivision by an employee or independent contractor of the political subdivision arising from the termination of the person's employment or contract, a court may not issue a writ of execution or mandamus in connection with a judgment in the action if the judgment does not comply with (1), above. (Effective September 1, 2025.)

H.B. 2513 (Tepper/Perry) – Military Leave: provides that, for purposes of calculating the payment amount for a paid military leave of absence for a fire protection employee, a 24-hour work shift constitutes one workday. (Effective September 1, 2025.)

H.B. 2713 (Darby/Hancock) – Civil Service Repeal: provides that the ability for voters to petition for an election to repeal civil service only applies in a city with a population of less than 50,000 that has operated under civil service for its police officers or firefighters for at least one year. (Effective immediately.)

H.B. 3153 (Kerwin/Kolkhorst) – Hiring Requirements for Persons in Direct Contact with Children: among other things, for a facility operated by or under the authority of a city or county that provides temporary living accommodations for homeless individuals, provides that: (1) a city or county shall ensure each facility the entity regulates or operates reviews state and federal criminal history record information and conducts an employment verification for each person: (a) who is: (i) an applicant selected for employment with the facility; (ii) an employee of the facility; (iii) an applicant selected for a volunteer position with the facility; (iv) a volunteer with the facility; (v) an applicant for an independent contractor position with the facility; or (vi) an independent contractor of the facility; and (b) who may be placed in direct contact with a child receiving services at the facility; (2) in conducting an employment verification, the facility must at a minimum contact the previous employers listed in the submitted application materials for each applicant; (3) a facility may not offer a person an employment, volunteer, or independent contractor position and must terminate the person's position if, based on a criminal history record information review or an employment verification of that person, the facility discovers the person: (a) engaged in physical or sexual abuse of a child constituting an offense under certain state criminal laws; or (b) was terminated from a previous position based on allegations of engaging in conduct described by (3)(a), above; (4) a separation agreement for a facility employee, volunteer,

or independent contractor may not include a provision that prohibits disclosure to a prospective employer of an allegation of conduct constituting an offense under certain state criminal laws; and (5) a facility must provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child. (Effective September 1, 2025.)

H.B. 3161 (Villalobos/A. Hinojosa) – Texas Municipal Retirement System: provides that a city that participates in the Texas Municipal Retirement System may designate the rate of member contributions for employees at a rate of eight percent of the employees' compensation. (Effective September 1, 2025.)

H.B. 4144 (Turner/Middleton) – Supplemental Income Benefits: provides that: (1) a governmental entity shall provide to a firefighter or peace officer who retires from a fire department or law enforcement agency with at least 50 firefighters or peace officers, a critical-illness supplemental income benefit or comparable health benefit plan coverage if the firefighter or peace officer is diagnosed with certain types of cancer or acute myocardial infraction or stroke not later than the third anniversary of the date the firefighter or peace officer retires; (2) the value of the supplemental income benefit shall be the lesser of: (a) the firefighter's or peace officer's final year salary; or (b) $100,000; (3) a governmental entity providing a supplemental income benefit may provide the benefit in a lump sum payment or equal payments over three consecutive months; (4) not later than September 1 of each year ending in a five, the commissioner of insurance by rule shall adjust the amount described in (2), above, by an amount equal to the percentage increase, if any, in the consumer price index for the preceding ten years; and (5) the above provisions do not apply to a political subdivision that provides a firefighter or peace officer who retires from the political subdivision a health benefit plan that is comparable in coverage and cost to the retiree as the health benefit plan the political subdivision provided to the retiree on the day before the date the retiree retired. (Effective September 1, 2025.)

S.B. 777 (Hughes/Lujan) – Collective Bargaining: among other things, provides that: (1) in settling disputes relating to compensation, hours, and other conditions of employment, an arbitration board shall consider, to the extent applicable, a city's charter or collective bargaining agreement; (2) an arbitration award rendered by an arbitration board must be made effective for the period for which the public employer and the employee association are bargaining, and may exceed one year; (3) if a city has a charter or a collective bargaining agreement that provides for the resolution of an impasse in a collective bargaining process, the city and the employee association that is the bargaining agent for the city's firefighters shall submit to the impasse resolution mechanism contained in the charter or the agreement if the parties: (a) reach an impasse in collective bargaining; or (b) are unable to settle after the 61st day after the date the city council fails to approve a contract reached through collective bargaining; and (4) a provision in state law relating to collective bargaining arbitration does not apply to the impasse resolution mechanism described in (3), above, unless the charter or agreement, as applicable, provides otherwise. (Effective September 1, 2025.)

S.B. 2237 (Bettencourt/C. Bell) – **Severance Pay**: (1) defines an executive employee as a chief executive officer of a political subdivision other than a school district, an agency or department head, or the superintendent of a school district or the chief executive officer of an open-enrollment charter school; (2) provides that a political subdivision that enters into an employment agreement,

or renewal or renegotiation of an existing employment agreement, that contains a provision for severance pay with an executive employee must include: (a) a provision that severance pay that is paid from tax revenue may not exceed the amount of compensation, at the rate at the termination of employment, the executive employee would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; and (b) a provision that prohibits the provision of severance pay when the executive employee is terminated for misconduct; (3) requires that a political subdivision post each severance agreement in a prominent place on its website; and (4) provides that a court may not issue a writ of execution or mandamus in connection with a judgment in an action brought against a political subdivision if the judgment does not comply with (1) and (2), above. (Effective September 1, 2025.)

Purchasing

H.B. 223 (Capriglione/Middleton) – Lobbying Procurement: provides that an expenditure by a city to procure lobbying, government relations, or similar services intended to influence state or federal lawmakers on behalf of a city may not be classified as a personal, professional, or planning service for competitive procurement purposes. (Effective September 1, 2025.)

S.B. 1173 (Perry/Spiller) – **Competitive Bidding Threshold**: among other things: (1) increases the threshold at which competitive bidding is required for city purchases from $50,000 to $100,000; and (2) increases the threshold at which a city must contact at least two historically underutilized businesses to an expenditure of more than $3,000 but less than $100,000. (Effective September 1, 2025.)

Municipal Courts

H.B. 1950 (Capriglione/Hancock) – Municipal Court Building Security and Technology Funds: for a city with a population less than 100,000: (1) consolidates the municipal court building security and municipal court technology funds into a single consolidated municipal court building security and technology fund in the municipal court treasury; and (2) allows cities to use funds in the consolidated fund described in (1), above, for purposes authorized by state law for a municipal court building security fund or a municipal court technology fund. (Effective immediately.)

H.B. 5081 (Leach/Creighton) – Protected Information: among other things, provides that: (1) a person may not publicly post or display on a publicly accessible website the following information of a judge or a municipal court clerk, or an immediate family member of the judge or clerk, if the individual, or the Office of Court Administration of the Texas Judicial System, acting on the individual's behalf, submits a written request to that person not to disclose or acquire the covered information that is the subject of the request: (a) a home address, including primary and secondary residences; (b) a home or personal telephone number, including a mobile telephone number; (c) an e-mail address; (d) a social security number or driver's license number; (e) bank account, credit card, or debit card information; (f) a license plate number or other unique identifier of a vehicle owned, leased, or regularly used; (g) the identity of a child younger than 18 years of age; (h) a person's date of birth; (i) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care; (j) employment information, including the name or address of

the employer, employment schedules, or routes taken to or from the employer's location; and (k) photographs or videos that reveal information listed in (a)-(j), above; (2) the provisions of (1), above, do not apply to information that the judge or court clerk or their immediate family member: (a) displayed on a publicly accessible website if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern; or (b) voluntarily posts on the internet; (3) the provisions of (1), above, do not apply to information received from a governmental entity or an employee or agent of a governmental entity; and (4) a data broker may not knowingly sell, license, trade for consideration, transfer, or purchase information of an individual or immediate family member of the individual described in (1), above. (Effective September 1, 2025.)

S.B. 293 (Huffman/Leach) – Judicial Complaints: among other things: (1) provides that failing to meet deadlines set by statute or binding court order and persistently or willfully violating state law bail requirements constitutes willful or persistent conduct inconsistent with the proper performance of a judge's duties; (2) creates a criminal offense for filing a false judicial complaint and assessing a penalty for violations; and (3) provides commission staff procedures to investigate judicial complaints, including applicable timelines, reporting and recommendation requirements, notice requirements, and available disciplinary actions and penalties. (Effective immediately.)

S.B. 296 (Perry/Canales) – Motorcycle Safety Course Dismissals: provides that: (1) a defendant may request to complete an approved driver's safety course or motorcycle operator training and safety program course to dismiss an applicable traffic citation through a court-authorized email address or internet portal, on or before the answer date on notice to appear; and (2) is eligible for dismissal of all offenses arising out the same criminal transaction following completion of such course, if each offense is eligible for dismissal following completion of such course, and the defendant satisfies all other applicable requirements. (Effective September 1, 2025.)

S.B. 304 (Perry/Darby) – Code Enforcement: allows a city, by ordinance, to provide its municipal court with: (1) civil jurisdiction for the purpose of enforcing certain code enforcement-related ordinances; (2) concurrent jurisdiction with a district court or county court of law within the city's territorial limits and property owned by the city in the city's extraterritorial jurisdiction, for the purposes of enforcing health and safety nuisance abatement ordinances; (3) the authority to issue search warrants to investigate a health and safety or nuisance abatement ordinance violation, and (4) the authority to issue a seizure warrant to secure, remove, or demolish the offending property and removing debris from the premises. (Effective September 1, 2025.)

S.B. 647 (West/Anchia) – Notice of Suspected Fraudulent Documents: among other things, requires a municipal clerk who reasonably believes that a previously filed or submitted document that purports to create a lien or assert a claim against or interest in real or personal property is fraudulent to provide written notice to specific individuals, including the last known property owner and any grantor, obligor, or debtor named in the document. (Effective September 1, 2025.)

S.B. 664 (Huffman/Cook) – Judge and Magistrate Qualifications: among other things: (1) requires that to be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer, a person must: (a) be a resident of Texas and the county in which they are appointed; (b) except under certain circumstances, have been licensed to practice law in Texas and

in good standing with the State Bar of Texas for at least five years; (c) not have been defeated for reelection to a judicial office; (d) not have been removed from office by impeachment or other certain circumstances; and (e) not have resigned from office after having received notice the State Commission on Judicial Conduct had instituted formal proceedings and before the final disposition of the proceeding; (2) requires that any person described in (1), above, whose duties include setting, adjusting, or revoking bail bonds must comply with state bail training requirements; (3) subjects any person described in (1), above, to removal under the Texas Constitution; (4) requires the local administrative judge to ensure that any person described in (1), above, complies with the above requirements and report violations to the applicable commissioners court, presiding regional administrative judge, the Office of Court Administration of the Texas Judicial System, and under certain circumstances, to the State Commission on Judicial Conduct. (Effective September 1, 2025.)

S.B. 1537 (Zaffirini/Smithee) – **Municipal Court Interpreters**: provides that following a motion for appointment of an interpreter filed by any party, or a court on its motion, a court must appoint a certified interpreter to interpret for a person charged or a witness if the court determines that the person charged or a witness does not understand or speak the English language. (Effective immediately.)

VETOED S.B. 2878 (Hughes/Leach) – **Judicial Branch Administration**: among other things, provides that:

1. in addition to any other qualification required by law, an appointed master, magistrate, referee, or associate judge generally must have been licensed to practice law in Texas for at least five years before the appointment, but at least two years before appointment in certain circumstances;

2. a person is disqualified from serving as a petit juror if they have been convicted of a felony or have served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;

3. a person may establish an exemption from petit juror service if they are 75 years of age or older;

4. a municipal court in a county with a population of 50,000 or more, may appoint a spoken language interpreter who is not a certified or licensed court interpreter;

5. the filing of an election contest does not suspend implementation of a constitutional amendment approved by the majority of votes cast, and that the trial court must ensure a written ruling on a pretrial motion in such a case is entered not later than the 30th day after the date the motion is filed, and final judgment is not filed later than the 180th day after the date of the contested election;

6. each district judge, judge of a statutory county court, associate judge, master, referee, and magistrate must complete at least four hours of training dedicated to issues related to trafficking of persons, child abuse and neglect, and elder abuse and neglect with the judge's

first term of office or four years of service, but that each judge or judicial officer are exempt from these requirements if they file an affidavit stating that the judge or judicial officer does not hear cases involving family violence, sexual assault, trafficking of persons, or child abuse and neglect;

7. the director of the Office of Court Administration of the Texas Judicial System must develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state or local government agency the office determines should be notified of the judges, judges' spouses, employee, and related family members whose personal information must be kept from public records;

8. the county registrar shall omit from the registration list the residence address for a registration applicant who is: (a) a current or former employee of the office of a county clerk, district clerk, or county and district clerk or municipal court personnel, or (b) a current for former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, a juvenile case manager, law clerk, or staff attorney;

9. information that relates to the home address, home telephone number, emergency contact information, social security number, or reveals whether someone has family members for a current or former employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, juvenile case manager, law clerk, or staff attorney, is excepted from disclosure under the Public Information Act, regardless of whether or not the individual has specifically opted to keep such information confidential;

10. an actor who commits the offense of harassment is subject to increased criminal penalties, if the offense was committed against a person the actor knows is a court employee;

11. a court employee may choose to make the home address confidential in the local appraisal district records;

12. each justice or municipal court must adopt a youth diversion plan;

13. a juvenile charged with a misdemeanor punishable by fine only, other than a traffic offense, are generally eligible to participate in a youth diversion program, subject to certain conditions and exceptions;

14. a justice or municipal court may collect a $50 administrate fee from the child's parent to defray the costs of the diversion;

15. a justice or municipal court must include certain terms in a youth diversion agreement, conduct a non-adversarial hearing in the event of non-compliance, and may continue, amend, or set aside the diversion agreement in the event of non-compliance;

16. a justice or municipal court must maintain statistics for each authorized diversion strategy;

17. other than statistical records, all records generated related to a court's youth diversion program are confidential, and that all records pertaining to a child's participation in such a program shall be expunged without the requirement of a motion or request, on the child's 18th birthday; and

18. an arrest warrant issued for a child and a complaint or affidavit on which an arrest warrant issued for a child is based are confidential and may only be disclosed to certain listed individuals or entities.

(Effective September 1, 2025.)

Other Finance and Administration

H.B. 103 (Troxclair/Bettencourt) – Bonds and Tax Database: this bill: (1) requires the comptroller to consult and coordinate with the Bond Review Board to develop and maintain a database that includes current and historical information regarding taxing unit bonds, taxes, and bond-related projects; (2) requires a taxing unit, including a city, to provide the comptroller with information for the purpose of maintaining the database; (3) prohibits the comptroller from charging a fee to the public to access the database; and (4) provides a civil penalty of $1,000 for a taxing unit that does not provide the required information to the comptroller. (Effective September 1, 2025.)

H.B. 128 (Orr/Kolkhorst) – Sister-City Agreements: among other things, prohibits a city from establishing, maintaining, or renewing a sister-city agreement with: (1) a country that is a foreign adversary; or (2) a community located in: (a) China; (b) North Korea; (c) Iran; (d) Russia; or (e) a nation that has been designated as a threat to critical infrastructure by the governor. (Effective September 1, 2025.)

H.B. 149 (Capriglione/Schwertner) – Artificial Intelligence: among other things: (1) provides that a government agency that makes available an artificial intelligence (AI) system that is intended to interact with consumers must disclose to each consumer, before or at the time of interaction, that the consumer is interacting with an AI system; (2) prohibits a government agency from using an AI system for certain social scoring purposes; (3) prohibits a government entity from developing or deploying an AI system with biometric identifiers of individuals and the gathering of images or other media for the purpose of uniquely identifying a specific individual, if doing so, would infringe, constrain, or otherwise chill any right guaranteed under state or federal law; (4) provides that the limitations described in (2) and (3), above, only apply to government entities using AI systems to constrain civil liberties, not any AI system developed or deployed for commercial purposes; (5) provides that state law regarding the use of AI systems supersedes and preempts any such ordinance, resolution, rule, or other regulation adopted by a political subdivision; (6) establishes the Texas Artificial Intelligence Council (TAIC); (7) provides for the membership, powers, and duties of the TAIC; and (8) provides that the TAIC shall conduct training programs for state agencies and local governments on the use of AI systems. (Effective January 1, 2026.)

H.B. 150 (Capriglione/Parker) – **Cyber Training**: among other things: (1) establishes the Texas Cyber Command (TCC) as a state agency; (2) directs the TCC to perform certain duties, including developing cybersecurity best practices and minimum standards for governmental entities, develop and providing cybersecurity training to state agencies and local governmental entities, and offer cybersecurity resources to state agencies and local governmental entities; (3) requires each elected or appointed official and employee of a local governmental entity who has access to the entity's information resources or information resources technologies to annually complete a state-certified cybersecurity training program; (4) requires a local governmental entity to verify and report on the entity's compliance with (3), above, to TCC, and periodically audit such compliance; and (5) allows a governmental entity or the governing body's designee to deny an employee or official access to the entity's information resources or information resources technologies who do not complete the annual training described in (3), above. (Effective September 1, 2025.)

H.B. 229 (Troxclair/Middleton) – Gender Identification: among other things, provides that a governmental entity, including a city, that collects vital statistics information that identifies the sex of an individual for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall identify each individual as either male or female. (Effective September 1, 2025.)

H.B. 303 (Vasut/Hagenbuch) – Type C General Law Cities: allows a Type A general city with 4,999 or fewer inhabitants or a Type B general law city with 999 or fewer inhabitants to change to a Type C general law city. (Effective immediately.)

H.B. 519 (M. González/Kolkhorst) – Honey Production Deregulation: among other things, provides that: (1) honey production operations are not food service establishments; (2) a local government authority, including a city, may not regulate the production or honey or honeycomb; and (3) honey and honeycomb are raw agricultural commodities. (Effective September 1, 2025.)

H.B. 1922 (Dean/Middleton) – **Construction Liability Claims**: provides that: (1) a cause of action for a claim for damages asserted by a governmental entity for certain claims for damages caused by an alleged construction defect in a public building or public work against a contractor, subcontractor, supplier, or design professional accrues on the date that the report from the governmental entity to each party with whom the governmental entity has contracted with for the design or construction of the affected structure, that identifies the construction defect upon which the claim is based and describes the present physical condition of the structure and any modifications, maintenance, or repairs made by the governmental entity or others since the structure was initially occupied or used, is postmarked; and (2) the date of accrual of a cause of action for such a claim described in (1), above, is unaffected for all other purposes. (Effective September 1, 2025.)

H.B. 2564 (Wilson/King) – Defense Economic Adjustment Assistance Grants: removes the requirement that the Texas Military Preparedness Commission establish a defense economic adjustment assistance panel to assist the commission in evaluating applications for economic adjustment assistance grants. (Effective September 1, 2025.)

H.B. 2842 (Zwiener/Perry) – **White-Tailed Deer**: provides that a political subdivision, a state agency, a federal agency, an institution of higher education, or a property owners' association that desires to control a white-tailed deer population by lethal means shall submit written notice to the Texas Department of Parks and Wildlife containing evidence that the entity is experiencing an overpopulation of deer on property the entity owns or manages, and recreational hunting is not feasible for controlling the deer population, or the use of lethal means is necessary to prevent the deer from damaging the habitat of or more species listed as endangered or threatened by the U.S. Department of the Interior or a state agency. (Effective September 1, 2025.)

H.B. 3005 (Gervin-Hawkins/Campbell) – **City Construction Contracts**: among other things, provides that a bona fide dispute regarding a contract for the construction of a public work does not include an audit of the public work project that continues for more than 60 days after the date of the substantial completion of the project. (Effective September 1, 2025.)

H.B. 3474 (Lambert/Huffman) – Public Retirement Systems: among other things, provides that: (1) in accordance with a schedule of deadlines prescribed by the pension review board, a public retirement system shall conduct an evaluation: (a) once every three years, if the total assets of the system are at least $100 million; or (b) once every six years, if the total assets of the system are at least 30 million and less than $100 million; (2) for a public retirement system described by (1)(b), above, if the public retirement system's total pension liability increases to at least $100 million during a fiscal year, the system shall complete the evaluation by the next appropriate due date specified in the schedule established by the pension review board; and (3) a public retirement system that has completed an evaluation pursuant to the requirements of (1), above, remains subject to the same requirement unless both the total assets and the total pension liability of the system decrease to an amount that is below the minimum amount prescribed by the applicable requirement. (Effective September 1, 2025.)

H.B. 3512 (Capriglione/Blanco) – Artificial Intelligence Training: among other things, provides that: (1) local government employees and elected and appointed officials who have access to a local government computer system or database and the use of a computer to perform at least 25 percent of the employee's or official's required duties must complete a certified artificial intelligence (AI) training program; (2) the governing body of a local government may select the most appropriate certified AI training program for employees and officials to complete; (3) the Department of Information Resources, in consultation with the cybersecurity council and interested persons, shall, among other things, annually certify at least five AI training programs for state and local government employees and update standards for maintenance of certification by the AI training programs; and (4) to apply for a criminal justice related state grant, a local government must submit with the grant application a written certification of the local government's compliance with certified AI training. (Effective September 1, 2025.)

H.B. 3526 (Capriglione/Parker) – Bond Obligations Database: this bill, among other things:

1. requires the bond review board to develop and maintain on its website a publicly accessible and searchable database that provides, in a table format that is easy to read and understand, information on each bond proposed or issued by a local government;

2. requires the database to include for each proposed and issued bond listed in the database: (a) the amount of the principal of the bond; (b) the estimated amount of interest on the bond; (c) the estimated total amount to pay the principal of and interest on the bond; and (d) the estimated minimum dollar amount required to be annually expended for debt service;

3. provides that, not later than the 20th day before election day for an election to authorize a local government to issue bonds, the local government shall submit a report to the bond review board that includes: (a) the date of the election; (b) the proposition number for each bond proposition; (c) the total estimated cost of the issuance of each proposed bond; (d) the estimated minimum dollar amount required to be annually expended for debt service; (e) a description of the purpose of each bond proposition; and (f) any other information the board determines necessary;

4. provides that, not later than the 20th day after election day for an election to authorize a local government to issue bonds, the local government shall submit a report to the bond review board that includes: (a) the total number of votes cast for each bond proposition; (b) the total number of votes in support of the bond proposition; (c) the total number of votes against the bond proposition; (d) any updated information different from the information provided to the bond review board under (3), above, if applicable; and (e) any other information the board determines necessary;

5. provides that, not later than September 30 of each year, a local government with voter-approved but unissued bonds shall submit a report to the bond review board regarding the amount of voter-approved but unissued bonds authorized by the local government during the most recent fiscal year that includes: (a) the total amount of voter-approved but unissued bonds authorized by the local government; (b) the specific statute or law authorizing the issuance of bonds; (c) the number of the propositions that authorized the issuance of the bonds, as applicable; (d) the estimated cost of the issuance of the bonds on the bond proposition, as applicable; (e) the estimated minimum dollar amount required to be annually expended for debt service after the issuance of the bonds; and (f) any other information the board determines necessary; and

6. requires the bond review board, not later than December 31 of each even-numbered year, to prepare and submit to each standing committee of the legislature with primary jurisdiction over matters relating to finance a report on each voter-approved bond issued by a local government.

(Effective September 1, 2025.)

H.B. 3611 (Curry/Miles) – Unauthorized Signs: provides for a civil penalty of up to $5,000 to be collected from a person who places or commissions the placement of, or whose commercial advertisement is placed on, an unauthorized sign on the right-of-way of a public road, provided that for a person's first violation: (1) the applicable political subdivision provides written notice to the person that the person may be liable for a civil penalty if the person fails to remove the sign

within a specified period; and (2) the person fails to remove the sign within the specified period. (Effective September 1, 2025.)

H.B. 4215 (Hunter/Schwertner) – Delivery Network Company Preemption: among other things: (1) defines "delivery network company" to mean an entity that maintains a digital network to facilitate delivery of a product to a customer who ordered the product digitally by a delivery person; (2) prohibits a city from regulating delivery network companies, including by: (a) imposing a tax; (b) requiring an additional license of permit; (c) setting rates; (d) imposing operational or entry requirements; or (e) imposing other requirements; (3) authorizes a city and a delivery network company to enter an agreement under which the company shares the company's data with the city; (4) requires a city, when collecting, using, or disclosing any records, data, or other information submitted by a delivery network company to: (a) consider the potential risks to the privacy of the individuals whose information is being collected, used, or disclosed; (b) ensure that the information to be collected, used, or disclosed is necessary, relevant, and appropriate to the proper administration of this chapter; and (c) take all reasonable measures and make all reasonable efforts to protect, secure, and, where appropriate, encrypt or limit access to the information; and (5) prohibits a city from disclosing any records provided by a delivery network company to a third party except in compliance with a court order or subpoena. (Effective September 1, 2025.)

H.B. 4753 (Gates) – Certificates of Occupancy Substitute: provides that: (1) if a city has a record of issuing a certificate of occupancy (CO), the city shall, on request of a building owner, provide a document acknowledging that a CO has been issued; (2) a city may not adopt or enforce an ordinance or other measure that requires a person who has obtained the document described in (1), above, to obtain or display an original CO; and (3) a city shall consider a document described by (1), above, sufficient to display in place of an original CO. (Effective immediately.)

H.B. 4996 (Dyson/Flores) – Liens: increases the criminal penalty for the offense of failure to release a fraudulent lien or claim to a third-degree felony if the owner of the property subject to the fraudulent lien or claim is a person the actor knows is a public servant. (Effective September 1, 2025.)

H.B. 5331 (Dean/King) – Security Incident Notifications: provides that contract language in a cybersecurity insurance contract or other contract for goods or services prohibiting or restricting a state agency or local government's compliance with or otherwise circumventing state laws requiring notification of cybersecurity incidents to the Texas Department of Information Resources is void and unenforceable. (Effective immediately.)

S.B. 33 (Campbell/Noble) – Abortion Restrictions: provides, among other things, that a governmental entity may not: (1) enter into a taxpayer resource transaction with an abortion assistance entity for the purpose of providing an abortion or abortion assistance; or (2) enter into a taxpayer resource transaction or appropriate or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. (Effective September 1, 2025.)

S.B. 38 (Bettencourt/Button) – Evictions: provides, among other things, that: (1) a sheriff or constable, including a deputy sheriff or deputy constable, shall make a diligent effort to serve the citation and petition not later than the fifth business day after the date the petition is filed and if the citation and petition are not served on or before the fifth business day after the date the petition is filed, the landlord may, but is not obligated to, provide for the citation and petition to be served by any other law enforcement officer, including an off-duty officer with appropriate identification, that has received appropriate training in the service of process, eviction procedures, and the execution of writs, as determined by the Texas Commission on Law Enforcement; and (2) a sheriff or constable, including a deputy sheriff or deputy constable, shall serve the writ of possession not later than the fifth business day after the date the writ is issued and if the writ of possession is not served on or before the fifth business day after the date the writ is issued, the landlord may, but is not obligated to, have the writ served by any other law enforcement officer, including an off-duty officer with appropriate identification, who has received training as required by state law. (Effective September 1, 2025.)

S.B. 541 (Kolkhorst/Hull) – Cottage Food Production Deregulation: among other things, provides that a local government authority, including a city, may not: (1) require a cottage food production operation to obtain any type of license or permit or pay any fee to produce or sell certain foods directly to a consumer or vendor; or (2) employ or continue to employ a person who knowingly requires or attempts to require a cottage food production operation to obtain a license or permit in violation of (1), above. (Effective September 1, 2025.)

S.B. 599 (West/A. Davis) – Regulation of Child-Care Facilities: prohibits a political subdivision from adopting or enforcing an ordinance, order, or other measure that requires a group day-care home or family home licensed, registered, or listed in state law to comply with health and safety standards that exceed those set forth in statute or by rule of the Texas Health and Human Services Commission. (Effective immediately.)

S.B. 687 (Hughes/Bumgarner) – Construction Contract Liability: among other things, provides that a contract for land surveying services to which a governmental agency is a party: (1) is void and unenforceable if the contract provides that a land surveyor whose work is the subject to the contract must: (a) indemnify or hold harmless the governmental agency against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier, or another entity over which the land surveyor exercises control; or (b) defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency's agent, the agent's employee, or other entity, over which the governmental agency exercises control, excluding the land surveyor or the land surveyor's agent, employee, or subconsultant; (2) may provide for the reimbursement of a governmental agency's reasonable attorney's fees in proportion to the land surveyor's liability; (3) may require that the land surveyor name the governmental agency as an additional insured under the land surveyor's general liability insurance policy and provide any defense provided by the policy; (4) must require that a land surveyor perform services: (a) with the professional skill and care ordinarily provided by competent land surveyors practicing under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent land surveyor; and (5) is void

and enforceable if the contract contains a provision establishing a different standard of care than that described in (4), above. (Effective September 1, 2025.)

S.B. 916 (Zaffirini/Spiller) – Health Care Billing by Emergency Medical Services: among other things, provides that in addition to other permissible actions or penalties, and regardless of whether an emergency medical services provider is directly operated by a governmental entity, the Texas Department of Insurance may revoke, suspend, or refuse to renew a license or certificate of the provider if the department confirms that the provider has: (1) intentionally submitted incorrect information to the Emergency Medical Services Provider Balance Billing Rate Database; or (2) engaged in a pattern of violations of state law governing rates for emergency medical services providers. (Effective September 1, 2025.)

S.B. 924 (Hancock/Geren) – Cable or Video Services: provides, for purposes of state-issued cable and video franchise authority, that: (1) "video service" does not include: (a) direct-to-home satellite services that are transmitted from a satellite directly to a customer's premises without using or accessing a portion of the public right-of-way; or (b) any video programming accessed via a service that enables users to access content, information, e-mail, or other services offered over the Internet, including streaming content; (2) the change in definition does not affect the obligation of a person who holds a state-issued certificate of franchise authority on September 1, 2025, to provide the compensation required for use of a public right-of-way; and (3) the change in definition does not affect the application of state law to compensation with respect to services provided before September 1, 2025, by a person who was involved in litigation regarding video services on January 1, 2025. (Effective September 1, 2025.)

S.B. 1008 (Middleton/Harris) – Regulation of Food Service Industry: this bill, among other things:

1. with respect to a food service establishment, retail food store, mobile food unit, roadside food vendor, temporary food service establishment: (a) authorizes a city to require a permit, license, certification, or other form of authority for an establishment or its employees only if the same requirement would apply to a similar entity or person who was located within the city's jurisdiction; (b) prohibits a city from charging an establishment: (i) a permit fee for the retail sale of alcoholic beverages if the establishment has already paid a fee to any county, city, or public health district; (ii) a fee, including processing fees or added costs, that exceeds the fee the establishments would be pay to the Texas Department of State Health Services, if the establishment were in its jurisdiction; and (iii) a reinspection fee except under certain circumstances; (c) authorizes a city with a population of 950,000 or more, following a public hearing, to charge up to 120 percent of the total authorized fee if the city determines that the increased fee is necessary to protect public safety;

2. requires a city to establish a fee schedule and submit a copy of the schedule to the Department of State Health Services not later than 60 days after the schedule takes effect;

3. requires a city that requires permits, charges fees, or conducts inspections of food service entities to: (a) provide an opportunity for stakeholders to sign up for e-mail updates from

the entity; and (b) notify by e-mail all stakeholders who have signed up for the updates at least 60 days before a fee, permit, or inspection protocol is revised;

4. prohibits a city from requiring a food service establishment to obtain a sound regulation permit, charging a sound regulation fee, or otherwise prohibiting sound-related activity at an establishment, if the establishment: (a) accepts delivery of supplies or other items, provided that if the delivery occurs between 10 p.m. and 5 a.m., then: (i) the delivery lasts for one hour or less; (ii) the delivery is only for food, nonalcoholic beverages, food service supplies, or ice; and (iii) the delivery sound level when measured from the residential property closest in proximity to the establishment does not exceed 65 dBA, excluding traffic and other background noise that can be reasonably excluded; or (b) is a restaurant that limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor our outdoor property boundaries to ensure: (i) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and (ii) the amplified sound level does not exceed 70 dBA or 75 dBC when measured at the establishment's property perimeter, excluding traffic and other background noise that can be reasonably excluded;

5. exempts from the prohibition in Number 4(b)(ii), above, a food service establishment on property located within 300 feet of residential property that was occupied before the restaurant was located on the property;

6. provides that Number 4, above, does not restrict the authority of a city to enforce sound regulations to the extent the ordinance does not conflict with that provision; and

7. prohibits a city from requiring a permitted food service establishment or permitted mobile food unit to obtain an additional permit to transport, deliver, and serve food at the premises of a workplace under certain conditions.

(Effective September 1, 2025.)

S.B. 1025 (Bettencourt/Troxclair) – Tax Elections: requires a ballot proposition for the imposition or increase of a tax to include, at the top of the proposition in capital typewritten letters of the same font size as the rest of the proposition, the statement "THIS IS A TAX INCREASE." (Effective immediately.)

S.B. 1036 (Zaffirini/Darby) – Solar Retailers Preemption: among other things: (1) directs the Texas Department of Licensing and Regulation to: (a) create a state registration process for residential solar energy system retailers and salespeople; and (b) adopt rules necessary to administer and enforce the program; and (2) in the case of a conflict between the program and a city ordinance, preempts cities from regulating the same conduct. (Effective September 1, 2025.)

S.B. 1119 (Hughes/Harris Davila) – Liability for Water Park: among other things, provides that: (1) a water park entity is not liable to any person for a water park participant injury if, at the time of the water park participant injury, a specific warning sign is posted in a clearly visible location at or near the entrance to the water park; and (2) the limitation in (1), above, does not limit

liability for an injury: (a) proximately caused by: (i) the water park entity's negligence with regard to the safety of the water park, water park activity, or water park participant; (ii) a potentially dangerous condition at the water park, of which the water park entity knew or reasonably should have known; or (iii) the water park entity's failure to train or improper training of an employee of the water park entity actively involved in the water park or a water park activity; or (b) intentionally caused by the water park entity. (Effective immediately.)

S.B. 1202 (King/Dean) – Third-Party Review or Inspection of Home Backup Power Installation: this bill, among other things:

1. defines "home backup power installation" as an electric generating facility, an energy storage facility, a standby system, and any associated infrastructure and equipment intended to provide electrical power to a one- or two-family dwelling, regardless of whether the facility or system is capable of participating in a wholesale electric market, that is connected at 600 volts or less;

2. does not limit the authority of: (a) an electric utility from implementing the utility's tariff; or (b) a municipally owned electric utility from enforcing interconnection and service policies;

3. authorizes the following people to review a development document required by a regulatory authority to install a home backup power installation without having to submit the document to the regulatory authority for review: (a) a person employed by the regulatory authority to review development documents; (b) a person employed by another political subdivision to review development documents, if the regulatory authority has approved the person to review development documents; (c) a licensed engineer; (d) an electrical inspector; or (e) a licensed master electrician;

4. authorizes the following persons to conduct a development inspection required by a regulatory authority to install a home backup power installation without having to request the inspection from the authority: (a) a certified building inspector; (b) a person employed by the regulatory authority as a building inspector; (c) a person employed by another political subdivision as a building inspector, if the regulatory authority has approved the person to perform inspections; (d) a licensed engineer; (e) an electrical inspector; or (f) a licensed master electrician;

5. requires a regulatory authority to: (a) post each law, rule, fee, standard, and other document necessary for a person to review a related development document or conduct a development inspection of a backup home power installation; (b) provide an electronic copy of the information from (a), above, to a requestor within two business days; and (c) issue each approval, permit, or certification applicable to a review or inspection not later than the third business day after the date the authority receives notice of the completed review or inspection;

6. authorizes the third party reviewer or inspector to: (a) use software designed to automate the required review without that person performing additional manual review; (b) rely on

the accuracy of information provided by a regulatory authority; and (c) use applicable building code standards if the regulatory authority has not timely provided its rules, standards, and fee schedules upon request or posted them on the regulatory authority's internet website;

7. prohibits a regulatory authority from charging a fee for issuance of an approval, permit, or certification for a home backup power installation if the authority has not posted or provided its fee schedule as required by Number 5, above;

8. requires a person who reviews a development document or conducts a development inspection to provide to the regulatory authority a copy of any development document or inspection-related note or report the person creates as part of the review or inspection not later than the date the person provides notice to the regulatory authority of the results of the review or inspection;

9. allows construction to commence upon submission of the notice to the city of the results of the required review or inspection; and

10. provides that: (a) a person reviewing a development document or performing a development inspection is liable for damages resulting from their negligent acts or omissions in conducting the review or inspection; and (b) a regulatory authority is not liable for a review or inspection conducted by a third party.

(Effective September 1, 2025.)

S.B. 1405 (Nichols/Ashby) – Broadband Service: provides, among other things, that for purposes of the state's broadband program: (1) the term "broadband service" means internet service with the capability of providing broadband speeds of not less than 100 Mbps for downloads and 20 Mbps for uploads; and (2) a broadband serviceable location is considered underserved if: (a) it does not have access to reliable broadband service capable of providing speeds matching standards adopted by the Federal Communications Commission if required by the comptroller, or otherwise, by state law; or (b) it is a public school or community anchor institution and does not have access to reliable gigabit-level broadband service. (Effective immediately.)

S.B. 1851 (Nichols/Harris) – Annual Audits: provides that if the attorney general determines that a city has not had its records and accounts audited and an annual financial statement prepared based on the audit or has not filed the financial statement and the auditor's opinion on the statement in the office of the city secretary or clerk before the 180th day after the last day of the city's fiscal year, the city may not adopt a property tax rate that exceeds the city's no-new-revenue tax rate for a tax year until the city has complied with those requirements. (Effective September 1, 2025.)

S.B. 1901 (Huffman/Bonnen) – Texas Opioid Abatement Trust Fund: provides, among other things, that the trust company may reallocate certain money that was distributed or should have been distributed to a city if the city: (1) does not deposit the money before the second anniversary of the date on which the money was distributed; or (2) submits in writing to the trust company a

document indicating that the city forfeits or refuses to accept the money. (Effective September 1, 2025.)

S.B. 1921 (West/Anchia) – Tourism Public Improvement Districts: among other things, authorizes a person who is employed in a management position responsible for overseeing the operations of a hotel to sign a petition for the establishment of a tourism public improvement district if the person provides a written statement that the person is authorized to enter into a binding agreement concerning the operation of a hotel on behalf of the owner of a hotel. (Effective immediately.)

S.B. 1964 (Parker/Capriglione) – **Artificial Intelligence**: among other things: (1) requires local governments to complete a review of the deployment and use of a heightened scrutiny artificial intelligence system and provide the review to the Department of Information Resources (DIR); (2) directs DIR to: (a) establish an artificial intelligence system code of ethics for use by state agencies and local governments that procure, develop, deploy, or use a heightened scrutiny artificial intelligence system; (b) develop minimum risk management and governance standards for the deployment, procurement, and use of heightened scrutiny artificial intelligence systems by a state agency or local government; (c) develop training materials for state and local government employees and the general public on the use of artificial intelligence systems; (d) provide resources to local governments to advise on the management of heightened scrutiny artificial intelligence system procurement and deployment, data protection measures, and employee training; and (e) establish accountability measures and risk management guidelines for state agencies and local governments; (3) requires that each state agency and local government that deploys or uses an artificial intelligence systems that the public directly accesses or that is a controlling factor in any decision that has a material legal or similarly significant effect on the provision, denial, or conditions of a person's access to a governmental service include a standardized notice on all related applications, Internet websites, and public computer systems; and (4) establishes an online complaint system on the attorney general's Internet website that allows a person to report a complaint relating to artificial intelligence systems. (Effective September 1, 2025.)

DRIPPING SPRINGS
Texas

Recent State Cases of Interest to Cities

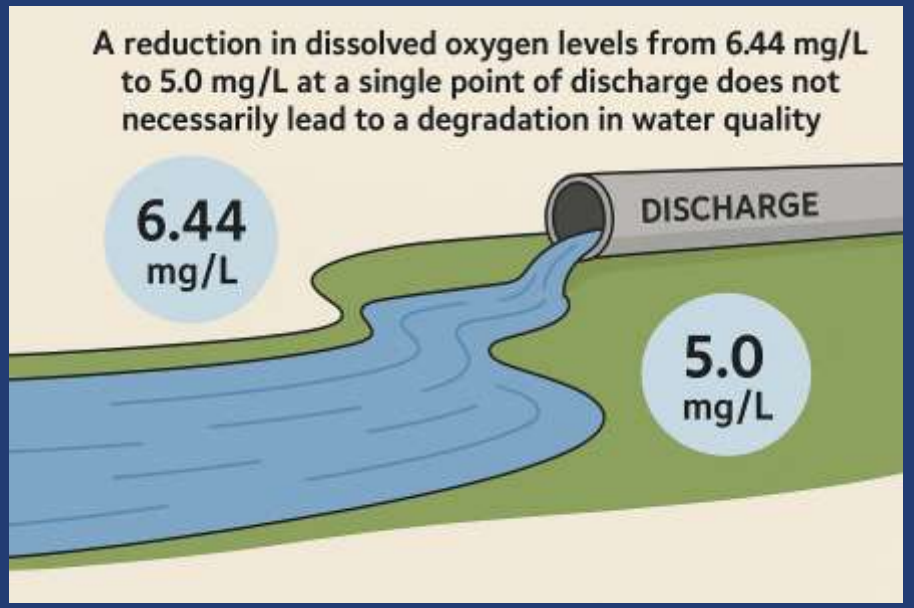
Laura Mueller

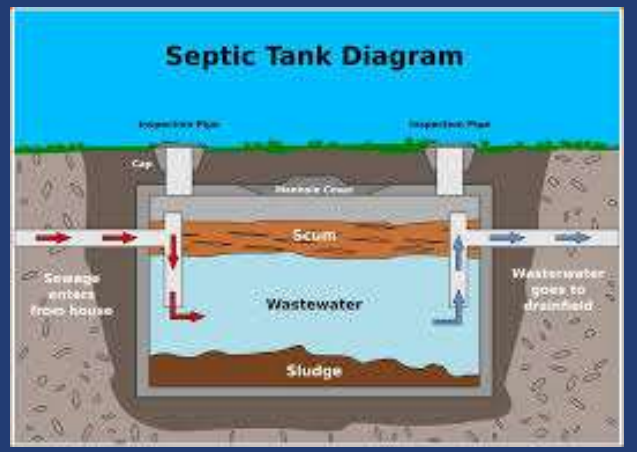
June 2025
Texas City Attorneys Association
2025 Summer Conference

Agency Deference

Save Our Springs Alliance, Inc. v. Tex. Comm'n on Environ. Qual. and the City of Dripping Springs, No. 23-0282, 2025 WL 1085176 (Tex. Apr. 11, 2025).

- Deference for TCEQ (state agencies) still exists
- Reasonable basis, not arbitrary
- Total quality of water, not individual constituents, is the correct analysis *– 13 years later*





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Takings Claims- Flood Ordinance

Commons of Lake Houston, Ltd. v. City of Houston, No. 23-0474, 2025 WL 876710 (Tex. Mar. 21, 2025).

- Updated flood plain ordinances can lead to regulatory takings claims even if a valid exercise of police power (Hurricane Harvey)
- Changed from slabs being 1 foot above the 100-year floodplain to 2 feet above the 500-year floodplain
- Made the subdivision in question over 75% undevelopable
- City argued that since the ordinance was adopted under its police power, and for the National Flood Insurance Program, it could not cause a taking.

- Takings Analysis:

  (1)Passed an ordinance
  (2)That caused
  (3)The property to become undevelopable
  (4) for a public use of flood prevention
  (5) without paying the owner adequate compensation
  (6) and did so intentionally

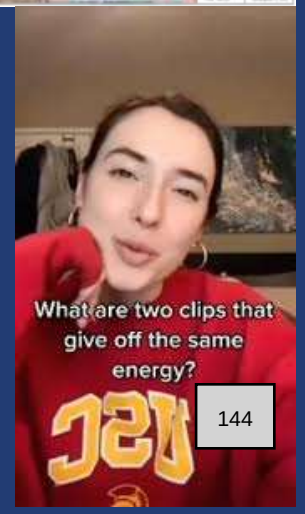
Takings Claims- Flood Ordinance

Commons of Lake Houston, Ltd. v. City of Houston, No. 23-0474, 2025 WL 876710 (Tex. Mar. 21, 2025).

- Texas Constitution requires compensation more often than the U.S. Constitution
  - Texas only requires "damage" to the property
  - And "damage" can now come from a regulatory taking

"Indeed, whether a regulation constitutes a valid exercise of the police power—or promotes any other important public policy, purpose, or interest—is simply irrelevant to whether the regulation causes a compensable taking."

Ripeness: City cannot claim the item is unripe due to lack of applying for a permit when the developer tried for years and the City never told the developer it was applying for the wrong permit.



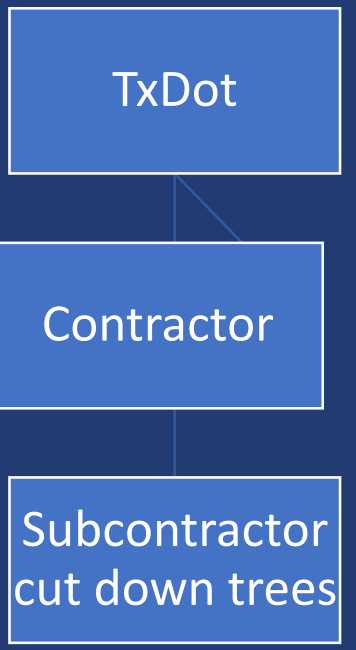
Not a merits decision.

Subcontractor – Immunity

Tex. Dep't of Transp. v. Self, No. 22-0585, 690 S.W.3d 12 (Tex. M… 17, 2024).

- Removal of Trees outside TxDOT Right of Way/Easement – on private property
- Subcontractors can cause liability for governmental entity for inverse condemnation, but not for Texas Tort Claims Act:
  - TxDOT (eminent domain authority) ***intentionally*** performed certain acts;
  - that resulted in destroying trees; and
  - public use.

"We conclude that the government may not avoid paying compensation for intentionally taking, damaging, destroying, or appropriating private property for public use by showing that it acted under the incorrect impression that it had a legal right to do so."



Employment Discrimination – Disability

***Dallas Cnty. Hosp. Sys. v. Kowalski*,** No. 23-0341, 704 S.W.3d 55((Tex. Dec. 31, 2024)(per curiam).

Facts:

- **Working at a desk was causing discomfort to employee**
- **Plaintiff/Employee found out other employee received ergonomic keyboard**
- **Employee tried to get keyboard and it turned into a "rigamarole"**
- **Her position was eliminated during the process**
- **Disability Discrimination (Chapter 21 Texas Labor Code)**
  - **Employee must either: (1) have a disability; or (2) be regarded as having a disability**
  - **Retaliation claim was only valid if employee is disabled**
- **No evidence that the employee was disabled or that the employer treated her as disabled.**

"It may have appeared unfair, inconsistent, wasteful, pointless, tedious, or irritating for Parkland to require Kowalski but not her colleague to complete the form."

Whistleblower Act and City Council members

City of Denton v. Grim, No. 22-1023, 694 S.W.3d 210 (Tex. May 3 2024).

- Employees reported alleged violation of law by single councilmember who leaked confidential information to the newspaper
- Councilmember ≠ "Public Employee"
- Councilmember had no authority to act on behalf of the City - the alleged violation of law was not a violation of law "by the employing governmental entity"

- Employees were terminated because they allegedly accepted trips from vendors

"a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." TEX. GOV'T CODE § 554.002(a)

Council Authority - Employment

City of Buffalo v. Moliere, No. 23-0933, 703 S.W.3d 350 (Tex. Dec. 13, 2024) (per curiam).

- Police Officer Employment

Facts: 1. Officer took civilian on high-speed chase in violation of development policy;
2. Written Reprimand issued by chief;
3. City Council (type A General Law) voted to dismiss two weeks after reprimand.
4. Ordinance provided City Council authority to hire all peace officers pursuant to Chapter 341 of the LGC.

Authority to Regulate includes Authority to Fire.

AG filed Amicus Brief filed in favor of the City!

Budget Season – Open Meetings Act

Webb County v. Mares, No. 14-23-00617-CV, 2024 WL 5130862 (Tex. App.—Houston [14th Dist.] Dec. 17, 2024).

Open Meetings Notice leading to employee's reduction in salary and position change:

> **49. Discussion and possible action to adopt the county budget for fiscal year 2016-2017 pursuant to Chapter 11 of the Texas Local Government Code. The Court may make any modifications to the proposed budget that it considers warranted by law and required by the interest of the taxpayers by majority vote.**

Employee sued County under the Open Meetings Act and other actions related to employment.
She is fired within the year.

- **Other changes to job descriptions were specifically listed on the agenda**
- **Notice was inadequate**
- **No monetary damages under TOMA – Just Attorneys Fees**

Everyone lost this appeal.

Torts - High Speed Chase

City of Houston v. Rodriguez, No. 23-0094, 704 S.W.3d 462 (Tex. Dec. 31, 2024).

- Another Police Pursuit car accident
- Was officer acting in “good faith”?
- Court of Appeals Dissent was spicy
- Were the brakes working? Does it matter when the officer knew?

What did we learn:

- Stolen vehicle is sufficient for high-speed pursuit
- Driving recklessly also is sufficient for initiating a high-speed pursuit

Tort – High Speed Chase

City of Austin v. Powell, No. 22-0662, 704 S.W.3d 437 (Tex. Dec. 31, 2024).

Tort Injury Caused by Officer's Use of Motor Vehicle:

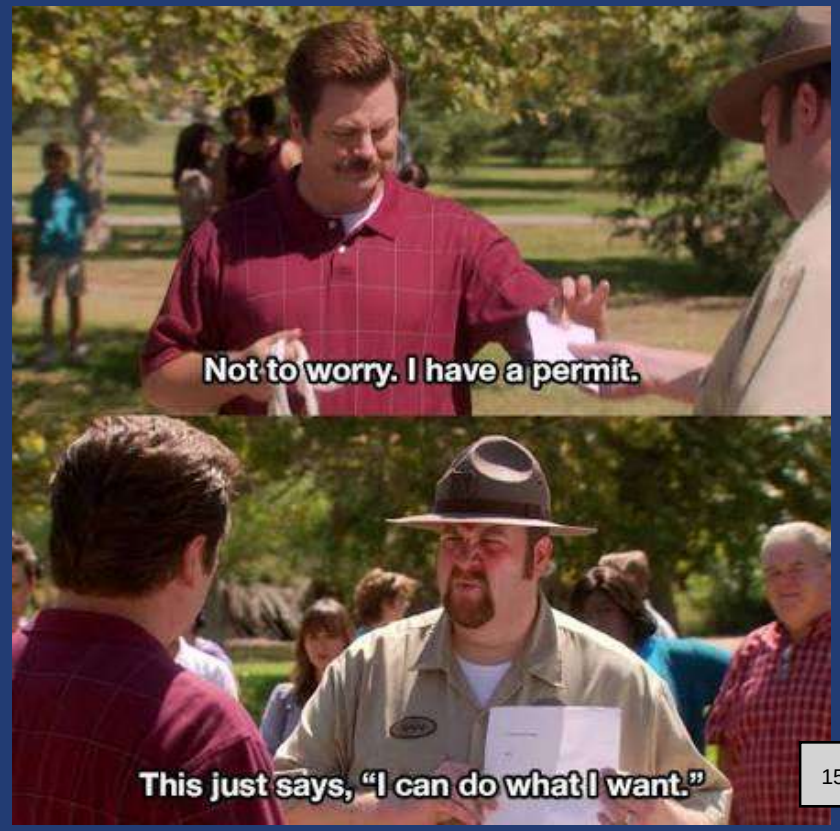
- **a. Was it an emergency? If so:**
  - **1. Was it in violation of laws applicable to emergency situations; or if no laws;**
  - **2. Was it in reckless disregard/conscious indifference to safety?**

Person injured during high speed chase:

- **During an Emergency.**

If an action was in compliance with all applicable laws, then no question of recklessness occurs.

General rules of the road do not rise to this level.



Recreational Use

City of San Antonio v. Nadine Realme, No. 04-23-00885-CV, 20 WL 3954217 (Tex. App.—San Antonio Aug. 28, 2024) (mem. op.) (rev. granted).

- Recreational Use Statute limits waivers in Texas Tort Claims Act
- City Property
- Third Party running race
- Is running recreational?

No, because it's not specifically listed.

Running is dangerous.

Headed to Supreme Court who will hopefully say: *"virtually any human activity that occurs outdoors would fall within the RUS's definition of "recreation."*

"Realme's injury resulted from her attempt to go around a group of slower runners in an effort to move more quickly through the outdoors. Because taking time to "enjoy[ ] nature or the outdoors" is antithetical to the purpose of participating in a competitive footrace, the nature of that activity is inconsistent with the plain language of subsection (L)"

Torts – Motor Vehicle and Premises

City of Garland v. Pena, No. 05-24-00133-CV, 710 S.W.3d 345(Tex. App.—Dallas Jan. 15, 2025).

- **Plaintiff hit by private dump truck as directed by city landfill worker**
- **Was the dump truck being "operated" by the city employee?**
- **Premises liability: high volume of traffic at landfill?**

- **Caused by an activity not a condition = negligence not premises liability**

Landfills are dangerous.

Dogs are Dangerous

Jaramillo v. City of Odessa Animal Control, No. 11-23-00117-CV, 2024 WL 3362927 (Tex. App.—Eastland July 11, 2024) (mem. op.).

- **Dogs attack teenage victims**
- **Dog Owner v. City related to euthanasia order under Chapter 822 of the Health & Safety Code**
  - **Court ordered Dog Owner (Jaramillo) to comply with 822.042 requirements:**
    - **Register the dog as a dangerous dog with the city**
    - **Restrain the dog at all times**
    - **Obtain insurance coverage**
    - **Comply with all city regulations**
    - **If not comply, dogs can be euthanized**
- **City did not receive actual notice from City that her dogs were dangerous but she saw the aftermath of the attack and filled out owner surrender forms**
- **Owner received actual notice of the case and the municipal court moved the date the first time she complained of not receiving notice**
- **She tried to revoke her signature from the owner-surrender forms**
- **Does not matter which of her dogs bit the victims if they were afraid of all of the dogs**

Contractual Immunity – Adjudication Procedures

San Jacinto River Auth. v. City of Conroe, No. 22-0649, 688 S.W.3d 124 (Tex. Apr. 12, 2024).

- **Contracts – Political Subdivision Immunity**
- **Pre-suit mediation procedures in contract**
- **Statement of essential terms – Common Law Standards**
- ***If waiver of immunity (271.152) then adjudication procedure terms are enforceable (271.154).***
- ***Adjudication procedures are not prerequisites to suit***

Payment v. Performance Default

Contractual Immunity – Services

Campbellton Rd., Ltd. v. City of San Antonio by & through San Antonio Water Sys., No. 22-0481, 688 S.W.3d 105 (Tex. Apr. 12, 2024).

- **585 Acre development agreement to fund part of the City's Sewer System in exchange for Sewer Capacity—1500 LUEs**
- **Developer paid but did not construct within Agreement's 10-year term**
- **Court of Appeals found no waiver of immunity—not goods/services**
- **Supreme Court held Sewer Contract was enforceable against the City because:**
  - **In Writing**
  - **Essential Terms were listed including payment of Collection Credits towards Impact Fees**
  - **Services were funding construction even if done by a third party: *Kirby Lake Dev. v. Clear Lake City Water Auth.***

-- Broad Expansion of the definition of Services under Chapter 271

Contractual Waiver of Immunity Exists.

Contract Immunity – Bidding

City of Houston v. 4 Families of Hobby, LLC, No. 01-23-00436-CV, 702 S.W.3d 698 (Tex. App.—Houston [1st Dist.] Aug. 6, 2024).

- **Revenue contract does not require bidding**
- **Breach of Contract:**

  Unilateral Procurement Contract
  - **Argument is that general statements about acting in good faith in the procurement process and evaluating under certain criteria created a contract under *City of Houston v. Williams* but . . .**
    - **General agreement to negotiate an agreement is not enforceable**
    - **Nothing specific enough to create a unilateral contract**

  Revenue Contract
  - **Revenue contracts are enforceable under Chapter 271 - services**

Contract Immunity – Bidding

City of Houston v. 4 Families of Hobby, LLC, No. 01-23-00436-CV, 702 S.W.3d 698 (Tex. App.—Houston [1st Dist.] Aug. 6, 2024).

- **Open Meetings Act**
  - **Sufficient notice:**

    "ORDINANCE approving and authorizing Revenue Agreement between City of Houston and AREAS HOU JV, LLC for Food and Beverage Concession at William P. Hobby Airport (HOU) for the Houston Airport System – 10 Years – Revenue."
- **Equal Protection Clause:**
  - **Bidder had been at the Airport for 20 years and city needed "fresh blood" – not a stated criteria in the RFP**
  - **Sufficient to move the Equal Protection argument forward**

In re Rogers, No. 23-0595, 690 S.W.3d 296 (Tex. May 24, 2024) (per curiam).

Election Petitions

- **ESD Board – waiver of immunity for required election duties**

- **Enough Signatures, but**
  (1) combines two separate propositions into one, which would contradict the statutory mandatory ballot language; and
  (2) misleads voters by calling for a "decrease" to a zero percent tax rate instead of an "abolishment" of the tax.

Court held: **Board has a ministerial, non-discretionary duty to determine whether the petition contains the required number of signatures for placement on the ballot – challenge other legal deficiencies later**

Courts in favor of holding the election . . .

Bonus Cases

City of Mesquite v. Wagner, No. 23-0562, 2025 WL 1271294 (Tex. May 2, 2025).

PDT Holdings, Inc. v. City of Dallas, No. 23-0842, 2025 WL 1271688 (Tex. May 2, 2025).

Elliott v. City of Coll. Station**,** No. 23-0767, 2025 WL 1350002 (Tex. May 9, 2025).

Seward v. Santander**,** No. 23-0704, 2025 WL 1350133 (Tex. May 9, 2025).

City of Houston v. Manning**,** No. 24-0428, 2025 WL 1478506 (Tex. May 23, 2025).

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LAURA MUELLER, CITY ATTORNEY
CITY OF DRIPPING SPRINGS

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APPEALS

***City of Laredo v. Rodriguez*, No. 04-24-00093-CV, 2024 WL 950627 (Tex. App.—San Antonio Mar. 6, 2024) (mem. op.).**

The trial court granted the plaintiff's continuance on the city's plea to the jurisdiction to allow for the taking of pertinent discovery. The city appealed that ruling. The appellate court rejected the city's argument that the appellate court had jurisdiction because of the implicit denial of its plea to the jurisdiction. The appellate court found it did not have jurisdiction to hear the appeal because: (1) the trial court's order was not a final judgment; (2) the trial court did not grant or deny the city's plea to the jurisdiction. Additionally, the city had filed a contemporaneous petition for writ of mandamus, which remained pending.

CONDEMNATION

***Reme L.L.C. v. The State of Texas*, 23-0707 (Tex. February 21, 2025).**

This is a condemnation case where the Texas Supreme Court held that in such proceedings, an appeal from the commissioner's court to district court includes filing with the trial court.

In this case, the State started condemnation proceedings to acquire property from REME, LLC. After the commissioner issued a damage award, the State electronically filed the commissioners' award with the court clerk, and the judge acknowledged receipt of it three days later. After the judge filling in the award amounts the State objected. REME asserted the State's objection was untimely. The trial court disallowed the state's objection, but the court of appeals reversed, noting the deadline runs only upon the judge's receipt of the award.

A party may object to the commissioners' award "by filing a written statement . . . on or before the first Monday following the 20th day after the day the commissioners file their findings with the court." Id. § 21.018(a). A timely filed objection converts the administrative proceeding into a judicial one, which proceeds thereafter "in the same manner as other civil causes." Id. § 21.018(b). Chapter 21 provides no specific filing mechanism. Texas Supreme Court precedent interpreting the rules of civil procedure holds that a document is "filed" when put in the custody or control of the clerk. The term "court" has a different meaning than "county judge." By choosing to use "court" instead of "county judge," the Legislature enacted a direct choice. The Court held "the day the commissioners file their findings with the court" in Section 21.018(a) includes filing with the trial court clerk. Assuming proper notice, the deadline for objecting to the award amount is calculated from that day. (Drafted by www.rshlaw.com).

***Edukid, LP v. City of Plano*, No. 05-23-00269-CV, 2024 WL 5244613 (Tex. App. Dec. 30, 2024) (mem. op.).**

In 2017, the City of Plano initiated condemnation proceedings to acquire an easement on a portion of Effat Saifi's property (later transferred to Edukid, LP) for the construction of a hike-and-bike trail after negotiations with Saifi failed. After a hearing, special commissioners assessed damages,

and Saifi objected to the award. In 2021, during the trial court proceedings, the city filed a traditional and no evidence motion for partial summary judgment on jurisdictional issues, and the trial court granted the motion. Then, in February 2023, the trial court granted a directed verdict for the city on the remaining issue relating to the value of the property, and Edukid appealed. Affirming the lower court's judgment, the court of appeals concluded as to the partial summary judgment ruling that the city was authorized under Local Government Code § 273.001 to acquire property for public purposes, including for parks, and the city's evidence was sufficient to show it intended to use the property for public use as a hike-and-bike trail to reduce pedestrian traffic related accidents, for which the taking was necessary. Further, nothing in the record supported Edukid's argument that the city's condemnation determination was fraudulent, made in bad faith, or arbitrary and capricious. Addressing Edukid's due process argument, the court of appeals held that Edukid failed to cite to any legal authority mandating personal notice of the council meeting at which the council authorized the city manager and city attorney to acquire the easement, whether through negotiations or condemnation proceedings. As for the directed verdict, the court of appeals similarly held that Edukid failed to produce evidence on the value of the property or damages to the remainder.

***Milberger Landscaping, Inc. v. City of San Antonio*, No. 08-23-00283-CV, 2024 WL 5099206 (Tex. App.—El Paso Dec. 12, 2024) (mem. op.).**

Milberger Landscaping, Inc. challenged the City of San Antonio, acting through the San Antonio Water System (SAWS), over its condemnation of a portion of land for a permanent easement to construct a sewer pipeline and additional temporary construction easements. After the parties failed to agree on compensation, SAWS filed a condemnation petition, citing the public purpose of upgrading public infrastructure. Following a special commissioner's hearing, Milberger was awarded $230,000 as compensation, which the city deposited with the court in order to obtain possession of the property and continue the project. Milberger filed objections to the award, and SAWS moved for partial summary judgment, seeking to establish its compliance with procedural requirements and to dismiss Milberger's affirmative defenses of fraud, bad faith, and arbitrary and capricious action. The trial court granted SAWS's motion, leaving only the question of adequate compensation for trial. Milberger appealed the dismissal under a permissive interlocutory appeal. On appeal, the court analyzed the public use, fraud, bad faith, and evidentiary claims, ultimately affirming the trial court's partial summary judgment and remanded the case solely for determination of the appropriate compensation for the taking.

***City of Dripping Springs, Tex. v. Lazy W Conservation Dist.*, No. 03-22-00296-CV, 2024 WL 2787270 (Tex. App.—Austin May 31, 2024) (mem. op.).**

In 2019, the city of Dripping Springs sought to install an underground wastewater pipeline under property owned by Bruce Bolbock and Barbara Wiatrek (the Bolbocks). To protect the property in question from condemnation, the Bolbocks conveyed it to the Lazy W Conservation District. The city proceeded with the condemnation suit against Lazy W and the Bolbocks, and special commissioners ruled in favor of the city. In response, Lazy W and the Bolbocks filed counterclaims, general denials, and objections to the ruling, arguing that: (1) the court lacked subject matter jurisdiction as Lazy W was entitled to governmental immunity, and (2) the paramount public importance doctrine prevented the city from condemning the property. After a hearing on the matter, the trial court granted Lazy W's plea to the jurisdiction, and the city filed an interlocutory appeal thereafter. In reversing the trial court's order, the court of appeals concluded that: (1) even assuming Lazy W is entitled to it, governmental immunity does not apply in eminent

domain proceedings between two governmental entities; and (2) the doctrine of paramount public importance does not implicate a jurisdictional issue.

***Tran v. City of Haskell*, No. 11-23-00186-CV, 2024 WL 4292222 (Tex. App.—Eastland Sept. 26, 2024) (mem. op.).**

Long Tran owned four properties in the City of Haskell, and because of their dilapidated condition the city condemned the structures. A few months later the city's code enforcement officer resigned, and the city chose to rescind the condemnation orders and instead tried to work with Tran to establish a repair plan to preserve his properties. Tran thereafter sued the city claiming that the city's condemnation orders, although rescinded, constituted a "temporary" regulatory taking of his property for which he was entitled compensation under the Texas Constitution. Relying on the U.S. Supreme Court case *Arkansas Game & Fish Comm'n v. United States* and a concurring opinion in Texas Supreme Court case *City of Baytown v. Schrock*, Tran argued that because the federal takings clause provides for compensation for "temporary takings" in certain circumstances and the Texas takings clause language is even broader than federal law, his inverse-condemnation claim based on the city's temporary action was compensable under the Texas takings clause. In response, the city argued Tran's claims were not ripe or moot, and Tran failed to sufficiently allege a taking or a claim for property damages by the city. The trial court ruled in favor of the city, and Tran appealed. The court of appeals upheld the lower court's ruling concluding that although the Texas Constitution may very well provide for compensation for temporary takings, because Tran failed to comprehensively brief the court on the "precise scope of the right to compensation that the Texas Constitution affords" beyond its federal counterpart, it could not address the issue. Additionally, the court held that Tran's claims were not ripe for judicial review as there was no final governmental decision regarding his asserted claims.

DECLARATORY JUDGMENT

***Johnson v. Town of Fulton*, No. 13-23-00436-CV, 2024 WL 2198665 (Tex. App.—Corpus Christi–Edinburg May 16, 2024) (mem. op.).**

In 2012, the Town of Fulton by ordinance granted a 30-foot-wide portion of an easement to Johnson, who owned the underlying fee, so that Johnson could erect a building in the portion of the city's right-of-way that was not being used as a road. Subsequently Johnson erected a fence that blocked the portion of the easement that was being used as a public road. The city sued Johnson for injunctive relief and a declaration stating that the fence constitutes a nuisance and that the city's right-of-way had not been abandoned. Johnson argued that previous surveys, except for one, had been mistaken about the size of the block associated with the easement. He argued that under that survey, the 30-foot-wide grant of the easement extended into the paved portion of the road. The city filed a motion for summary judgment and attorney's fees, which the trial court granted. Johnson appealed.

The appellate court affirmed in part and reversed in part, holding that: (1) the 2012 ordinance relied on a certain survey when the city granted the 30-foot-wide portion of the easement to Johnson, and therefore Johnson could not try to enforce that ordinance by reliance on a different survey; and (2) because the declaratory relief added nothing to the judgment, the lower could not rely on the Uniform Declaratory Judgment Act for statutory authority to award attorney's fees.

ECONOMIC DEVELOPMENT

***River Creek Dev. Corp. & City of Hutto v. Preston Hollow Capital, LLC, et al.*, No. 03-23-00037-CV, 2024 WL 3892448 (Tex. App.—Austin Aug. 22, 2024) (mem. op.).**

In 2018, the City of Hutto authorized the creation of a public improvement district (PID) and a local government corporation, River Creek Development Corporation (River Creek), to assist with the financing of the improvements. To that end, the city and River Creek entered into several agreements including: (1) a loan agreement and promissory note in which River Creek borrowed $17.4 million from Public Finance Authority (PFA); (2) an interlocal agreement in which the city promised to purchase the public improvements from River Creek through levied assessments paid in installments which would be used to pay off River Creek's promissory note; and (3) a contract with 79 HCD Development to build the public improvements. Rather than the city or River Creek issuing bonds themselves, River Creek entered into an agreement with PFA (a Wisconsin based governmental entity) to issue the bonds, which it later did. Preston Hollow Capital, LLC (Preston Hollow) purchased those bonds and was to be paid from the River Creek promissory note funds. U.S. Bank National Association was to act as the trustee for the transactions.

In 2021, after concerns arose about whether the city had lawfully entered into the agreements, the city and River Creek filed a lawsuit seeking declaratory relief under the Uniform Declaratory Judgment Act that the related agreements, bonds, and note were void and unenforceable because: (1) the "installment sales contract" provision in the interlocal agreement does not authorize the installment payments to be allowable costs of improvements under the PID Act (Local Government Code Section 372.024); (2) the bonds issued did not comply the PID Act as they had not been issued by an authorized issuer; and (3) promissory notes must be submitted to the attorney general for examination as required by state law. Preston Hollow filed counterclaims and a motion for summary judgment, which the court granted. The city and River Creek then filed this appeal.

The court of appeals affirmed the trial court's judgment holding that: (1) Sections 372.026(f) and 372.023(d) specifically authorize a city to enter into an interlocal agreement that serves as an installment sales agreement in which the city pledges assessments it receives as installment payments to secure a corporation's indebtedness which it issued to finance construction of the public improvements; (2) because the bonds were not issued to fund the city's payment of its costs to purchase the public improvements from River Creek, the requirement in Section 372.024 that the issuer be a political subdivision of this state did not apply; and (3) because the legislature did not expressly provide for a remedy or consequence, failing to obtain attorney general approval under Transportation Code Section 431.071 does not render the agreements, bonds, or promissory note void or unenforceable.

ELECTIONS

***In re Arnold*, No. 05-25-00250-CV, 2025 WL 746720 (Tex. App. Mar. 7, 2025) (mem. op.).**

On January 24, 2025, the city secretary for the City of Dallas determined and notified Carolyn King Arnold that she was ineligible for candidacy based on a recent amendment to the City of Dallas's charter which imposes a term limit. Arnold later filed a petition for a writ of mandamus on March 3, 2025, challenging the determination. The city filed a motion to dismiss, and the court of appeals granted the motion and dismissed the original proceeding as moot. The court reasoned that because it had been filed too close to the deadline for printing ballots, the court could not take action on her request as it would interfere with the orderly process of the election. Additionally, the "capable of repetition, yet evading review" exception to the mootness doctrine

did not apply where Arnold failed to show that she could not have challenged the determination sooner.

***In re Dallas HERO,* No. 24-0678, 2024 WL 4143401 (Tex. Sept. 11, 2024).**
This case involves citizens' power to propose amendments to their city's charter, the city council's power to do likewise, and the council's responsibilities in preparing the ballot for an election to approve proposed amendments.

Relators organized a citizen petition drive and signed petitions to place three proposed charter amendments on the upcoming election ballot, and the city council submitted three proposed amendments of its own that relators contend would effectively nullify their proposed amendments. The council-initiated propositions included primacy provisions specifying that they control in the event of a conflict. Relators have filed a mandamus petition raising four challenges to the council-initiated propositions.

The court addressed one principal question – whether the ballot language the city council selected to describe the various propositions satisfies the standard of clarity and definiteness articulated by the court. The court determined that the language did not because the propositions contradict each other, and the ballot language as a whole will confuse and mislead voters because it does not acknowledge these contradictions or address the effect of the primacy provisions, which are chief features central to the character and purpose of the council-initiated propositions. Because the citizen-initiated propositions must appear on the ballot and the parties had agreed to the ballot language for those propositions, the court concluded that the proper remedy is to direct the city council not to include its duplicative propositions on the ballot.

***In re Moreno*, No. 13-24-00404-CV, 2024 WL 3843520 (Tex. App.—Corpus Christi–Edinburg Aug. 16, 2024) (mem. op.).**
Moreno filed a petition for writ of mandamus to compel the City of Donna to order an election for two council seats that had come up for election after the expiration of their three-year terms. At the same election in which those two seats had been filled, the voters had approved a charter amendment to extend the terms of council members to four years each. The city did not order an election when the three-year terms expired, and Moreno petitioned for mandamus to compel the city to order the election.

The appellate court granted the petition, holding that the language of the charter amendment did not specifically state that the length of terms would change retrospectively, and therefore the presumption that laws are enacted prospectively applied so that the councilmembers elected at that election were elected to the three-year terms applicable at the time of the election.

***In re Coon*, No. 09-24-00091-CV, 2024 WL 1134038 (Tex. App.—Beaumont Mar. 15, 2024) (mem. op.).**
Coon and Arthur, two candidates for public office in the City of Conroe, filed petitions for writs of mandamus in the appellate court to compel the city secretary to reject applications of two other candidates to appear on the city ballot. Coon and Arthur contended that the two candidates were not physically present when the city secretary notarized their applications, and that because the applications were not properly notarized, the city secretary had a ministerial duty to reject them. The court denied the petitions, holding that Coon and Arthur had not shown that mandamus relief was warranted.

***In re Rogers*, No. 23-0595, 2024 WL 2490520 (Tex. May 24, 2024).**
Qualified voters petitioned the board of an emergency services district for a ballot proposition at the next available election to alter the sales tax rates within the district. The board, believing the petition to be legally deficient, refused to place it on the ballot. Relators, three signatories of the petition, sought a writ of mandamus compelling the board to determine whether the petition contains the statutorily required number of signatures or, alternatively, ordering the board to call an election on the petition.

The Texas Supreme Court concluded that: (1) the court had jurisdiction to grant mandamus relief against the board; (2) as long as the petition had the statutorily required number of signatures, the board had a ministerial, nondiscretionary duty to call an election; and (3) mandamus relief was an appropriate remedy.

***Lamar "Yaka" Jefferson and Jrmar "JJ" Jefferson v. Adam Bazaldua and Eric Johnson,* No. 05-23-00938-CV, 2024 WL 3933886 (Tex. App.—Dallas Aug. 26, 2024) (mem. op.).**
In May 2023, the City of Dallas held an election in which the mayor and District 7 councilmember positions were on the ballot. Lamar Jefferson and Jrmar Jefferson filed for a place on the ballot for these positions but were later disqualified for failing to meet the candidate requirements. After Adam Bazaldua and Eric Johnson were elected to the positions, the Jeffersons filed a joint lawsuit to contest the election results under Title 14 of Election Code.

Bazaldua and Johson both filed a plea to the jurisdiction arguing the Jeffersons lacked standing as they were not "candidates" as required in Election Code Section 232.002. The trial court granted both motions and dismissed the cases, and the Jeffersons appealed. Interpreting the legislature's intent, the court of appeals concluded that rather than the broader definition of "candidate" in Title 15 of the Election Code ("a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office"), a more limited definition—"a person whose name appears on the ballot for an office on Election day"—was consistent with the purpose of an election contest. Because the Jeffersons did not appear on the ballot, they were not candidates and lacked standing for election contest purposes. For those reasons, the court of appeals affirmed the trial court's judgment.

***Derrick Broze v. The State of Texas*, No. 15-24-00020-CV, 2024 WL 4676452 (Tex. App.—15th Dist. Nov. 5, 2024) (mem. op.).**
Derrick Broze applied for a place on the mayoral election ballot in Houston. Mr. Boze's application was denied because of an unpardoned felony conviction in his past. Mr. Broze sued the city, arguing that the state statute violates the Texas Constitution and federal due process protections. The trial court dismissed his suit, and Broze appealed. The appellate court reviewed Mr. Boze's claims and ultimately affirmed the trial court's dismissal order, holding that Boze's allegations lacked a basis in law or fact.

EMPLOYMENT

***City of McAllen, v. Rodriguez*, No. 13-24-00063-CV, 2025 WL 924691 (Tex. App.—Corpus Christi–Edinburg Mar. 27, 2025) (mem. op.).**
Rodriguez sued the City of McAllen for age, race, and disability discrimination and for retaliation under the Texas Commission on Human Rights Act after his employment with the McAllen Public Utility was terminated. The city filed a plea to the jurisdiction and a motion for summary judgment, arguing that Rodruguez had failed to produce evidence generating a fact issue as to whether the

city's governmental immunity to suit was waived. The trial court denied the plea and motion, and the city appealed.

The appellate court reversed, holding that: (1) Rodriguez's age discrimination claim failed because he had not alleged that he was replaced by someone similarly situated to him or significantly younger; (2) his race discrimination claim failed because he had not alleged that similarly situated employees who were of a different race were treated more favorably than he was; (3) his disability discrimination claim failed because the city met its burden to produce evidence demonstrating a legitimate, non-discriminatory reason for his termination; and (4) his retaliation claim failed because he did not allege that he had engaged in any protected conduct that would support a claim of retaliation.

***Lakeview Police Dep't v. Moody*, No. 01-24-00072-CV, 2025 WL 714974 (Tex. App.—Houston [1st Dist.] Mar. 6, 2025) (mem. op.).**

Moody sued the City of Lakeview and the Lakeview Police Department for sex discrimination after she was denied additional leave following the birth of her child. The city and police department filed a plea to the jurisdiction, claiming that Moody had failed to exhaust her administrative remedies because her charge of discrimination to the Texas Workforce Commission was not timely and that Moody had no claim against the city because she had not worked for the city. The trial court denied the plea and the city and police department appealed.

The appellate court reversed in part and affirmed in part, holding that: (1) Moody had not worked for the city and therefore had no claim against the city; and (2) even though Moody's charge of discrimination against the police department was not timely, her initial complaint to the TWC was timely, so there was a fact issue regarding whether she has exhausted her administrative remedies.

***Joseph Andre Davis v. City of Houston*, No. 14-24-00070-CV, 2024 WL 5087687 (Tex. App.—Houston [14th Dist.] Dec. 12, 2024) (mem. op.).**

Joseph Andre Davis, a firefighter/paramedic for the City of Houston, sustained a compensable work-related injury in 2015. The city paid him temporary income benefits until August 2016. The parties disputed the extent of Davis's injury, the date he reached maximum medical improvement (MMI), and his impairment rating. In February 2017, the Division of Workers' Compensation issued a decision regarding the extent of Davis's injuries and determining that Davis reached clinical MMI on August 20, 2016, with a 5% impairment rating. Davis unsuccessfully appealed this decision to an appeals panel. Subsequent administrative rulings in 2022 and 2023 established December 16, 2017, as the statutory MMI date and noted Davis had a disability through this period. Davis filed suit seeking enforcement of these later decisions, arguing he was entitled to additional benefits. The city filed a motion for summary judgment, arguing that it had complied with all enforceable orders, and the trial court granted the city's motion. Davis appealed.

Under Texas workers' compensation law, MMI defines when an injured employee is no longer entitled to temporary income benefits. MMI can occur either clinically, based on medical evidence, or statutorily, 104 weeks after income benefits begin to accrue. The city argued that Davis's clinical MMI date of August 20, 2016, was final and binding, and the court agreed. Therefore, Davis could not claim temporary income benefits after August 20, 2016, regardless of any later findings regarding statutory MMI or disability ratings. Ultimately, the appellate court affirmed the trial court's judgment.

***City of Buffalo v. Moliere*, No. 23-0933, 2024 WL 5099112 (Tex. Dec. 13, 2024).**
Moliere, a police officer, engaged in a high-speed chase while a civilian was riding along in his patrol vehicle, resulting in an accident that damaged the patrol vehicle. Moliere reported the accident to the city's chief of police, who issued Moliere a written reprimand. Moliere did not appeal the reprimand; he accepted and signed it. About two weeks later, during a regularly scheduled meeting, the city council met in closed session to discuss Moliere's employment. The city council then reconvened in open session and voted to terminate Moliere. Moliere brought action against the city, the mayor, and the city council members, seeking declaration that the city council acted without authority in terminating his employment, and alleging the termination violated his due process rights.

The trial court dismissed the suit, but the Waco Court of Appeals reversed and remanded, concluding that a fact issue existed as to whether the city council had authority to terminate the officer. The Supreme Court granted the petition for review and reversed the court of appeals's judgement, finding that the city council had authority to fire the officer. Additionally, the Court remanded the case for further proceeding because the court of appeals did not address whether the officer alleged a valid due process claim against members of the city council.

***Dallas Cnty. Hosp. Sys. v. Kowalski*, No. 23-0341, 2024 WL 5249566 (Tex. Dec. 31, 2024).**
A former county hospital employee filed suit alleging that the hospital eliminated her position because she was disabled, and in retaliation for her earlier complaints about the accommodation process. The trial court denied the hospital's plea to the jurisdiction, and the Dallas Court of Appeals affirmed. The Supreme Court granted the hospital's petition for review.

The Supreme Court reversed finding that: (1) the employee failed to establish a disability within the meaning of the Labor Code's prohibition against disability discrimination; (2) the hospital did not discriminate against the employee based on disability; (3) the hospital did not regard the employee as having an impairment; and (4) the hospital did not retaliate against the employee for her earlier complaints about its accommodation process.

***Tex. Dep't of Pub. Safety v. Callaway*, No. 13-23-00166-CV, 2024 WL 4511216 (Tex. App.—Corpus Christi–Edinburg Oct. 17, 2024) (mem. op.).**
Callaway sued the Texas Department of Public Safety (DPS) for disability discrimination and retaliation. He claimed he was subject to a hostile work environment, DPS failed to accommodate his disability, and he lost overtime after returning from leave associated with his alcohol problem. Years after his return to work, Callaway was terminated from DPS as discipline for various off-duty violations of departmental policies during an altercation with officials at his daughter's school. Callaway sued under the Texas Commission on Human Rights Act (TCHRA), claiming that termination was not appropriate discipline for the violations and that he was terminated because of his alcoholism and PTSD. DPS filed a plea with the jurisdiction claiming sovereign immunity as well as a no-evidence motion for summary judgment. The trial court denied both the plea and the motion, and DPS filed an interlocutory appeal.

The appellate court affirmed the trial court's denial of DPS's motion for summary judgment, holding that there was a fact issue regarding whether Callaway's termination was in retaliation for Callaway's complaint about discrimination related to his PTSD. The appellate court reversed and rendered with regard to Callaway's claims of disability discrimination based on his alcoholism and his claims of hostile work environment, failure to accommodate, and lost overtime, holding that: (1) alcoholism is not a disability under the TCHRA, so Callaway's claim of disability discrimination

under that act was not viable; and (2) Callaway had failed to make his other claims within the applicable statute of limitations.

***City of San Antonio v. Carnot*, No. 08-24-00034-CV, 2024 WL 4589814 (Tex. App.—El Paso Oct. 28, 2024) (mem. op.).**

Alfred Carnot filed suit against the City of San Antonio following his termination in January 2022 from his position as an airport police officer. Carnot, who was diagnosed with dyslexia and dyscalculia, alleged retaliation, claiming the city discharged him for filing a disability discrimination complaint with the Texas Workforce Commission and U.S. Equal Employment Opportunity Commission in 2020. The city filed a plea to the jurisdiction and motion for summary judgment (MSJ), arguing Carnot did not establish a prima facie case of retaliation and that legitimate, non-retaliatory reasons existed for his termination. The trial court denied the city's plea and MSJ and the city appealed.

Ultimately, the appellate court reversed the trial court's decision, holding that Carnot failed to show his termination was based on retaliation rather than legitimate, non-retaliatory reasons. The city provided evidence that Carnot's termination resulted from documented violations, including multiple procedural errors during arrests and failure to adhere to department standards. The appellate court held that Carnot did not meet his burden of proving pretext or but for causation for retaliation, thus failing to waive governmental immunity; therefore, it reversed the lower court's denial of the city's plea to the jurisdiction and MSJ and rendered judgment dismissing Carnot's claim.

***Bering v. Tex. Dep't of Criminal Justice-PFCMOD,* No. 02-24-00033-CV, 2024 WL 4455843 (Tex. App.—Fort Worth Oct. 10, 2024) (mem. op.).**

Cassandra Bering filed an administrative complaint against her former employer—the Texas Department of Criminal Justice—PFCMOD (the Department)—for alleged retaliation. When filling out the standardized form to file the complaint, Bering did not check the checkbox options—race, color, sex, disability, and retaliation—to identify what the complained of discrimination was based on, instead she checked the box for "other" without filling in the corresponding blank to identify what the "other" basis was. In the main body of the complaint, she explained that she had been retaliated against. Then, relying on that administrative complaint, Bering sued the Department under the Texas Commission on Human Rights Act (TCHRA) for alleged race, gender, and disability discrimination.

The Department pointed out the discrepancy between Bering's complaint and TCHRA claims, and it filed a combination plea to the jurisdiction and motion for summary judgment seeking dismissal of Bering's claims due to her failure to exhaust her administrative remedies. The trial court granted the plea.

The appellate court affirmed the trial court's order, finding that because Bering's TCHRA claims for race, gender and disability discrimination were not within the scope of her administrative complaint, she had failed to exhaust her administrative remedies for those TCHRA claims, and the trial court lacked jurisdiction over them.

***Harris Ctr. for Mental Health & IDD v. McLeod*, No. 01-22-00947-CV, 2024 WL 1383271 (Tex. App.—Houston [1st Dist.] Apr. 2, 2024) (mem. op.).**

McLeod sued the Harris Center for Mental Health & IDD for disability discrimination under the Texas Commission on Human Rights Act (TCHRA). She alleged that the Harris Center retaliated against her after she decided not to accept an offer to accommodate her disability by transferring

to a different clinic. She also claimed Harris Center failed to accommodate her request for consistent lunch breaks. The Harris Center filed a plea to the jurisdiction claiming governmental immunity, a response raising various defenses to McLeod's claims, and a motion for summary judgment. The trial court denied Harris Center's plea to the jurisdiction and motion for summary judgment, and Harris Center appealed.

The appellate court reversed, holding that: (1) the Harris Center was a governmental entity under the TCHRA and therefore was entitled to immunity; and (2) because McLeod did not raise a fact issue regarding whether she engaged in a protected activity for her retaliation claim, her claims did not fall under the TCHRA's waiver of immunity.

***Tex. Woman's Univ. v. Casper*, No. 02-23-00384-CV, 2024 WL 1561061, (Tex. App.—Fort Worth Apr. 11, 2024).**

This case presents an issue of first impression: whether, under the election-of-remedies provision in the Texas Commission on Human Rights Act (TCHRA), a plaintiff who has filed a federal action based on allegedly unlawful employment practices is barred from filing a duplicative TCHRA complaint even if she abandons her earlier-filed federal action.

Texas Woman's University (TWU) argued yes and filed a plea to the jurisdiction. Casper contended that the election-of-remedies provision bars a TCHRA complaint only if the earlier-filed federal action remains pending or has been resolved. The trial court denied TWU's plea. TWU filed an interlocutory appeal.

The appellate court determined that under the plain language of the TCHRA's election-of-remedies provision, an "initiated" federal action is what triggers the prohibition on filing a duplicative TCHRA complaint. Because Casper did not dispute that she "initiated" her federal action before filing her TCHRA complaint, and because she did not dispute that both challenged the same allegedly unlawful employment practices, the court reversed the trial court's order.

***Mendoza v. City of Round Rock*, No. 03-23-00235-CV, 2024 WL 1642920 (Tex. App.—Austin Apr. 17, 2024) (mem. op.).**

In 2019, Irma Mendoza retired from the city of Round Rock in lieu of termination after the city conducted an internal investigation into complaints it had received about Mendoza. Claiming the city's action against her involved age discrimination in violation of the Texas Commission on Human Rights Act (TCHRA), she filed an administrative charge with the Equal Employment Opportunity Commission (EEOC). After reviewing the charge, the EEOC notified Mendoza it would not investigate further and issued her a right-to-sue letter dated June 10, 2020. In its letter, the EEOC noted it had received her administrative charge on June 2, 2020. Then, on June 9, 2022, Mendoza sued the city. In response, the city filed a plea to the jurisdiction claiming governmental immunity, arguing Mendoza's lawsuit was untimely as she failed to file her lawsuit within two years of submitting her charge to the EEOC. The district court granted the city's plea, and Mendoza appealed thereafter. In affirming the lower court's decision, the court of appeals concluded that although Mendoza claimed a discrepancy with the date on the EEOC letter, there was sufficient evidence in the record to support a finding that Mendoza's administrative charge was submitted to the EEOC on June 2, 2020, and by filing her lawsuit on June 9, 2022, she failed to strictly satisfy the TCHRA procedural requirements.

***City of San Antonio v. Diaz*, No. 07-23-00275-CV, 2024 WL 2195443 (Tex. App.—Amarillo May 15, 2024) (mem. op.).**
Diaz sued the city claiming sex and age discrimination and retaliation when she was terminated because she was succeeded by a man who was in his late 30s. However, the city claimed it terminated Diaz because, as a supervisor, she had a subordinate employee help her with a personal project while on the clock. The trial court denied the city's plea to the jurisdiction and the city appealed.

On appeal, the court reversed the trial court. The appellate court found that: (1) Diaz did not provide any comparators for her disparate discipline claim because none of the comparators put forward by Diaz were accused of violating the same city policy or using their position to obtain free labor from a subordinate employee so her claims of discrimination failed; (2) Diaz's evidence failed to show that she engaged in any protected activity of opposing an illegal practice so her retaliation claim failed; and (3) Diaz's request for a "name clearing hearing" was not included in the relief she sought so that claim also failed.

***Adams v. City of Pineland*, No. 12-23-00289-CV, 2024 WL 2064384 (Tex. App.—Tyler May 8, 2024) (mem. op.).**
Robert Adams III, a probationary patrol officer for the City of Pineland, was terminated due to his inability to perform essential job functions. Adams sued the city, alleging disability discrimination, claiming the city regarded him as disabled due to his pancreatitis and related medical treatments. The trial court granted the city's motion for summary judgment, and Adams appealed. To prevail, Adams needed to show he was qualified for his position and that he was terminated due to his perceived disability. Evidence showed Adams was often unable to perform required tasks like patrolling and initiating traffic stops due to his medical condition and that he was frequently in pain, not actively patrolling, and even sleeping on duty. Ultimately the appellate court affirmed the trial court's summary judgment in favor of the city, concluding that Adams failed to establish a prima facie case of disability discrimination.

***Hadnot v. Lufkin Indep. Sch. Dist.*, No. 12-23-00144-CV, 2024 WL 2334631 (Tex. App.—Tyler May 22, 2024).**
The Lufkin Independent School District posted openings for two school resource officer positions, and Mickey M. Hadnot, a black applicant, applied. Hadnot, with a bachelor's degree in criminal justice, had extensive law enforcement experience including working for the Lufkin Police Department, the district as a school resource officer, and the Texas Department of Public Safety, where he was a Lieutenant at the time of his application. Juan Tinajero, who is Hispanic and fluent in Spanish, also applied. Tinajero had an associate's degree in criminal justice and diverse experience, including working as a reserve officer and private investigator. Despite Hadnot's extensive qualifications, the district hired Tinajero and Jeffrey Taylor, another black applicant. Hadnot filed a race discrimination complaint with the EEOC, which was dismissed, and subsequently filed a lawsuit under the Texas Commission on Human Rights Act. The district filed a motion for summary judgement, which the trial court granted, and Hadnot appealed. Hadnot alleged multiple instances of racial discrimination and cronyism within the hiring process. He claimed another lieutenant, David Rodriguez, accused him of attempting to take Rodriguez's job; manipulated the interview panel to favor Tinajero; and insisted on hiring a Spanish-speaking candidate. Hadnot argued that the district's stated preference for Tinajero's personality and interaction skills with students was a pretext for racial discrimination. The court focused on whether Hadnot presented more than a scintilla of evidence for his claims, finding that he had.

Upon meeting this burden, the district had to provide legitimate, nondiscriminatory reasons for their decision, which it did. Hadnot then needed to demonstrate that these reasons were pretextual, which the court found he failed to do. Despite suggesting potential cronyism, Hadnot did not establish that race-based discrimination influenced the hiring decision; therefore, the trial court's summary judgment in favor of the district was affirmed.

***Clifton v. City of Pasadena*, No. 14-23-00143-CV, 2024 WL 2206056 (Tex. App.—Houston [14th Dist.] May 16, 2024) (mem. op.).**

Susan Clifton, the first female assistant chief in the Pasadena Police Department, sued the City of Pasadena for gender discrimination and retaliation under the Texas Commission on Human Rights Act (TCHRA) after being demoted by acting chief Al Espinoza. Clifton alleged her demotion was due to her gender and in retaliation for reporting sexual harassment involving Espinoza's son. The trial court granted the city's plea to the jurisdiction and dismissed Clifton's suit, so she appealed. The appellate court considered whether Clifton provided sufficient evidence to create a fact issue on her discrimination and retaliation claims under the TCHRA, applying the *McDonnell Douglas* burden-shifting framework. Ultimately the appellate court reversed the trial court's dismissal, finding that Clifton produced sufficient evidence to create fact issues on both her claims and remanded the case for further proceedings.

***Borgelt v. Austin Firefighters Ass'n, IAFF Local 975*, No. 22-1149, 2024 WL 3210046 (Tex. June 28, 2024).**

Taxpayers brought action against the firefighters' union and the City of Austin, asserting claims including that a provision of the collective bargaining agreement between the city and the 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 the Texas Constitution's Gift Clauses. The state intervened in support of the taxpayers' challenge. The trial court: (1) granted the union's motion to dismiss; (2) granted the union's motion for attorney fees and sanctions under the Texas Citizens Participation Act (TCPA); (3) granted partial summary judgment to the city and the union; and (4) after a bench trial, entered judgement in favor of the city and the union. The taxpayers and the state appealed. The Austin Court of appeals affirmed. The Supreme Court granted petition for review.

The Supreme Court affirmed the appellate court's order finding that the agreement did not violate the gift clauses, but reversed the order of dismissal and its award of sanctions and fees against the taxpayers.

***City of Houston v. Leslie G. Wills*, No. 14-23-00178-CV, 2024 WL 3342439 (Tex. App.—Houston [14th Dist.] July 9, 2024) (mem. op.).**

Leslie Wills was an expert horsewoman and sergeant in the Houston Police Department (HPD) Mounted Patrol for more than a decade, where she was in charge of a number of managerial decisions concerning the training and treatment of horses within the HPD. When Lieutenant Dean Thomas was appointed as the new mounted patrol commander, he made policy changes affecting several areas of Wills's managerial oversight. Wills complained to the chief of police alleging that Thomas subjected her to a hostile work environment and gender bias. HPD reassigned Thomas and later transferred Wills to downtown patrol, which she claimed was retaliatory and amounted to constructive discharge. After having her grievances dismissed by the city, Wills resigned her position with the HPD and filed suit, and the City of Houston filed a plea to the jurisdiction. The trial court denied the city's plea, and the city appealed.

The appellate court held that Wills did not provide *prima facie* evidence of an adverse employment action necessary for her discrimination and retaliation claims. The actions she identified, including reassignment of duties, transfer out of mounted patrol, and constructive discharge, were not supported by evidence sufficient to show they were adverse employment actions under the applicable legal standards. Additionally, even if adverse employment actions had occurred, the city provided legitimate, nondiscriminatory reasons for its actions, which Wills failed to prove were pretextual. Ultimately, the appellate court reversed the trial court's denial of the city's plea to the jurisdiction and rendered judgment dismissing Wills' suit for lack of subject-matter jurisdiction.

***Donna Indep. Sch. Dist. v. Quintanilla*, No. 13-23-00395-CV, 2025 WL 504276 (Tex. App.—Corpus Christi–Edinburg Feb. 14, 2025) (mem. op.).**

Quintanilla, a former child nutrition director for the Donna Independent School District, filed a whistleblower suit against the district after her employment contract was not renewed. Quintanilla alleged that the school district chose not to renew her contract in retaliation for reporting her suspicions that the district's chief financial officer had improperly transferred child nutrition funds for other uses. The school district filed a motion for summary judgment claiming governmental immunity. The trial court denied the motion and the school district appealed.

The appellate court reversed and remanded, holding that Quintanilla had failed to produce evidence showing a causal link between her report and the nonrenewal of her contract.

GOVERNMENTAL IMMUNITY—TORTS

***City of Houston v. Sandoval*, No. 01-23-00806-CV, 2025 WL 863777 (Tex. App.—Houston [1st Dist.] Mar. 20, 2025) (mem. op.).**

Sandoval sued the City of Houston under the Texas Tort Claims Act (TTCA) for bodily injury and property damage she allegedly sustained when a city-owned "run-away" garbage truck struck her house and vehicles parked in her driveway. The city filed a motion for summary judgement claiming governmental immunity, arguing that Sandoval's injuries were caused by a mechanical malfunction and therefore the waiver of immunity in the TTCA did not apply to her claim. The trial court denied the motion and the city appealed.

The appellate court affirmed in part and reversed in part, holding that: (1) the city was entitled to governmental immunity with regard to Sandoval's claims for negligent maintenance, negligent entrustment, and negligent hiring, training, and supervision; and (2) there was a genuine issue of material fact regarding whether the city employee was operating or using the city truck for the purposes of the TTCA's waiver of immunity when it struck Sandoval's house.

***City of Houston v. Corrales,* No. 01-23-00416-CV, 2025 WL 676650 (Tex. App.—Houston [1st Dist.] Mar. 4, 2025).**

Corrales sued the City of Houston for a car accident for which a municipal employee was at fault and was awarded damages and court costs. The city appealed, arguing that the waiver of immunity in the Texas Tort Claims Act (TTCA) does not permit the award of court costs.

As a matter of first impression, the appellate court held that the scope of the legislature's waiver of immunity under the TTCA does not include court costs.

***City of Houston v. Gremillion*, No. 14-24-00130-CV, 2025 WL 380524 (Tex. App.—Houston [14th Dist.] Feb. 4, 2025) (mem. op.).**

Brandon Gremillion sued the City of Houston for negligence after a collision with a police vehicle driven by Officer Alberte Chrisphonte-Lovince. The officer was responding to an emergency call

with lights and siren activated. She entered an intersection against a red light and struck Gremillion's vehicle, which was proceeding on a green light. The investigating officer concluded that the officer failed to exercise due care in clearing the intersection. The city moved for summary judgment in the case, arguing that it retained governmental immunity, because Officer Chrisphonte-Lovince had official immunity. The trial court denied the motion, and the city appealed. A government employee like Officer Chrisphonte-Lovince may be immune from a lawsuit that arises from the performance of their discretionary duties in good faith, provided the employee was acting within the scope of their authority. The test for official immunity is not whether the officer acted negligently; rather, it is whether no reasonable officer in the same or similar circumstances could have believed that Officer Chrisphonte-Lovince's actions were justified. In this case, the appellate court held that Officer Chisphonte-Lovince's actions in response to the emergency call conclusively established her immunity from liability. Because Officer Chisphonte-Lovince retained immunity, the city was immune from suit; therefore, the court in this case reversed the trial court and dismissed Brandon Gremillion's claims against the city.

***City of Houston v. State Farm Mut. Auto. Ins. Co*., No. 14-24-00133-CV, 2025 WL 554191 (Tex. App.—Houston [14th Dist.] Feb. 20, 2025).**

State Farm sued the City of Houston for property damage after an automobile collision involving a Houston police officer. The original petition alleged that a city employee, driving negligently, caused the collision while acting within the scope of employment. The city moved to dismiss the claims, arguing that State Farm's petition failed to allege facts demonstrating a waiver of governmental immunity. The trial court denied the motion, and the city appealed. In this case, State Farm's petition contained only conclusory allegations that the city's employee was negligent without stating specific facts about the collision, the officer's actions, or any circumstances negating possible immunity defenses. State Farm filed an amended petition; however, the amended petition was untimely and could not be considered. Ultimately, the court held that a mere assertion of negligence is insufficient to establish a waiver of immunity under the TTCA. Because State Farm had an opportunity to amend its petition but failed to cure the deficiencies, the court dismissed its claims with prejudice.

***City of Houston v. Mohamed*, No. 14-24-00169-CV, 2025 WL 556452 (Tex. App.—Houston [14th Dist.] Feb. 20, 2025) (mem. op.).**

Kebret Mohamed, a taxi driver, sued the City of Houston for injuries sustained when he jumped from a wooden deck to escape a fire in the taxi drivers' lounge area at George Bush Intercontinental Airport. He alleged negligence, negligent hiring, and premises liability, claiming the city failed to provide adequate fire safety measures and a safe means of egress. The city moved to dismiss Mohamed's claims, asserting that it retained governmental immunity. The trial court dismissed the city's motion, and the city appealed. A city is generally immune from suit and liability unless the city's governmental immunity is clearly waived. The Texas Tort Claims Act (TTCA) contains waivers of governmental immunity applicable in certain situations. With regard to claims involving injuries caused by a condition or use of tangible property or real property, governmental immunity may be waived for claims in circumstances where the city would be liable for the injuries, if the city were a private person. The TTCA also contains exceptions to the waiver for certain discretionary functions as well as an exception for police or fire protection. Because Mr. Mohamed's claims either failed to establish a valid waiver of city immunity or exceptions to the waiver applied, the appellate court reversed the trial court's judgment and rendered judgment dismissing Mr. Mohamed's claims.

***City of Houston v. Rodriguez*, No. 23-0094, 704 S.W.3d 462 (Tex. Dec. 31, 2024).**
A city police officer engaged in a high-speed pursuit of another vehicle struck the driver and the passenger of a truck who subsequently sued the city, alleging that the officer's negligent driving caused them personal injuries for which the Tort Claims Act (Act) waives governmental immunity from suit. The city filed a motion for summary judgement arguing that: (1) the Act waives immunity only when the employee would be personally liable, and official immunity shields the officer from liability because he was acting in good faith; and (2) the Act's emergency exception to the waiver applies because the officer was not acting recklessly in responding to an emergency. The trial court denied the motion and the court of appeals affirmed.

The Supreme Court reversed the Houston Court of Appeals's judgement, holding that because the officer acted in good faith during the pursuit, he was protected from personal liability by official immunity, and the city's governmental immunity was not waived under the Act.

***City of Austin v. Powell*, No. 22-0662, 704 S.W.3d 437 (Tex. Dec. 31, 2024).**
A motorist, who was injured when a police officer involved in high-speed chase collided with the motorist's vehicle, sued the city to recover damages for his injuries. The trial court denied the city's plea to the jurisdiction, and the city appealed. The Austin Court of Appeals affirmed.

The Supreme Court granted the city's petition for review. The Supreme Court reversed, holding that: (1) the statute requiring the operator of motor vehicle to maintain distance between vehicles was a law of general applicability and was not specifically applicable to emergency action, for purposes of whether the emergency exception to waiver of immunity under Tort Claims Act (Act) applied to the motorist's action; (2) the statute permitting certain conduct in operating an emergency vehicle did not make all other traffic laws binding in emergency contexts, for purposes of whether the emergency exception applied to immunity waiver under Act; (3) whether the police officer violated department policy was immaterial to the inquiry of whether a law or ordinance existed specifically addressing the emergency response at issue, for purposes of whether the emergency exception applied to immunity waiver under the Act; (4) the motorist did not establish that the police officer's failure to control his speed was reckless to obviate the emergency exception to immunity waiver under the Act; (5) the motorist did not establish that the police officer's failure to maintain distance with the police vehicle that the officer was following was reckless to obviate the emergency exception to immunity waiver under the Act; (6) the motorist did not establish that the police officer's inattentiveness leading up to accident was reckless to obviate the emergency exception to immunity waiver under the Act; and (7) the motorist did not establish that a combination of the police officer's acts was reckless, as required not to apply the emergency exception to immunity waiver under the Act.

***Harris County v. Jones*, No. 01-24-00214-CV, 2024 WL 5160516 (Tex. App.—Houston [1st Dist.] Dec. 19, 2024) (mem. op.).**
Jones sued Harris County under the Texas Tort Claims Act (TTCA) after a motor vehicle collision involving Sutton, a county deputy. Sutton was pursuing a suspect in a stolen vehicle with his lights and siren activated when he maneuvered his vehicle across a highway on-ramp. Jones, who was driving on the on-ramp, struck Sutton's vehicle. The county filed a plea to the jurisdiction, claiming governmental immunity under the emergency-response exception to the TTCA's limited waiver of immunity. The trial court denied the plea and the county appealed.

The appellate court reversed and rendered judgement dismissing Jones's claims, holding that the emergency-response exception applied because Sutton was responding to an emergency, he had

his lights and siren activated, and Jones had not offered evidence sufficient to create a genuine issue of material fact as to whether Sutton acted with reckless disregard for the safety of others.

***City of San Antonio v. Nadine Realme*, No. 04-23-00885-CV, 2024 WL 3954217 (Tex. App.—San Antonio Aug. 28, 2024) (mem. op.).**
The plaintiff participated in a Turkey Trot and tripped over a metal object protruding in the ground and broke her arm. She brought a premises liability claim against the city and the city filed a no evidence summary judgment motion claiming it was immune under the recreational use statute. The trial court denied it and the city appealed. The appellate court affirmed the denial, finding that: (1) the recreational use statute did not expressly include a footrace; (2) a footrace did not include "enjoying nature or the outdoors" under the catchall definition; and (3) a footrace did not fall in the common usage of recreation.

***City of Whitesboro v. Diana Montgomery*, No. 05-23-00979-CV, 2024 WL 3880627 (Tex. App.—Dallas Aug. 20, 2024) (mem. op.).**
In this interlocutory appeal, the City of Whitesboro challenged the trial court's order denying its plea to the jurisdiction in a premises liability and premises defect suit. Diana Montgomery sued the city after she fell while using restroom facilities at the city's swimming pool. In her suit she claimed the city was grossly negligent when it, among other things, removed slip mats in the restrooms and refinished the floors with an epoxy that contained a gritty, non-slip additive. In addition, Montgomery claimed a pool activity instructor told her lifeguards had been having a "shampoo or soap fight" in the restroom earlier in the day making the floor slick. The city objected to the testimony as hearsay filing a motion to strike, but the trial court denied the motion. The court of appeals, in reversing the trial court's order, held that no exceptions to the hearsay rule applied to the witness's testimony, including statements made by a party's agent as the witness was an independent contractor, excited utterance, present sense impression, and statements against interest. In addition, Montgomery failed to provide evidence that the city had actual or subjective knowledge that the new epoxy floor presented a serious hazard or that there was a dangerous condition on the restroom floor at the time of her fall.

***City of Houston v. Meka*, No. 23-0438, 697 S.W.3d 656 (Tex. Aug. 30, 2024) (per curiam).**
This case stems from a personal-injury lawsuit arising out of a motor-vehicle accident involving a City of Houston employee. The city sought dismissal and argued that post-filing diligence in effecting service of process is a jurisdictional requirement that, under Section 311.034 of the Texas Government Code, may be challenged in a plea to the jurisdiction or summary-judgment motion based on governmental immunity.

The Fourteenth Court of Appeals, relying on a Third Court of Appeals opinion, rejected the city's contention and concluded that timely service of process does not implicate subject-matter jurisdiction. The Supreme Court subsequently overturned the Third Court's opinion, clarifying that service that would otherwise be untimely will relate back to a timely-filed original petition if the plaintiff exercised diligence in attempting service from the point that limitations expired until service was achieved.

Accordingly, because the Fourteenth Court of Appeals relied on what it regarded as the state of law at the time, the Supreme Court granted the city's petition for review, vacated the court's judgment, and remanded.

***City of Dallas v. McKeller*, No. 05-23-00035-CV, 2024 WL 980356 (Tex. App.—Dallas Mar. 7, 2024) (mem. op.).**

In 2019, the City of Dallas was notified through a service request that one of its water meter boxes was missing the lid leaving a hole in the sidewalk. Because the repairs could not be made that day, city staff placed a large orange cone over the hole. However, the cone was later removed by an unknown third party, and Evelyn McKeller sustained injuries when she fell into the hole. McKeller then sued the city on the basis of negligence and premises liability. In response, the city filed a plea to the jurisdiction claiming immunity under the Texas Tort Claims Act (TTCA). After a hearing on the matter, the trial court denied the city's plea to the jurisdiction, and the city appealed.

In its appeal, the city claimed McKeller could not overcome the TTCA's waiver of immunity for the premises liability claim because it had no actual knowledge that the cone had been removed by a third party. The city relied on Texas Civil Practice & Remedies Code Section 101.060 which states a governmental unit retains its immunity for claims based on the removal of a traffic warning device unless the governmental unit fails to correct the removal within a reasonable period of time after having actual notice. The city further argued that the trial court did not have subject matter jurisdiction over McKeller's negligence claim separate from the premises defect claim.

As to the premises liability claim, the court of appeals concluded the city had actual knowledge of the defective condition – an open water meter hole. The court reasoned that McKeller's claim was not based on the failure to replace the cone, and it did not qualify as a "warning device" where it was placed on a sidewalk and not a roadway as required by Section 101.060. As a result, the lower court's denial of the city's plea to the jurisdiction was affirmed. However, as to McKeller's negligence claim, the court of appeals held that because the claim relied on the premises defect in this case, immunity was not waived under the TTCA. For that reason, the court of appeals granted the city's plea to the jurisdiction and rendered judgment dismissing the negligence claim for lack of subject matter jurisdiction.

***City of Mission v. Aaron Cervantes*, No. 13-22-00401-CV, 2024 WL 1326396 (Tex. App.—Corpus Christi–Edinburg Mar. 28, 2024) (mem. op.).**

Cervantes sued the City of Mission under the Texas Tort Claims Act (TTCA) after he was injured on a city-maintained bike path, claiming the city's failure to warn the public of the dangerous condition of the trail was grossly negligent. The city filed a plea to the jurisdiction claiming governmental immunity under the TTCA and the recreational use statute. The city argued that the dangerous condition at issue was not a special defect, so the city owed only a licensee standard of care and therefore the city's immunity was not waived under the TTCA. The trial court denied the city's plea and the city appealed.

The appellate court affirmed the trial court's denial of the city's plea to the jurisdiction, holding that because the city had not produced evidence to negate Cervantes' contention that the dangerous condition at issue was a special defect, it had failed to carry its burden to negate the existence of jurisdictional facts.

***City of Houston v. Manning*, No. 14-23-00087-CV, 2024 WL 973806 (Tex. App.—Houston [14th Dist.] Mar. 7, 2024) (mem. op.).**

In a case involving a collision between a City of Houston Fire Department truck driven by Wilhelm Schmidt and a car carrying Chelsea Manning and three minors, the appellate court previously affirmed the denial of the city's initial motion for summary judgment on negligence claims. In *Manning I*, the city argued for immunity, citing the driver's official status and exceptions under

the Texas Tort Claims Act (TTCA), but failed to conclusively prove absence of negligence or that the emergency and 9-1-1 exceptions applied. The Supreme Court declined to review the appellate court's decision in *Manning I*.

This appeal originates from a second summary judgment motion in which the city reiterated its immunity defense, added additional TTCA arguments, and challenged certain plaintiffs' standing. The trial court denied this motion and allowed two additional plaintiffs to join the case, leading to the city's current appeal.

Generally, a city cannot be vicariously liable for the negligent acts of its employees unless its governmental immunity has been waived. The TTCA contains waivers of governmental immunity when the negligence of a city's employee, acting within the scope of their employment, proximately causes personal injury to another person, arising from the use or operation of a motor driven vehicle, if the employee would be personally liable for the injuries. The city argued that Schmidt would not have been liable for the injuries, since he was protected by official immunity, which can protect government employees from liability from lawsuit if at the time of the injury, they were performing discretionary job functions with good faith. As in *Manning I*, the court in this case held that there were fact questions surrounding Schmidt's good faith and overruled the city on this issue.

There are also exceptions to the TTCA's immunity waiver when an employee is responding to an emergency situation or a 9-1-1 call for assistance, if the employee's actions are essentially reasonable, lawful, and not taken with reckless disregard for the safety of others. The city raised each of these exceptions, but again, the court overruled these issues, pointing to evidence that Schmidt may have been operating the truck recklessly at the time of the collision.

The only issue on which the court found in favor of the city was a standing issue. Two of the claimants who were minors at the time of the collision had reached the age of majority by the time the appeals in *Manning I* were decided, after which, a Second Amended Petition was filed seeking additional damages for medical expenses by these claimants. Because claims for the medical expenses of minors belong to the minors' parents, the appellate court overruled the trial court on this issue. Ultimately, the court overruled all the city's claims other than the standing issue and remanded the case to the trial court for further proceedings.

***Rebeca Garcia v. The City of Austin*, No. 14-23-00241-CV, 2024 WL 1326113 (Tex. App.—Houston [14th Dist.] Mar. 28, 2024) (mem. op.).**

Rebeca Garcia and Mike Ramos were in a car when the police, responding to a 9-1-1 call about drug use and a possible gun, commanded them to exit the vehicle. Ramos, after initially complying, became non-compliant and was fatally shot while attempting to drive away. Garcia, who was in the car but not physically injured, sued the City of Austin for negligent infliction of emotional distress, claiming severe shock and emotional distress from witnessing the incident.

The City of Austin filed a plea to the jurisdiction, asserting immunity from Garcia's suit. The trial court granted the plea, dismissing Garcia's suit. Garcia appealed, arguing the trial court erred in granting the plea and that the city did not meet its burden to establish governmental immunity. Generally, a city is protected from liability from lawsuit by governmental immunity, but that immunity may be waived by statute. The Texas Tort Claims Act provides limited waivers of immunity for certain negligent conduct, but it does not waive immunity for injuries arising from intentional torts. Garcia argued that her injuries sounded in negligence; however, neither the trial court nor the appellate court agreed, since the shooting in question was clearly an intentional act.

Consequently, the appellate court affirmed the trial court's final judgment, dismissing the case for lack of jurisdiction.

***City of Springtown v. Ashenfelter*, No. 02-23-00204-CV, 2024 WL 1792380 (Tex. App.—Fort Worth Apr. 25, 2024) (mem. op.).**
Kalie Ashenfelter sued the City of Springtown after she was involved in an automobile collision with a city police officer. The city appealed the trial court's denial of its combined motion for no-evidence and traditional summary judgment, asserting that it was entitled to immunity based on (1) the police officer's official immunity and (2) the emergency exception to the Texas Tort Claims Act's (TTCA) waiver of immunity. The appellate court affirmed the trial court's order denying the city's combined motion concluding that the city was not entitled to a no-evidence summary judgement and that evidence attached to the city's traditional motion for summary judgement raised a fact issue as to whether governmental immunity was waived.

***City of Austin v. Kalamarides*, No. 07-23-00400-CV, 2024 WL 1422741 (Tex. App.—Amarillo Apr. 2, 2024) (mem. op.).**
The plaintiff sued the city for injuries he suffered in a car accident with a city police officer who was responding to an emergency call. The plaintiff claimed his light was green and that the police officer did not have lights or sirens on. The city claimed the officer did have the vehicle's lights and sirens activated. The city filed a plea to the jurisdiction based on the "emergency exception." The trial court denied the plea.

On appeal, the court reversed and rendered judgment in favor of the city. The court found the city retained its immunity under the emergency response exception because record did not reveal a fact issue as to whether the officer acted in a way that posed a high degree of risk or serious injury to others when responding to an emergency. The video evidence capturing the minutes preceding the collision confirmed that as the officer entered the intersection, she was proceeding slowly, with her vehicle's lights and siren activated.

***City of Houston v. Taylor*, No. 14-22-00629-CV, 2024 WL 1403949 (Tex. App.—Houston [14th Dist.] Apr. 2, 2024) (mem. op.).**
Percy Taylor sued the City of Houston after being involved in a collision with a city ambulance. The city claimed immunity under the Texas Tort Claims Act, arguing that the ambulance was responding to an emergency, which if proven, exempts the city from liability. The trial court denied the city's motion for summary judgment and plea to the jurisdiction. The Texas Tort Claims Act may waive immunity for injuries caused by the operation of motor-driven vehicles unless the injury arises from actions taken during emergency responses. The question in this case was whether the ambulance was actively responding to an emergency when the collision occurred. The evidence presented showed conflicting accounts of the situation. The ambulance driver indicated that they were transporting a critically ill patient with possible sepsis to the hospital under emergency conditions with lights and sirens activated. Contradictory testimony and a Houston Fire Department incident report suggested that the patient was stable, and that the transportation was at the patient's choice, without emergency lights and sirens. The appellate court affirmed the trial court's decision, finding that factual disputes about the emergency status of the ambulance trip precluded summary judgment. The court concluded that the trial court correctly denied the city's plea to the jurisdiction and MSJ.

***City of Houston v. Caro*, No. 14-23-00319-CV, 2024 WL 1732278 (Tex. App.—Houston [14th Dist.] Apr. 23, 2024) (mem. op.).**

Lucy Caro, a flight attendant, was injured at Bush Intercontinental Airport, which is owned by the City of Houston, when she slipped on water beneath an air conditioning vent. In response to Caro's lawsuit, the City of Houston filed a plea to the jurisdiction, which the trial court denied. On appeal, the city challenged the trial court's denial of its plea to jurisdiction, arguing that it did not have actual knowledge of the hazard, and thereby maintained its immunity under the Texas Tort Claims Act. The court evaluated whether the City of Houston had actual knowledge of the hazard. Evidence showed longstanding issues with condensation at the airport, which were known to city staff. Despite prior observations of water accumulation and temporary remediation measures, no permanent solution was implemented, and no warning signs were present at the time of Caro's fall. The appellate court held that evidence of the city's awareness of the recurring condensation issue, combined with the specific observations made by city staff shortly before Caro's injuries, established a fact issue regarding the city's knowledge of the dangerous condition. The court also found fact issues regarding whether Caro knew about the hazard and whether the city failed in its duty of care. Ultimately, the court affirmed the trial court's decision, holding that the evidence raised sufficient fact issues to deny the city's plea to the jurisdiction, allowing Caro's suit to proceed against the City of Houston for her injuries. The case was remanded for further proceedings concerning the city's knowledge and the adequacy of its remedial actions.

***City of Houston v. Sauls*, No. 22-1074, 690 S.W.3d 60 (Tex. May 10, 2024).**

This is an interlocutory appeal in which the court is asked to decide whether the city is immune from a wrongful-death suit after its police officer, while responding to a suicide call, had an automobile accident with a bicyclist crossing the road.

The bicyclist's heirs sued the city for wrongful death, alleging that the city's employee negligently and proximately caused the bicyclist's death while operating a motor vehicle, such that the employee would be personally liable. The city moved for traditional summary judgment, asserting that its immunity from suit was not waived under the Tort Claims Act because the officer was entitled to official immunity. The trial court denied the motion, and the city appealed. A divided court of appeals affirmed.

The Texas Supreme Court reversed and held: (1) the officer was performing a "discretionary" duty when responding to the suicide call; (2) the city satisfied its burden of making a prima facie showing that the officer acted in good faith based on a need factor; (3) the city satisfied its burden of making a prima facie showing that the officer acted in good faith based on a risk factor; and the (4) heirs and estate failed to controvert city's showing of good faith.

***Tex. Dep't of Transp. v. Self*, No. 22-0585, 690 S.W.3d 12 (Tex. May 17, 2024).**

Landowners sued the Texas Department of Transportation (TxDOT) and its contractor, alleging inverse condemnation and negligence, after employees of the contractor removed trees from a portion of the landowners' property that was outside TxDOT right-of-way while the contractor was in the process of removing trees from the right-of-way. The trial court denied TxDOT's plea to the jurisdiction, and TxDOT appealed. The Fort Worth Court of Appeals, affirmed in part and reversed in part.

Regarding negligence, the Texas Supreme Court determined that the landowners failed to either show that the subcontractor's employees were in TxDOT's paid service or that TxDOT employees operated or used the motor-driven equipment that cut down the trees, as required to waive

immunity under the Tort Claims Act. With respect to inverse condemnation, the court determined that the landowners offered evidence that TxDOT intentionally directed the destruction of trees as part of clearing the right-of-way for public use. Accordingly, the court dismissed the negligence claim, and remanded the cause of action for inverse condemnation to the trial court for further proceedings.

***City of Denton v. Ragas*, No. 02-24-00037-CV, 2024 WL 2202051 (Tex. App.—Fort Worth May 16, 2024) (mem. op.).**

Ragas fell while crossing a street in Denton, Texas, and sued the City of Denton seeking damages for her personal injuries. She alleged that there was a defect in the street's pavement that proximately caused her fall, that the defect was a "special defect," and that the city was negligent in maintaining the street. Alternatively, she alleged that the defect was an ordinary premises defect, that the city had actual knowledge of its existence, and that the city failed to warn her of its existence or remedy the condition. The trial court denied the city's plea to the jurisdiction, and the city filed an interlocutory appeal. The court of appeals reversed, holding that Ragas' claims are barred by governmental immunity.

***City of San Antonio v. Magri*, No. 13-23-00280-CV, 2024 WL 2340826 (Tex. App.—Corpus Christi–Edinburg May 23, 2024) (mem. op.).**

Magri sued the City of San Antonio under the Texas Tort Claims Act (TTCA) after she slipped at the public library while walking over a grate. She claimed the slippery grate was a dangerous condition and that her claim fell under the TTCA's waiver of immunity for premises liability. The city filed a plea to the jurisdiction, which the trial court denied, and the city appealed.

The appellate court reversed and rendered judgment, holding there was no genuine issue of material fact as to whether the city had actual knowledge of the defect because the city had submitted an affidavit from an employee stating that there had been no previous reports of the dangerous condition of the grate in the preceding two years.

***City of Cibolo v. LeGros*, No. 08-23-00291-CV, 2024 WL 3012508 (Tex. App.—El Paso June 14, 2024) (mem. op.).**

Deborah LeGros, a property owner, sued the City of Cibolo, alleging unlawful replatting of a subdivision and failure to enforce land-use restrictions. LeGros claimed that the city's replatting action removed covenants and restrictions, allowing her neighbors to maintain their property contrary to the original restrictions, resulting in potential health and safety hazards. She sought declaratory relief under the Texas Tort Claims Act (TTCA) and the Uniform Declaratory Judgment Act (UDJA). The city filed a plea to the jurisdiction asserting governmental immunity from the suit, which the trial court denied. The city appealed. Cities are generally immune from lawsuit unless the city's governmental immunity has been specifically waived by statute. Neither the TTCA nor the UDJA contain waivers of governmental immunity applicable to the instant case; therefore, neither waived the city's immunity. Ultimately, the appellate court reversed the trial court's order and rendered judgment for the city, dismissing LeGros' claims for lack of jurisdiction.

***City of San Antonio v. Garcia*, No. 08-23-00329-CV, 2024 WL 3066051 (Tex. App.—El Paso June 20, 2024) (mem. op.).**

Joel Garcia, individually and as next friend of his minor son J.G., sued the City of San Antonio, alleging that Police Officer Kevin Wilkinson negligently caused a vehicular collision. The collision occurred while Wilkinson was responding to a 9-1-1 call with his lights and sirens activated. The city filed traditional and no-evidence motions for summary judgment, asserting governmental

immunity based on Wilkinson's official immunity and the emergency response and 9-1-1 exceptions under the Texas Tort Claims Act. The trial court denied the motions, and the city appealed. Because Garcia failed to provide evidence raising an issue of fact challenging the application of the emergency or the 9-1-1 exceptions, the appellate court held that the city was entitled to summary judgment. The appellate court reversed the trial court's order and rendered judgment in favor of the city.

***City of Houston v. Boodoosingh*, No. 14-23-00220-CV, 2024 WL 3188617 (Tex. App.—Houston [14th Dist.] June 27, 2024).**
Delisa Boodoosingh sued the City of Houston after a fire truck, driven by city employee Kevin Goodie, collided with her stopped vehicle. She alleged the crash resulted from Goodie's failure to maintain the vehicle's speed and direction, causing her personal injuries and property damage. Boodoosingh claimed the city had actual or constructive notice of her claims. The city filed a Rule 91a motion to dismiss, asserting lack of required notice under the Texas Tort Claims Act and invoking the "emergency exception" to maintain governmental immunity. The trial court denied the city's motion to dismiss, and the city appealed. Unlike a plea to the jurisdiction, Rule 91a motions to dismiss must be decided based solely on the face of the pleadings and not on the weight of evidence. Because Boodoosingh's pleadings asserted that proper notice had been given, and application of the "emergency exception" would require evidentiary rulings inappropriate to Rule 91a motion analysis, the appellate court affirmed the trial court's order denying the city's motion to dismiss.

***City of Houston v. Zuniga*, No. 01-23-00853-CV, 2024 WL 3259847 (Tex. App.—Houston [1st Dist.] July 2, 2024) (mem. op.).**
Zuniga sued the City of Houston for injuries she suffered in a car accident with a city vehicle. The city filed a plea to the jurisdiction and a motion for summary judgment, claiming that because Zuniga had not provided the city with the notice required under the Texas Tort Claims Act, the city's immunity had not been waived. The trial court denied the city's plea and motion, and the city appealed.

The appellate court affirmed, holding that although Zuniga had not provided formal notice, the city had actual notice that Zuniga believed the city was liable for her injuries based on her statements in the police report and crash investigation, despite the report and investigation determining that the city was not at fault.

***City of Houston v. Stoffer*, No. 01-23-00335-CV, 2024 WL 3417137 (Tex. App.—Houston [1st Dist.] July 16, 2024) (mem. op.).**
Stoffer sued the City of Houston for injuries she suffered in a car accident with a city vehicle driven by Tollet. At the time of the accident, Tollet had been turning into a gas station to refuel the city-owned vehicle on her commute home from work. The city filed a motion for summary judgment, claiming that immunity had not been waived because Tollet was not acting in the course and scope of her employment when she was commuting home from work. The trial court denied the city's motion and the city appealed.

The appellate court affirmed, holding that because Tollet had been refueling the city-owned vehicle, the city had not effectively rebutted the presumption that an employee driving a city-owned vehicle is acting in the course of scope of her employment.

***City of Dallas v. Perez,* No. 05-23-00376-CV, 2024 WL 3593740 (Tex. App.—Dallas July 31, 2024) (mem. op.).**

Brandie Perez, individually and as next friend of her minor children, A.P., G.P., and S.P., sued the city of Dallas for damages suffered due to a vehicle collision caused by Officer Jose Gamez while in pursuit of a fleeing suspect. The city filed a plea to the jurisdiction based on official immunity and claimed the officer's actions satisfied the emergency exception under the Tort Claims Act. After a hearing, the trial court denied the plea, and the city appealed. The court of appeals held that the city met its burden in establishing Officer Gamez was entitled to official immunity because: (1) he was performing a discretionary function as a matter of law when he was engaged in a suspect pursuit to conduct a traffic stop; (2) a reasonably prudent officer under the same or similar circumstances could have believed Officer Gamez's actions were justified; (3) no genuine issue of material fact was raised as to whether Officer Gamez acted in good faith; and (4) he acted within the scope of his authority. Without addressing the city's remaining issue on the emergency exception, the court of appeals reversed the trial court's order and rendered judgment in favor of the city.

***City of Stinnett v. Price*, No. 07-24-00095-CV, 2024 WL 3588589 (Tex. App. July 30, 2024) (mem. op.).**

The plaintiff sued the city for injuries she sustained when she was exiting city hall, ran into a glass panel abutting the glass door, and the glass panel shattered. The trial court denied the city's plea to the jurisdiction and the city appealed. On appeal, the court found that the evidence was conclusive that the danger posed by the glass panels bracketing the door was so open and obvious that it should be known and appreciated by the plaintiff. Therefore, because the plaintiff could not prove that she did not know of the condition (it was open and obvious), she could not establish a waiver of the city's immunity. The appellate court reversed the trial court and granted the city's plea.

***Hitchcock Industrial Development Corporation v. Cressman Tubular Products Corporation*, No. 14-23-00254-CV, 2024 WL 3447475 (Tex. App.—Houston [14th Dist.] July 18, 2024).**

The City of Hitchcock sued Cressman Tubular Products Corporation ("Cressman") for breach of an economic development agreement, unjust enrichment, and fraud. Cressman filed third-party claims against Hitchcock Industrial Development Corporation (the "EDC"), a Type A economic development corporation, for breach of the development agreement, negligent misrepresentation, and fraud. The EDC filed a plea to the jurisdiction, asserting governmental immunity under Texas Local Government Code § 504.107(b). The trial court denied the plea, and the EDC appealed. While the EDC, as a Type A economic development corporation, is a governmental unit for purposes of the Texas Tort Claims Act and therefore qualifies for interlocutory appeal, economic development corporations do not enjoy governmental immunity from tort claims. The enabling legislation for economic development corporations does not confer immunity; rather, it imports the Texas Tort Claims Act's limitations on liability and damages. Ultimately, the appellate court affirmed the trial court's denial of the EDC's plea to the jurisdiction, holding that Type A economic development corporations do not have governmental immunity from tort claims under the current statutory framework. Note that this opinion extends a holding the Texas Supreme Court made regarding Type B EDCs to Type A EDCs. *See* *Rosenberg Development Corporation v. Imperial Performing Arts, Inc.*, 571 S.W.3d 738 (Tex. 2019).

***City of Missouri City v. Hampton*, No. 14-23-00111-CV, 2024 WL 3507415 (Tex. App.—Houston [14th Dist.] July 23, 2024) (mem. op.).**
Allanias and Damita Hampton sued Missouri City for injuries their daughter Alaina sustained when she collided with a metal fence post while playing in a city park. They alleged negligence and premises liability claims under the Texas Torts Claims Act. Missouri City argued governmental immunity and filed a plea to the jurisdiction, which the trial court denied, prompting the city to appeal.

The appellate court focused much of its analysis on whether Alaina was an invitee, licensee, or trespasser in the city park, because a higher duty is owed by a landowner to an invitee than to either a licensee or trespasser. The Hamptons argued that Alaina should be considered an invitee. The court indicated that Alaina could be considered an invitee if: (1) she had paid for entry to the facility, or (2) the defect to the fence post was considered a legal "special defect." Alaina had not paid for entry to the facility, and based on its location, the fence post could not be considered a special defect; therefore, as a matter of law, the court held that she was a licensee and not an invitee. If the Hamptons could establish that the city had actual knowledge of the dangerous condition, the city still could have been liable for the damages, even though Alaina was a licensee; however, they were unable to make the required showing. Therefore, the appellate court reversed the trial court's order and dismissed the case for lack of subject matter jurisdiction.

***City of Houston v. Hernandez*, No. 01-24-00031-CV, 2024 WL 3817374 (Tex. App.—Houston [1st Dist.] Aug. 15, 2024) (mem. op.).**
Hernandez sued the City of Houston after a police car collided with the trailer attached to the truck he was driving. At the time of the collision, the police car had its sirens activated, and Hernandez had pulled over to the shoulder of the road to allow the police car to pass him. The city filed a motion to dismiss, claiming immunity under the Texas Tort Claims Act (TTCA) and claiming that the emergency exception to the TTCA's waiver of immunity applied. The trial court denied the motion, and the city appealed.

The appellate court affirmed, holding that Hernandez's allegations that the police officer was not responding to an emergency and acted with reckless disregard for the safety of others were sufficient to establish a waiver of the city's immunity and the inapplicability of the emergency exception.

***Wolf v. Mickens*, No. 09-21-00382-CV, 2024 WL 3980616 (Tex. App.—Beaumont Aug. 29, 2024) (mem. op.).**
Wolf sued Mickens, Verret, and Pierre (employees) in their individual capacities under the Texas Tort Claims Act (TTCA) for ultra vires actions, for fraud and civil conspiracy, and for an unlawful taking of her commercial building after the city ordered it demolished. She alleged that the employees required a bribe of $25,000 in exchange for issuing a permit for Wolf to rehabilitate the building and, when she did not give them the money, ordered the building demolished. The trial court granted the employees' plea to the jurisdiction claiming immunity, and Wolf appealed.

The appellate court affirmed in part and reversed and remanded in part, holding that: (1) since Wolf was suing for monetary damages rather than prospective injunctive relief, her claims were not actionable as ultra vires acts; (2) because the TTCA does not waive liability for intentional torts alleged against employees in their individual capacity, the employees were not immune to Wolf's claims of fraud and civil conspiracy related to the $25,000 bribe; and (3) Wolf's takings

claim should have been pursued in a direct appeal from her administrative hearing. The court remanded the claims for fraud and civil conspiracy and dismissed the remaining claims.

***Jefferson Cnty. v. Hadnot*, No. 09-23-00052-CV, 2024 WL 3973070 (Tex. App.—Beaumont Aug. 29, 2024) (mem. op.).**
Hadnot sued Jefferson County for injuries she received after Nguyen, a sheriff's deputy, rear-ended the vehicle she was driving. The county filed a plea to the jurisdiction, claiming governmental immunity was not waived under the Texas Tort Claims Act (TTCA) because Nguyen was responding to an emergency at the time of the collision.

The appellate court affirmed in part and reversed and rendered in part, holding that: (1) Hadnot's failure to negate the emergency exception to the TTCA's waiver of immunity in her pleading was a pleading defect, not a jurisdictional defect, and so there was a genuine issue of material fact as to whether the emergency exception applied; and (2) Hadnot had not established the trial court's jurisdiction over the part of her claim alleging that Nguyen had operated her vehicle with reckless disregard for the safety of others because her pleadings did not allege facts supporting that allegation.

***City of Houston v. Moore*, No. 14-23-00316-CV, 2024 WL 3616697 (Tex. App.—Houston [14th Dist.] Aug. 1, 2024) (mem. op.).**
Michael Moore sued the City of Houston for injuries sustained when he tripped over a steel ground plate while working for Southwest Airlines at Hobby Airport, which is owned by the city. The city moved for summary judgment, arguing that Moore failed to provide timely notice of his claim, as required by both the Texas Tort Claims Act (TTCA) and the city charter, thereby preserving the city's governmental immunity. The trial court denied the motion, and the city appealed.

Moore's injury occurred in February 2022, but the city did not receive notice until July 6, 2022, well past the 90-day deadline in the city's charter. The court found that Moore's failure to provide timely notice barred the suit under the TTCA. Moore then contended that the condition that caused his injury was a special defect, potentially waiving the city's immunity; however, the court rejected this argument, finding that a steel ground plate on an airport tarmac did not meet the TTCA's definition of a special defect, which applies to conditions like excavations or obstructions on roadways. Ultimately, the court reversed the trial court's denial of summary judgment and dismissed the case for lack of subject-matter jurisdiction due to Moore's failure to provide timely notice.

***City of Houston v. Sanchez*, No. 14-23-00152-CV, 2024 WL 3713206 (Tex. App.—Houston [14th Dist.] Aug. 8, 2024) (mem. op).**
Lorraine Sanchez sued the City of Houston for negligence after a city-owned vehicle driven by Lisa Thom, a city fire department employee, rear-ended Sanchez's SUV. The city moved for summary judgment, arguing that governmental immunity barred the claim, because Thom was not acting within the scope of her employment at the time of the accident. The trial court denied the city's motion, and the city appealed.

When a city vehicle is involved in a collision, there is a presumption that the employee was acting in the scope of their employment so the city would be liable under the Texas Tort Claims Act. This presumption can be rebutted with evidence showing the employee was engaged in personal activities. Under the "coming-and-going" rule, the act of commuting to or from work is excluded from an employee's scope of employment. In this case, the city provided an affidavit from Thom stating that she had completed her duties for the day and was commuting home at the time of the

collision. This rebuttal successfully shifted the burden to Sanchez to demonstrate that Thom was, in fact, within the scope of her employment, which she was unable to do. The court concluded that the city's governmental immunity was not waived, and the court reversed the trial court's denial of summary judgment, dismissing Sanchez's claims.

***City of Houston v. Rogelio Cervantes Hernandez*, 2024 WL 3867828 (Tex. App.—Houston [14th Dist.] Aug. 20, 2024) (mem. op.)**

Rogelio Cervantes Hernandez sued the City of Houston after a collision with a police officer who was responding to an emergency. Cervantes claimed the officer negligently caused the crash and that the city was negligent in hiring, training, and supervising the officer. The city filed a Rule 91a motion to dismiss, asserting immunity under the Texas Tort Claims Act's (TTCA) emergency and 9-1-1 exceptions. The trial court denied the motion, and the city appealed.

After the city provided evidence that the emergency and 9-1-1 exceptions applied, the burden shifted to Cervantes to plead facts sufficient to overcome these exceptions, which he failed to do. The court also rejected Cervantes's negligent hiring and supervision claims, as they are not covered by the TTCA's waiver of immunity. Ultimately, the court reversed the trial court's denial of the motion to dismiss and rendered judgment dismissing Cervantes's suit with prejudice for lack of jurisdiction.

***City of Houston v. Morris*, No. 14-23-00570-CV, 2024 WL 3980209 (Tex. App.—Houston [14th Dist.] Aug. 29, 2024) (mem. op.).**

Rachel Morris and Mia Sanders, daughters of Steve Sanders, sued the City of Houston after Sanders was struck and killed by a Houston police officer who was participating in a prostitution sting operation at the time. The officer was driving above the speed limit without activating emergency lights or sirens when Sanders, dressed in black and crossing the street, was hit and killed. The city moved for summary judgment, claiming governmental immunity, asserting that the officer was protected by official immunity, and arguing that the Texas Tort Claims Act's (TTCA) emergency exception applied. The trial court denied the city's motion, and the city appealed.

The court applied the test for official immunity, which protects city employees from suit while they are performing discretionary duties in good faith and within the scope of their authority. The officer testified that he exercised discretion in deciding not to activate lights and sirens to avoid compromising the undercover operation and that he believed his speed was reasonable under the circumstances. The court found this sufficient to show that a reasonably prudent officer could have believed his actions were justified. The appellees then faced the burden of presenting evidence sufficient to raise a genuine issue of material fact to counter the officer's claim of good faith, which they were unable to do. Because the officer was, therefore, entitled to official immunity, the city retained its governmental immunity under the TTCA, which shields municipalities from liability when their employees are immune from suit. Ultimately, the appellate court reversed the trial court's denial of summary judgment and dismissed the claims for lack of subject matter jurisdiction.

***City of San Antonio v. Burch*, No. 05-24-00078-CV, 2024 WL 4379951 (Tex. App.—Dallas Oct. 3, 2024)(mem. op.).**

This case involves a premises-liability suit brought by Drana Burch after she fell as a result of uneven brick pavers while attending an event at the Alamodome. The City of San Antonio, in response to the suit, filed a combined motion for no-evidence and traditional summary judgment asserting, among other things, governmental immunity. The trial court denied the city's motion,

ruling in favor of Burch, and the city appealed. The court of appeals, in addressing the no-evidence motion only, concluded that: (1) Burch failed to show that the slight unevenness of the brick pavers was unreasonably dangerous; (2) Burch failed to show the city had actual knowledge of the condition where there was no evidence of prior reports of injuries or complaints; and (3) evidence of nonspecific paver repair service invoices was insufficient to directly show actual knowledge of the specific issue. For those reasons, the court reversed trial court's decision and dismissed the suit for lack of jurisdiction.

***Buenrostro v. Tex. Dep't of Transp.*, No. 07-24-00048-CV, 2024 WL 4511214 (Tex. App.—Amarillo Oct. 16, 2024) (mem. op.).**

The Texas Department of Transportation (TxDOT) applied a brine solution to a road in advance of a winter storm. TxDOT subsequently received reports of "slick roads" and then applied sand to the road. After the sand had been applied, a TxDOT employee noticed an oily contaminate floating on the top of the brine in the tank, so the tank was flushed. After the sand was applied, Buenrostro lost control of his vehicle and was fatally injured. His heirs filed a lawsuit. TxDOT filed a plea to the jurisdiction, which the trial court granted.

On appeal, the court affirmed the grant of the plea and found: (1) there was no evidence of TxDOT's actual knowledge of the dangerous condition because TxDOT did not know the contaminant from the brine made it onto the road, there were intervening fourteen hours between the brine and the accident; and (2) there was no evidence the contaminant in the brine made it onto the roadway or caused the accident.

***In Re City of Houston*, No. 01-24-00629-CV, 2024 WL 4846843 (Tex. App.—Houston [1st Dist.] Nov. 21, 2024) (mem. op.).**

Tapia and Welborn sued the City of Houston following the death of their daughter, who was struck and killed by a train. The city filed Rule 91a, motion to dismiss, asserting it was entitled to dismissal under several provisions in the Texas Tort Claims Act and that Tapia and Welborn had no standing to bring the suit. The city also filed a motion for summary judgment in the alternative, claiming that the trial court lacked subject-matter jurisdiction due to Tapia and Welborn failing to timely deliver notice of their claim to the city. Tapia and Welborn filed a motion for continuance as to the city's motion for summary judgment, which the trial court granted. The trial court did not make a ruling on the city's Rule 91a motion to dismiss. The city filed a petition for a writ of mandamus in the appellate court, asking the court to compel the trial judge to rule on the motion to dismiss.

The appellate court conditionally granted the motion to dismiss, holding that the trial court's failure to rule on the motion to dismiss within 45 days as required under the rules of procedure was an abuse of discretion.

***City of San Antonio v. Bailey*, No. 08-23-00302-CV, 2024 WL 4849351 (Tex. App.—El Paso Nov. 20, 2024) (mem. op.).**

Alvin Bailey allegedly sustained personal injuries while riding his bicycle on a city-owned trail. He claimed to have hit a yellow rope that had been stretched across the trail, causing him to fall and sustain injuries. He also alleged that a broken pipe had leaked water across the trail and that a light on the trail had burned out. Consequently, Bailey sued the City of San Antonio and the San Antonio Water System (SAWS) for negligence and premises liability. The city and SAWS filed a joint plea to the jurisdiction, asserting governmental immunity under the Texas Tort Claims Act (TTCA) and Recreational Use Statute. The trial court denied the plea, and the city and SAWS appealed.

Bailey argued that SAWS was performing a proprietary function in maintaining the water pipe, because a provision of the TTCA states that maintenance and operation of a public utility is a proprietary rather than a governmental function, which would preclude governmental immunity. However, the court held that SAWS's alleged negligence arose from its governmental function of providing water and sewer services, which are governmental functions; therefore, SAWS maintained its immunity from Bailey's negligence claim. Additionally, because there was no evidence of a defect in the yellow rope itself nor allegations related to use of the yellow rope by a government employee at the time Bailey sustained his injuries, Bailey was unable to sustain a premises liability claim. Furthermore, when a plaintiff engages in recreation on government property, a claim for premises liability may be maintained only when malicious intent, gross negligence, or bad faith on the part of the governmental entity can be shown, which Bailey failed to plead. Ultimately the appellate court reversed the trial court's order and rendered judgment in favor of the city and SAWS.

***Hernandez v. Cameron County*, No. 13-23-00098-CV, 2024 WL 5087387 (Tex. App.—Corpus Christi–Edinburg Dec. 12, 2024) (mem. op.).**
Hernandez sued Cameron County after a motor-vehicle collision involving Gonzalez, a county deputy. The county filed a plea to the jurisdiction claiming governmental immunity, arguing that the emergency-response exception under the Texas Tort Claims Act (TTCA) applied because Gonzalez was responding to a burglary in progress when the collision occurred. The trial court granted the county's plea to the jurisdiction. Hernandez appealed, arguing that there was a genuine issue of material fact regarding whether Gonzalez acted recklessly when responding to the emergency, which would negate the emergency-response exception. Hernandez claimed that Gonzalez disregarded a red light and entered the intersection at high speed without using his siren, while Gonzalez claimed he slowed down and had his siren and lights activated.

The appellate court reversed and remanded, holding that there was a genuine issue of material fact as to whether Gonzalez acted with reckless disregard for the safety of others.

***LaRose v. City of Missouri City*, No. 14-24-00197-CV, 2024 WL 5051187 (Tex. App.—Houston [14th Dist.] Dec. 10, 2024) (mem. op.).**
Pshatoia LaRose filed a *pro se* lawsuit against the City of Missouri City, alleging negligence and failure by its police department to investigate her reports of stalking, harassment, theft of phone data, property damage, and other misconduct. She claimed damages of $253,900, asserting that the city failed to adhere to state law requiring a fair investigation of her complaints. The trial court dismissed the case for lack of subject-matter jurisdiction after the city filed a plea to the jurisdiction based on governmental immunity. Cities in Texas are generally immune from suit unless a valid statutory or constitutional waiver of immunity applies. The court discussed how the Texas Tort Claims Act waives immunity in limited circumstances involving (1) injuries caused by motor vehicles, (2) the use of tangible property, or (3) real property, but since LaRose's claims did not fall into any of these categories, the court found no such waiver in LaRose's claims. Moreover, LaRose did not cite any other statutory basis to support waiving the city's governmental immunity. Consequently, the judgment dismissing LaRose's case for lack of subject-matter jurisdiction was affirmed.

***Harris Cnty. v. McFarland*, No. 01-24-00331-CV, 2025 WL 51847 (Tex. App.—Houston [1st Dist.] Jan. 9, 2025) (mem. op.).**
McFarland filed a premises liability claim against Harris County under the Texas Tort Claims Act after she caught her sandal on the corner of an entryway mat at a county office and fell. The

county filed a plea to the jurisdiction claiming governmental immunity. McFarland subsequently amended her appeal. The trial court denied the county's plea and the county appealed.

The appellate court reversed and rendered, holding that: (1) the county's plea to the jurisdiction was not moot merely because it was filed prior to McFarland's amended pleading because the amended pleading did not advance any new claims; and (2) McFarland did not establish a waiver of the county's immunity because she had not demonstrated a fact issue as to whether the county had actual knowledge of a dangerous condition.

***City of Houston v. Tran*, No. 01-24-00235-CV, 2025 WL 309723 (Tex. App.—Houston [1st Dist.] Jan. 28, 2025) (mem. op).**

Tran sued the City of Houston and Houghlen, a city employee, under the Texas Tort Claims Act (TTCA) after a collision involving her vehicle and a city police vehicle driven by Houghlen. Houghlen filed a motion to dismiss, claiming that he was entitled to dismissal under the TTCA's election-of-remedies provision because Tran had sued both him and the city. The trial court denied the motion and Houghlen appealed. The appellate court affirmed, holding that Houghlen was not entitled to dismissal because the motion to dismiss had been filed on his own behalf only and the TTCA's election-of-remedies provisions require a court to dismiss an employee only on a motion by the city.

***City of Garland v. Pena*, No. 05-24-00133-CV, 2025 WL 99785 (Tex. App.—Dallas Jan. 15, 2025).**

Benjamin David Pena, a temporary worker for a staffing agency, sued the City of Garland, alleging premises liability and negligence after being crushed by a dump truck at the city's landfill. The city, in response, filed a plea to the jurisdiction, which the trial court initially granted. Pena appealed the decision, and the court of appeals remanded the case to the lower court to allow Pena to amend his pleading. After Pena filed his amended petition, the city filed its plea to the jurisdiction claiming immunity under the Texas Tort Claims Act (TTCA). After a hearing, the trial court denied the city's plea, and the city appealed.

In reversing the lower court, the court of appeals held that: (1) Pena's allegations constituted a negligence claim rather than a premises liability claim where his injuries were caused by an act or activity, specifically the backing up of the dump truck by a third party, not by the condition or use of the city's tangible real property; (2) although Pena alleged the city's landfill was generally dangerous and the city could have found safer ways to operate the facility, he failed to sufficiently plead any facts that the city had actual knowledge of a specific condition posing an unreasonable risk of harm that caused his injuries; (3) public policy did not support extending sovereign immunity to include general allegations that a location was dangerous which would subject a landowner to premises liability for all injuries occurring on his property; (4) the city had no duty to protect another from the negligent acts of a third person; and (5) on his negligence claim, Pena failed to establish how a city employee waiving a truck driver in specific direction constituted "operation" or "use" of a motor-driven vehicle as required by the TTCA.

***Lincoln Property Company v. Herrera*, No. 13-23-00276-CV, 2025 WL 339036 (Tex. App.—Corpus Christi–Edinburg Jan. 30, 2025) (mem. op.).**

Herrera filed a premises liability claim under the Texas Tort Claims Act against Lincoln Property Company (Lincoln), SP II Limited Partnership (SP II), and the San Antonio Housing Authority Foundation (SAHA) after her mother, Maria, fell on the sidewalk at a public housing apartment complex operated on behalf of SAHA by Lincoln and SP II. Maria later died of her injuries. Lincoln,

SP II, and SAHA filed a plea to the jurisdiction claiming governmental immunity. The trial court denied the plea and this appeal followed.

The appellate court reversed and remanded, holding that: (1) although Lincoln and SP II are private entities, they were entitled to governmental immunity because they were subsidiaries of SAHA, a housing authority, with no independent discretion; and (2) Maria was an invitee rather than a licensee because she paid rent to live at the complex; and (3) the pleadings neither demonstrated nor negated jurisdiction because they did not address the question of whether there was constructive knowledge of the alleged premises defect, so the claim was remanded to the trial court for further proceedings.

***Sanchez v. City of Houston*, 2025 WL 271313 (Tex. App.—Houston [14th Dist.] Jan. 23, 2025).**
Melissa Sanchez sued the City of Houston, alleging that a mounted police officer recklessly charged into her with his horse during a protest, causing injuries. The trial court granted the city's motion for summary judgment and plea to the jurisdiction based on governmental immunity, while Sanchez's motions for a new trial and continuance were denied. Sanchez appealed. Cities are generally immune from suit and liability, unless that immunity has been waived by the Legislature. The Texas Tort Claims Act (TTCA) waives governmental immunity in certain circumstances, including circumstances where the use of tangible personal property causes injury or death. In this case, Sanchez alleged that the city's immunity was waived by the TTCA due to the use of a horse to cause her injuries. The TTCA, however, does not apply to claims when the injury is connected to an act or omission arising from civil disobedience. Because the events occurred during a protest, which the court concluded was an act of civil disobedience, the TTCA's waiver of governmental immunity did not apply; therefore, the trial court's rulings were affirmed in the city's favor.

***City of Houston v. Busby*, 2025 WL 336968 (Tex. App.—Houston [14th Dist.] Jan. 30, 2025).**
Following a collision with a City of Houston fire truck, Randy Busby pleaded no contest to a charge of failure to yield to an emergency vehicle. Later, Busby sued the city for injuries sustained during the same collision, alleging that the driver of the fire truck negligently ran a red light without using his emergency lights or sirens. The city sought summary judgment, arguing, among other things, that Busby's claims were barred because he had pleaded no contest in the previous criminal case stemming from the same incident. The trial court denied the city's summary judgment motion, and the city appealed. The *Heck* doctrine prevents civil claims that would imply the invalidity of a prior criminal conviction unless that conviction has been reversed, expunged, or invalidated. Busby's claims against the city were based on allegations that the driver failed to use emergency lights and sirens, which, if true, would contradict Busby's prior no contest plea, making his claims impermissible under *Heck*. Following *Heck*, the appellate court reversed the trial court's ruling and rendered judgment dismissing Busby's claims against the city.

***City of Houston v. Polk*, 2025 WL 339175 (Tex. App.—Houston [14th Dist.] Jan. 30, 2025) (mem. op.).**
Betram Polk sued the City of Houston after a collision with a police officer's vehicle, alleging the officer negligently failed to control his speed. Rather than filing a plea to the jurisdiction, the city moved to dismiss Polk's claims arguing (1) Polk failed to provide timely notice under the Texas Tort Claims Act (TTCA), (2) the officer was protected by official immunity, and (3) the emergency exception to the TTCA applied. The trial court denied the city's motion to dismiss, and the city appealed. When ruling on the motion to dismiss, a court must rely on the content of the pleadings

without considering extrinsic evidence. Because Polk's pleadings sufficiently alleged facts establishing that timely notice was made and negating the emergency exception, while the city's pleadings failed to conclusively establish the defense of official immunity, the appellate court affirmed the trial court's dismissal of the city's motion.

***City of Denton v. Rodriguez-Rivera*, No. 02-24-00393-CV, 2025 WL 421227 (Tex. App.—Fort Worth Feb. 6, 2025).**

A driver brought action against the city for negligence and negligence per se, seeking compensatory damages for personal injuries he sustained when a city employee backed a bulldozer into his pickup truck while he was waiting to dump a container of trash at the city's landfill as part of his trash rental container business. The trial court denied the city's plea to jurisdiction based on governmental immunity under the Tort Claims Act.

On appeal, the city argued that because Rodriguez-Rivera was engaged in the recreational activity of "off-road automobile driving" at the time of the collision, the city maintained its immunity due to his failure to meet the heightened evidentiary threshold of "gross negligence" established by the Texas Recreational Use Statute. The appellate court affirmed, holding that (1) the city's governmental immunity was waived, and (2) as a matter of first impression, commercial activity was excluded from the Recreational Use Act's limitations on governmental liability for "pleasure driving."

GOVERNMENTAL IMMUNITY – CONTRACTS

***Baylor Cnty. Special Util. Dist. v. City of Seymour,* No. 11-24-00071-CV, 2025 WL 863771 (Tex. App. Mar. 20, 2025).**

This case involves a breach of contract suit filed by the City of Seymour against Baylor County Special Utility District. The city alleged that Baylor violated their contract by purchasing water from a third party instead of exclusively from the city. Baylor claimed governmental immunity and argued that the contract was not a "requirements contract." In its opinion affirming the trial court's dismissal of the city's claims for declaratory judgment, injunctive relief, and attorney's fees, the Fifth Court of Appeals held that the parties' contract was a "requirements contract" and the city could not seek a determination of its rights and responsibilities against Baylor, a governmental entity. Thereafter, Baylor filed a motion for rehearing in which it requested that the court modify its opinion by removing the following statements to avoid confusion on remand: (1) "Importantly, Baylor presented no evidence that Seymour could not fulfill its water supply requirements or that its acquisition of water from other sources was due to Seymour's inability to provide same;" and (2) "Moreover, because our decision today includes that the contract is a requirements contract, Seymour's claim for declaratory judgment is moot." In denying Baylor's motion for rehearing, the court held that nothing in the statements prevents Baylor from providing evidence in support of its defenses in further proceedings or suggests that the city has already prevailed on its substantive claims.

***City of Rio Vista v. Johnson County Special Utility Dist*., 2025 WL 309937 (Tex. App.—15th Dist. Jan. 28, 2025) (mem. op.).**

The Johnson County Special Utility District (District) sued the City of Rio Vista for breach of an interlocal agreement resolving water service boundary disputes. The agreement included provisions regarding emergency water connections and a requirement for notice and consent before extending water lines into the other party's service area. The District alleged that the city violated the agreement by extending water lines into the District's service area and misusing an emergency connection agreement to calculate its water service capacity. The city filed a plea to

the jurisdiction, arguing governmental immunity. The trial court denied the city's plea, and the city appealed. Cities are generally immune from lawsuit or liability unless immunity has been waived by the Legislature. Chapter 271 of the Texas Local Government Code waives a city's immunity from suit for contract disputes related to the provision of goods or services to the city. In this case, the court held the interlocal agreement not to be a contract for goods or services; therefore, the city's immunity was not waived from the District's breach of contract claim. Consequently, the appellate court reversed the trial court's order and rendered judgment dismissing the District's claims.

***Baylor Cnty. Special Util. Dist. v. City of Seymour*, No. 11-24-00071-CV, 2025 WL 336966 (Tex. App. Jan. 30, 2025).**

The City of Seymour filed a breach of contract suit against Baylor County Special Utility District, alleging that Baylor violated their contract by purchasing water from a third party instead of exclusively from the city. Baylor claimed governmental immunity and argued that the contract was not a "requirements contract." The trial court partially granted Baylor's plea to the jurisdiction, dismissing the city's claims for declaratory judgment, injunctive relief, and attorney's fees but allowed the breach of contract claim to proceed. Both parties appealed the lower court's order.

Although the court of appeals affirmed the lower court's dismissal of the city's claims for declaratory and injunctive relief, it remanded the case to the trial court with instructions to exclude any damage claims for which there is no statutory immunity and to allow the city to amend its pleadings to specify permissible damages, if any. In reaching its holdings, the court concluded Baylor is a governmental entity entitled to governmental immunity where it had converted its entity type under Chapter 65 of the Texas Water Code which governs the creation of a special utility district and was not subject to Chapter 10 of the Business Organizations Code. However, in reviewing the plain language of the contract, the court determined that the contract in question was a "requirements contract" obligating Baylor to purchase all its required water from the city for which the city could seek recovery, as statutorily permitted (not including lost profits, which are considered consequential damages for which governmental immunity is not waived). Further, the contract was executed by Baylor County Special Utility District, not in 1994 when it was executed by Baylor Corporation, but when it accepted the assignment and operated in accordance with the contract's terms. Because this occurred after June 19, 2009, Local Government Code Section 271.153(c) applied, and the city was permitted to recover reasonable and necessary attorney's fees.

***City of Houston v. 4 Families of Hobby*, LLC, No. 01-23-00436-CV, 2024 WL 3658049 (Tex. App.—Houston [1st Dist.] Aug. 6, 2024).**

The City of Houston issued a request for proposals (RFP) to enter a contract to provide concessions at the city's three airports. At the time the city issued the RFP, Pappas provided concessions at the airports. The city awarded a new contract to Areas, and Pappas sued the city for breach of contract based on the RFP, breach of its existing contract with the city, violation of the Texas Open Meetings Act (TOMA), violation of the equal protection clause under the Texas Constitution, and for a declaratory judgment that the award of the contract to Areas was void. Another company, Four Families, which had also submitted a proposal, later joined the suit as a plaintiff. Pappas claimed the city's governmental immunity was waived under Chapter 252 and Chapter 271 of the Local Government Code. The city filed a plea to the jurisdiction asserting governmental immunity, which the trial court denied, and the city appealed.

The appellate court affirmed in part and reversed and rendered in part, holding that: (1) because the concessions contract was a revenue contract rather than an expenditure contract, Chapter 252 did not apply; (2) the RFP did not constitute a contract subject to Chapter 271; (3) the city's initial contract with Pappas for airport concessions was a contract subject to Chapter 271, and therefore as to Pappas claim of breach of that contract, the city's immunity was waived; (4) notice under the TOMA was sufficient and therefore the city's action was not voidable under that act; (5) Pappas had presented a facially valid equal protection claim; and (6) declaratory judgment relief was proper based on Pappas's allegations of violations of the equal protection clause. The appellate court remanded the claims for breach of the existing contract, the equal protection claim, and the claim for declaratory judgment back to the trial court for further proceedings.

***Double H Contracting, Inc. v. El Paso Water Utilities Public Service Board, et al.*, No. 08-23-00345-CV, 2024 WL 4611957 (Tex. App.—El Paso Oct. 29, 2024).**

Double H Contracting, Inc. (Double H) sued the El Paso Water Utilities Public Service Board (EPWater), the City of El Paso, among other parties, after EPWater awarded multiple contracts for road repair work through a single public procurement process. Historically, EPWater had used a single contractor to address road repairs following utility line work, but with growing repair backlogs and resident complaints, EPWater sought bids to secure multiple contractors through a competitive sealed proposal process. Double H, the highest-ranking proposer, argued that Texas law limited EPWater to awarding the contract solely to the highest-ranked proposer. The trial court disagreed, granting EPWater's motion for summary judgment. Double H appealed.

Ultimately, the appellate court affirmed the trial court's grant of summary judgment in favor of EPWater, holding that EPWater's contract awards were lawful under the public health and safety exemption in Chapter 252 of the Texas Local Government Code. This exemption allows municipalities to bypass competitive bidding requirements if the procurement is necessary to preserve or protect public health or safety. EPWater provided evidence, including affidavits and data, showing that delays in road repairs after utility work posed risks to public safety and justified retaining multiple contractors to handle repair work more quickly and efficiently. The court found this evidence sufficient to support EPWater's determination that the exemption applied to the instant procurement, rendering competitive bidding requirements inapplicable. Additionally, EPWater acted within its discretion by retaining multiple contractors for efficient road repair work through the competitive sealed proposal process. The court concluded that the terms of the proposal explicitly allowed awarding contracts to multiple qualified proposers, and EPWater had followed the solicitation's procedures, which allowed contracting with additional entities beyond the highest scorer.

***San Jacinto River Auth. v. City of Conroe*, No. 22-0649, 688 S.W.3d 124 (Tex. Apr. 12, 2024).**

This case looks at the scope of the statutory waiver of immunity under Chapter 271 of the Local Government Code (Chapter 271) for contractual claims against local government entities.

At issue were contracts that obligated two cities to buy surface water from a river authority. When a dispute over fees and rates arose, the cities stopped paying their complete balances, and the authority sued the cities to recover those amounts. The trial court granted the cities' plea to the jurisdiction, and the court of appeals affirmed on the ground that the authority did not engage in pre-suit mediation as the contracts required. The river authority petitioned for review.

The Supreme Court held that neither the contractual procedures for alternative dispute resolution, which are enforceable against local governments under Section 271.154 of the Local Government

Code, serve as limits on the waiver of immunity set out in Section 271.152, nor does the parties' agreement to mediate apply to the authority's claims. The Court also rejected the cities' alternative argument that the agreements did not fall within the waiver because they failed to state their essential terms. Accordingly, the Court reversed and remanded to the trial court for further proceedings to resolve the authority's claims on the merits.

***Campbellton Rd., Ltd. v. City of San Antonio by & through San Antonio Water Sys*., No. 22-0481, 688 S.W.3d 105 (Tex. Apr. 12, 2024).**

A property developer, which owned 585 acres within city's extra-territorial jurisdiction, brought a breach of contract and declaratory judgment action against the city by and through the city's water utility, arising from utility's agreement with the developer that the utility would provide sewer service for proposed residential developments on the developer's property. The trial court denied the city's plea to the jurisdiction and motion to dismiss for lack of subject matter jurisdiction. On appeal, the San Antonio Court of Appeals reversed and remanded, finding Chapter 271 of the Local Government Code (Chapter 271) did not apply to waive the city's immunity. The developer filed a petition for review.

The Supreme Court reversed and remanded, finding that the following supported waiver of the city's sovereign immunity under Chapter 271: (1) the developer sufficiently pleaded that a written, bilateral contract was formed; (2) the developer sufficiently pleaded that a written, unilateral contract was formed; (3) the contract terms contemplated that the utility had a right to the developer's participation in the project upon contract signing, as would support waiver of city's sovereign immunity under the Chapter 271; (4) the contract terms contemplated provision of payment to the developer; and (5) the developer sufficiently pleaded that the contract contemplated provision of services to the utility, as required to trigger waiver of sovereign immunity.

***Quadvest, L.P. v. San Jacinto River Auth.*, No. 09-23-00167-CV, 2024 WL 2064487 (Tex. App.—Beaumont May 9, 2024) (mem. op.).**

The San Jacinto River Authority (SJRA) and Quadvest, L.P. and Woodland Oaks Utility, L.P., (the Utilities) entered into a series of contracts which were used by SJRA to secure payment of seven bond issuances. The contracts were based on a water conservation plan that was later declared void in court, and the Utilities then stopped making payments under the contracts. SJRA sued the Utilities, and the Utilities asserted several affirmative defenses, including that the contract failed for lack of consideration. SJRA filed a motion for partial summary judgment, claiming that the Utilities' affirmative defenses could not be raised because three statutes in the Government Code and the Water Code made the contracts incontestable after they had been approved by the Attorney General and Comptroller of Public Accounts. The trial court granted SJRA's motion for partial summary judgment and the Utilities appealed.

The appellate court affirmed, holding that: (1) Sections 1202.006(a) and 1371.059(a), Government Code, and Section 49.184(e), Water Code, operated to prevent the Utilities' affirmative defenses contesting the contract because those statutes provided that a contract to secure the payment of bonds that has been approved by the Attorney General is incontestable; and (2) the Utilities had not reserved those affirmative defenses in the contract.

***Edland v. Town of Cross Roads*, No. 02-23-00416-CV, 2024 WL 2854878 (Tex. App.—Fort Worth June 6, 2024) (mem. op.).**
James Edland was the former police chief of the Northeast Police Department (NEPD), which was created by agreement between Town of Cross Roads and the City of Krugerville. After NEPD was dissolved, Edland became police chief of Krugerville and sued the town for breach of contract, alleging that he was entitled to severance pay. The contract was signed by Edland and Mike Starr as the chair of the NEPD Commission; it was not signed by either the town or the city. Cross Roads filed a plea to the jurisdiction and a motion for summary judgement. Edland filed a motion for partial summary judgement. The trial court denied Edland's motion and granted the town's motion.

The court of appeals affirmed, finding that Starr did not have the authority to bind Cross Roads and Cross Roads did not, by written resolution or ordinance adopted by its council, agree to the obligations set out in the contract.

***City of San Antonio v. Spectrum Gulf Coast, LLC*, No. 13-23-00342-CV, 2024 WL 3199166 (Tex. App.—Corpus Christi–Edinburg June 27, 2024) (mem. op.).**
Spectrum sued the City of San Antonio's utility, CPS Energy, for breach of a 2005 contract that governed the fees Spectrum paid to CPS Energy for the use of its utility poles. Section 54.204(c), Utilities Code, was enacted in the intervening years while the contract was in force. That statute prohibited a city from charging any utility company a higher price than any other company. Spectrum contended that because CPS Energy charged AT&T a lower fee for the use of its utility poles, it had breached the contract provision requiring compliance with all applicable laws. The trial court granted partial summary judgment in favor of Spectrum, and CPS Energy appealed.

The appellate court reversed and remanded, holding that by the contract's language, the contract had continued in effect rather than renewing from year to year. Therefore, the applicable statutes were the ones in effect at the time the contract was initially executed, and the constitutional prohibition on statutory impairment of contract operated to prevent the intervening passage of Section 54.204(c), Utilities Code, from affecting the contract's terms.

***City of Pharr v. Garcia*, No. 13-23-00120-CV, 2024 WL 3370666 (Tex. App.—Corpus Christi–Edinburg July 11, 2024) (mem. op.).**
Garcia sued the City of Pharr for breach of written and oral contracts, alleging the city had failed to pay for services rendered by Garcia in association with a Toby Keith concert. The city filed a plea to the jurisdiction, claiming that concerts are a governmental function rather than proprietary, and that Garcia's claims did not fall under Chapter 271's waiver of immunity for contract claims because the claims relied in part on alleged oral contracts. The trial court denied the plea and the city appealed.

The appellate court reversed, holding that: (1) concerts are a governmental function for the purposes of Garcia's claims against the city; and (2) because an oral contract is not included in the definition of contract under Chapter 271, there was no applicable waiver of the city's governmental immunity.

***Graham Constr. Services, Inc. v. City of Corpus Christi*, No. 13-22-00536-CV, 2024 WL 4707819 (Tex. App.—Corpus Christi–Edinburg Nov. 7, 2024) (mem. op.).**
Graham Construction Services (Graham) and the City of Corpus Christi sued each other after various disputes arose when the city hired Graham to construct a new wastewater treatment plant. After Graham claimed completion of the first phase of the two-phase project, the city refused to

issue a certificate of substantial completion, claiming the first phase had not been completed. Graham vacated the project site without performing the second phase. Graham sued the city for breach of contract and the city counterclaimed for breach of contract. The trial court awarded damages to both parties, which were offset, resulting in Graham owing the city $1.29 million. The trial court also awarded attorney's fees to both parties, which were wholly offset. Graham appealed, claiming that the trial court erred in its award of damages to the city for failure to complete the second phase of the project because the certificate of substantial completion was a condition precedent to Graham's obligations in the second phase, and that the city breached the contract first, excusing Graham's obligations. Graham also claimed that the trial court's award failed to fairly compensate it for city-related delays. The city cross-appealed, contending that the trial court erred by failing to award the city liquidated damages under the contract, by awarding Graham damages related to delays out of the city's control, and by awarding Graham attorney's fees.

The appellate court affirmed in part and reversed in part, holding that: (1) Graham was not excused from its obligations under the contract because the issuance of the certificate of completion of the first phase was not a condition precedent to the performance of the second phase of the project and the city had not breached the contract; (2) the city was entitled to liquidated damages under the contract; (3) Graham had not shown with evidence as a matter of law that the trial court's damages award did not fairly compensate it for city-related delays; (4) because a provision in the contract provided that Graham was not entitled to damages arising from delays outside the city's control, the trial court had erred by awarding those damages; and (5) affirmed the trial court's award of attorney's fees to Graham.

IMMUNITY

***P'ship v. AHFC Pecan Park PSH Non-Profit Corp.*, No. 07-23-00362-CV, 2024 WL 1185132 (Tex. App.—Amarillo Mar. 19, 2024) (mem. op.).**

The city, in partnership with a nonprofit, planned to put in housing for the homeless in a hotel. The Chaudhari Partnership (the "Partnership") and the county attorney sued in separate actions. Once the Partnership learned that the county attorney filed a separate lawsuit, the Partnership intervened and nonsuited the action it initiated with prejudice. The city filed a plea to the jurisdiction, which the trial court granted. Only the Partnership appealed.

On appeal, the court found that: (1) the Partnership failed to address the ground implicating that the Partnership had failed to state a cause of action against the city in its cause of action; and (2) the provision of public housing is a governmental function. The appellate court affirmed the trial court's dismissal with prejudice.

***City of Dallas v. Ahrens*, No. 10-23-00315-CV, 2024 WL 1573388 (Tex. App.—Waco Apr. 11, 2024 (mem. op.).**

Following a sniper shooting that resulted in the death of five Dallas police officers, the city contracted with a charitable organization, Assist the Officer Foundation (ATO), to process and distribute mail, including checks and cash, received by the city for the benefit of the families of the officers who were killed. Believing that ATO mishandled the funds, and because ATO refused to release cash they claim to be legally entitled to, Katrina Ahrens and her children sued ATO, the city and others seeking damages in connection with the city's handling of donations sent to the city after her husband's line of duty death.

In its plea to the jurisdiction, the city contended that it was immune from suit arising out of its governmental functions. The city specifically asserted that the complained-of activities, its handling of mail sent to the city, fell within the governmental function of police protection and control. The trial court denied the plea, and the city appealed. The appellate court affirmed the trial court's order, finding when the city entered into an agreement with ATO it engaged in a proprietary function.

***Bellamy v. Allegiance Benefit Plan Mgmt., Inc.*, No. 11-23-00105-CV, 2024 WL 3528535 (Tex. App.—Eastland July 25, 2024).**

Amanda Bellamy sued the city of Midland and Allegiance Benefit Plan Management Inc., the city's "plan supervisor," after her initial medical claim and subsequent appeals for coverage under the city's self-funded insurance plan were denied. Both the city and Allegiance filed a plea to the jurisdiction based on governmental immunity, and in its initial order, the trial court granted the city's plea but denied Allegiance's plea. After filing a motion for reconsideration, Allegiance's plea was granted, and Bellamy appealed. Bellamy argued, among other things, that: (1) because Allegiance did not submit its motion for reconsideration within 30 days of the trial court's initial denial, the trial court abused its discretion by reconsidering and later granting Allegiance's plea; and (2) because Allegiance was not the city's "plan administrator" it was not entitled to governmental immunity.

The court of appeals affirmed the trial court holding that state law contains no such requirement that a motion for reconsideration be filed within 30 days of a trial court signing an interlocutory order. It further held that the trial court did not abuse its discretion by reconsidering its interlocutory order denying Allegiance's plea to the jurisdiction as it retained the plenary power to do so until the judgment became final. The court also concluded that the record sufficiently showed Allegiance served as a third-party administrator of the city's plan entitling it to derivative governmental immunity.

***City of Waco v. Page*, No. 10-24-00039-CV, 2024 WL 4562815 (Tex. App.—Waco Oct. 24, 2024) (mem. op.).**

Page and Matthew Vasquez sued the City of Waco when a Waco police officer who was responding to a 9-1-1 call of a home invasion in progress shot and killed their dog, Finn. The officer unknowingly arrived at the wrong address when the city's GPS system gave the officer the wrong address for the home invasion and approached the back door of residence with his weapon drawn. The officer shot and killed Finn when five or six dogs charged out of the door, and Finn rushed toward the officer as he backed up, forcing him to retreat into a fenced side yard when Finn continued to lunge and bark at the officer. The city filed a plea to the jurisdiction, which was denied after a hearing.

The appellate court found that the Vasquez's constitutional claim – deprivation of property – does not waive the city's immunity because they did not plead or establish an independent constitutional waiver of immunity. Additionally, because the Vasquezes did not allege any facts that Finn's death was proximately caused by the city's operation or use of a motor-driven vehicle or motor-driven equipment, they did not pled facts establishing a valid waiver of immunity. Accordingly, the court reversed the trial court's decision.

LAND USE

***City of Highland Vill. v. Deines*, No. 02-24-00431-CV, 2025 WL 494695 (Tex. App.—Fort Worth Feb. 13, 2025) (mem. op.).**

This case arises from flood damage to the home of Deines and Palumbo (Homeowners). During the month prior to the flood, the city had used skid-steer-type vehicles to place rocks near the Homeowners' property. On the day of the flood, the city delivered skid-steer-type equipment to the area adjacent to the Homeowners' home so that the city could begin its Sewer Line Stabilization Project. That evening, over three inches of rain fell, and the Homeowners' home flooded.

The Homeowners sued the city, alleging a claim under the Texas Tort Claims Act and, in the alternative, a claim for inverse condemnation. The city answered, asserting a general denial and the affirmative defense of governmental immunity, and later filed a plea to the jurisdiction, arguing (1) that its immunity was not waived because it did not use motor-driven equipment and (2) that the Homeowners had failed to properly plead an inverse-condemnation claim. After additional filings by the parties and a hearing, the trial court denied the plea.

The appellate court reversed the trial court's denial of the city's plea to the jurisdiction and remanded the case to the trial court to provide the Homeowners with an opportunity to replead.

***City of Dallas v. Dallas Short-Term Rental All.*, No. 05-23-01309-CV, 2025 WL 428514 (Tex. App. Feb. 7, 2025) (mem. op.).**

In 2023, the City of Dallas adopted two ordinances regulating short-term rentals. The first ordinance banned short-term rentals in single-family residential zones, and the second established a permit process for other areas. Shortly thereafter, the Dallas Short-Term Rental Alliance (DSTRA) and several individuals sued the city, claiming the ordinances were unconstitutional and seeking injunctive relief. The trial court granted DSTRA's request for a temporary injunction, preventing the city from enforcing the ordinances, and the city appealed. In affirming the lower court, the court of appeals held that DSTRA met their burden to establish a probable right of recovery under their due-course-of-law argument by showing: (1) they possessed well-established rights to lease their property; (2) the city would deny them those rights by enforcing the two ordinances within six months; and (3) DSTRA would suffer probable, imminent, and irreparable injury without injunctive relief.

***Litinas v. City of Houston*, No. 14-23-00746-CV, 2024 WL 4982561 (Tex. App.—Houston [14th Dist.] Dec. 5, 2024).**

Nicholas Litinas, owner of a flower shop in the City of Houston, filed an inverse condemnation claim against the city and another local redevelopment authority. He alleged that modifications they were planning, including curbing and driveway reductions, would eliminate the head-in parking spaces essential to his business, damaging the market value of his property. The city filed a plea to the jurisdiction, arguing that the planned modifications were entirely within the city's right-of-way and did not materially impair access to Litinas's property. The trial court granted the plea, dismissing the case for lack of jurisdiction, and Litinas appealed.

Governmental immunity from suit can be waived if a taking, damaging, or destruction of property is established. Additionally, if access is materially and substantially impaired, it can constitute a compensable taking. In this case, while alternative access points and parking spots would remain after the project, the remaining access is incompatible with the property's specific use as a flower shop, which is reliant on convenient, head-in parking, which was completely eliminated by the

project. Ultimately the appellate court reversed and remanded the trial court's decision, holding that Litinas presented sufficient evidence of material and substantial impairment of access to survive the city's plea to the jurisdiction.

***San Jacinto River Authority v. Medina*, No. 01-23-00013-CV, 2024 WL 4885853 (Tex. App.—Houston [1st Dist.] Nov. 26, 2024) (mem. op.).**
Several dozen homeowners (the homeowners) sued the San Jacinto River Authority (the authority) alleging a constitutional taking of their properties after the authority released water from Lake Conroe following Hurricane Harvey in a manner that caused flooding and damage to their properties. The authority filed a plea to the jurisdiction based on governmental immunity, which the trial court denied. The authority appealed.

The appellate court reversed and rendered judgment, holding that the homeowners had not produced evidence sufficient to raise a fact issue as to whether the authority's water releases were a substantial factor in causing the flood damage on their properties.

***Maciejack v. City of Oak Point,* No. 02-23-00248-CV, 2024 WL 3195851 (Tex. App.—Fort Worth June 27, 2024) (mem. op.).**
This case stems from a dispute between the Maciejacks and the City of Oak Point, and Winston Services, Inc. over permits that the Maciejacks had sought from the city to build a fence and pool on their property. The Maciejacks sued the city and Winston Services, and the city countersued for remedies related to alleged violations of city ordinances. After a bench trial, the trial court entered judgment for the city and Winston Services, and awarded the city trial and conditional attorney's fees. On appeal, the Maciejacks raise five issues related to findings on their equitable-estoppel affirmative defense, findings that they had received proper notice of ordinance violations, and the attorney's-fees award.

The appellate court reversed and remanded the award of conditional attorney's fees. The court affirmed the rest of the trial court's judgement, finding that equitable estoppel was inapplicable to the city.

***TCHDallas2, LLC v. Espinoza*, No. 05-22-01278-CV, 2024 WL 3948322 (Tex. App.—Dallas Aug. 27, 2024) (mem. op).**
In 2020, the city's building official issued TCHDallas2 (TCH) a certificate of occupancy (CO) for commercial amusement use. Later in 2022, an assistant building official revoked TCH's CO after determining it had been issued in error as TCH, according to its original land use statement, had been operating a gambling establishment in violation of Texas Penal Code Section 47.04. TCH appealed the revocation to the city's Board of Adjustment (BOA), and the BOA subsequently reversed the building official's decision and reinstated TCH's CO. In its decision, the BOA presumed TCH's use of its property was legal as its operations may have fallen within the "safe harbor" provision of Section 47.04(b). Further, TCH had worked with the city attorney and city council for two years to obtain the CO and had not been prosecuted by the district attorney or found by a court to have been operating illegally.

Shortly thereafter, the city appealed the BOA's decision to the trial court. In reversing the BOA's decision, the trial court found that based on evidence presented at trial the BOA had abused its discretion by reversing the building official's revocation as she was obligated to revoke the CO because TCH had been operating an illegal gambling establishment. TCH appealed, and the court of appeals held that the trial court had impermissibly substituted its own discretion in place of the BOA's. Because the BOA could have reasonably reached more than one decision in the case,

the trial court was required to give deference to the BOA's decision. As such, the court reversed the trial court's judgment and affirmed the BOA's reinstatement of TCH's CO.

***City of McLendon-Chisholm v. City of Heath, et al*., No. 05-23-00881-CV, 2024 WL 4824113 (Tex. App.—Dallas Nov. 19, 2024) (mem. op.).**

This case stems from a development agreement between the City of McLendon-Chisholm and MC Trilogy Texas, LLC, which provided for the development of land within the city limits and extraterritorial jurisdiction (ETJ) bordering the City of Heath. The agreement allowed for minimum lot sizes incompatible with McLendon-Chisolm's 2015 Comprehensive Plan. Heath claimed the drastic change in the residential density requirements near its border with McLendon-Chisholm would cause it substantial harm as it would create a 358% increase in traffic on its roads, require additional public safety personnel, decrease its property values and tax revenues, and disrupt its future development plans. Heath sued the McLendon-Chisolm seeking declaratory and injunctive relief and additionally claimed the city violated the Texas Open Meetings Act (TOMA) in 11 specific instances. In response, McLendon-Chisolm filed a plea to the jurisdiction on the basis that Heath lacked standing. While the trial court granted McLendon-Chisolm's plea to the jurisdiction stating that Heath lacked standing to sue over "issues, ordinances, regulations, and agreements pertaining to development, land use, zoning, governance, and related matters involving land within the city limits and ETJ," the court denied the plea with regard to Heath's standing to bring TOMA claims. In reversing the lower court in part, the court of appeals concluded that because Heath presented sufficient evidence of concrete and particularized, actual and imminent injuries traceable to McLendon-Chisolm's agreement with Trilogy which could be redressed by a favorable ruling, Heath met its burden to show it has standing. As for Heath's standing as it relates to the TOMA claims, the court of appeals affirmed the lower court's ruling that Heath sufficiently alleged standing to support a showing that it is an "interested person" as required under the TOMA.

MUNICIPAL COURT

***Jaramillo v. City of Odessa Animal Control*, No. 11-23-00117-CV, 2024 WL 3362927 (Tex. App.—Eastland July 11, 2024) (mem. op.).**

In 2022, City of Odessa animal control officers took custody of Allie Jaramillo's dogs after they attacked several teenage minors. The city subsequently requested a hearing in municipal court for a determination of the dogs' dangerousness. At the hearing, the court ordered Jaramillo to comply with the dangerous dog requirements under Texas Health and Safety Code Section 822.042 before the dogs could be returned to her. After more than 30 days, the municipal court held a second hearing and determined that Jaramillo had failed to comply with the applicable requirements and ordered the dogs to be euthanized pursuant to Section 822.042(e). Jaramillo appealed to the county court at law, but the court affirmed the municipal court's findings. Jaramillo further appealed arguing, among other things, that: (1) the municipal court lacked subject-matter jurisdiction to hear and decide the case; (2) her constitutional right to due process was violated where city animal control officers did not inform her that her dogs were considered dangerous dogs under Section 822.042(g)(3) and she did not receive notice of the hearing to determine whether her dogs would be euthanized; and (3) the municipal court erred in determining all of the dogs were dangerous under Section 822.041 because only one of the dogs was alleged to have bitten the minor-victims.

The court of appeals, overruling all of Jaramillo's issues, first pointed out that a municipal court's authority over the matter could be found in Section 822.042(c) and (g)(2). Second, the court noted that Section 822.042(g) only requires that the owner be notified in one of the three ways, and

Jaramillo learned she was the owner of a dangerous dog when she learned of the attack and signed owner-surrender forms applicable to when dogs make unprovoked attacks. Therefore, Jaramillo's due process rights were not violated as the record also indicated she had in fact received notice of the hearings. Lastly, the court of appeals held that neither the municipal court nor the county court at law had erred in determining Jaramillo's were dangerous under the applicable statute because the minor-victims were attacked and reasonably believed they would suffer harm or bodily injury from all the dogs.

TAKINGS

Commons of Lake Houston, Ltd. v. City of Houston, No. 23-0474, 2025 WL 876710 (Tex. Mar. 21, 2025).

A developer of a master-planned community in the floodplain brought an inverse condemnation action against the city, alleging that the city's amendment of its floodplain ordinance following a historic hurricane, to require residences to be built at least two feet above the 500-year floodplain, was a regulatory taking under the Texas Constitution.

The trial court denied the city's plea to the jurisdiction, but the court of appeals reversed and dismissed, holding that the developer cannot establish a valid takings claim because the city amended the ordinance as a valid exercise of its police power and to comply with a federal flood-insurance program. The developer petition for review.

The Supreme Court, reversed and remanded, holding that: (1) amendment of the ordinance as an exercise of the city's police power did not preclude a regulatory takings claim; (2) amendment of the ordinance to ensure compliance with the federal flood insurance program did not preclude a regulatory takings claim; (3) the regulatory takings claim was ripe for adjudication; and (4) the developer had standing to assert a regulatory takings claim.

***City of Kemah v. Crow*, No. 01-23-00417-CV, 2024 WL 3528440 (Tex. App.—Houston [1st Dist.] July 25, 2024) (mem. op.).**

Crow applied for a city building permit to build a barndominium and two cottages on her land for use as short-term rentals and as a residence for herself. The city issued the permit but then took a series of actions afterward to halt and delay construction, including requiring her to submit a drainage plan. Crow sued the city, claiming inverse condemnation because the city had made it impossible for her to use and enjoy her land. The city filed a plea to the jurisdiction, claiming the trial court had no jurisdiction because the city had not made a final determination denying Crow's drainage plan. The trial court denied the plea and the city appealed.

The appellate court affirmed, holding that: (1) Crow's pleading was sufficient to establish a facially valid takings claim because the pleading asserted that the city had issued a permit and then took a series of actions to prevent her from developing her property; and (2) Crow was not required to plead that the city had made a final determination with regard to the drainage plan.

***City of Buda v. N. M. Edificios, LLC*, No. 07-23-00427-CV, 2024 WL 3282100 (Tex. App.—Amarillo July 2, 2024) (mem. op.).**

The city entered into a drainage easement agreement with a developer where the city was to "construct, operate, maintain, replace, upgrade, and repair" drainage improvements that convey surface water from the subject property and other nearby properties. The developer then sold the property to another developer. The second developer submitted updated plans for the property and the city instructed the developer to provide for additional drainage improvements before the

application could proceed. The developer sued the city based on either an investment-backed or regulatory taking. The city filed a plea to the jurisdiction.

On appeal, the appellate court: (1) found the developer's claims were ripe; (2) rejected the city's arguments that the claim was really a contract dispute and not a taking; (3) rejected the city's challenges to the takings claims based on investment-backed expectations because regulatory takings claims may involve decisions by a governmental authority that do not directly implicate a regulation; and (4) found the statute of limitations for a takings claim is ten years so the claims could proceed.

TAXES

***Jones v. Whitmire*, No. 14-23-00550-CV, 2024 WL 1724448 (Tex. App.—Houston [14th Dist.] Apr. 23, 2024).**

The dispute centers on whether the City of Houston's City Council correctly allocated ad valorem tax revenues to the Dedicated Drainage and Street Renewal Fund (Drainage Fund) as mandated by the city's charter. Taxpayers James Robert Jones and Allen Watson contested that the city council underfunded the Drainage Fund by applying incorrect methodology to calculate the required allocation. The city disagreed, resulting in lengthy litigation. Houston's Charter requires an allocation to the Drainage Fund based on proceeds from $11.8 cents per $100 of the city's ad valorem tax levy, adjusted for debt service for certain bonds. The Taxpayers argued that the city council allocated significantly less than what was required, while the city council contended that their allocation methodology was aligned with the charter and influenced by another charter provision which limits growth in tax revenue collections (Revenue Cap). After the case was escalated to the Texas Supreme Court and remanded back, the trial court ruled in favor of the city. The Taxpayers appealed, disputing the council's methodology, arguing that it deviated from the charter's directives. The appellate court in this case sided with the Taxpayers, determining that the city's methodology of allocating funds to the Drainage Fund was incorrect. The court ruled that the full $11.8 cents per $100 of taxable property value should be allocated to the Drainage Fund before deducting debt service obligations, and without the application of the Revenue Cap to the allocation formula. The appellate court reversed the trial court's decision, instructed the city to follow the charter's explicit allocation formula, and enjoined the city from using an incorrect methodology. The Taxpayers' request for mandamus relief was denied as they obtained an adequate remedy by appeal.

***City of Castle Hills v. Robinson*, No. 04-22-00551-CV, 2024 WL 819619 (Tex. App.—San Antonio Feb. 28, 2024) (mem. op.).**

The appellate court previously issued a ruling in February 2024 but withdrew the ruling and substituted this one.

The city filed maintenance liens against the Robinson's property before she obtained ownership and eventually sued along with other taxing entities filed suit against Robinson to recover delinquent property taxes. Robinson counter-claimed against the city, claiming the city had failed to notify her and the previous owners of the code violations and maintenance liens and that her constitutional rights were violated by the failure to provide proper notice. The city filed a motion for summary judgment on the grounds that the trial court lacked jurisdiction over the counterclaims as well as non-jurisdictional grounds, which the trial court denied.

Affirming the denial of the city's motion, the appellate court interpreted the summary judgment motion on jurisdiction as a plea to the jurisdiction and addressed only those arguments. The court

dismissed some of the city's arguments because the plaintiff did not make claims against which the city argued. The court determined the injunctive claims could proceed and that the city's statute of limitations argument failed because the evidence did not establish when Robinson's claims accrued.

On the federal constitutional claims, the court determined that the city did not support its argument that Robinson could not establish the claims as a matter of law with any citations to evidence in the record. As for the statute of limitations argument, the court determined that since the pleadings only contained federal claims, the statute of limitations was not a jurisdictional requirement.

***Bodine v. City of Vernon*, No. 07-24-00089-CV, 2024 WL 3879520 (Tex. App.—Amarillo Aug. 20, 2024) (mem. op.).**
The city and other governmental entities obtained a judgment to foreclose on a property to recover delinquent ad valorem taxes, naming the record owners, the heirs of the record owners, and other unknown persons who may have a claim of ownership to the property. Bodine filed a petition for a bill of review to vacate the judgment because she was not named as a defendant and had entered into an executory contract to purchase the property from the record owner's brother. The city filed a plea to the jurisdiction, which the trial court granted.

In affirming the plea to the jurisdiction, the appellate court found Bodine did not have standing because there was no evidence of any conveyance, deed, or other instrument transferring title to the property at any point before the sheriff's sale. The appellate court also found: (1) Bodine had no interest in the property so her due process rights were not violated; and (2) Bodine was not entitled to personal service of the suit.

UTILITIES

***McAllen Public Utility v. Brand*, No. 13-23-00020-CV, 2024 WL 4001814 (Tex. App.—Corpus Christi–Edinburg Aug. 30, 2024) (mem. op.).**
McAllen Public Utility (MPU) sued the board of the Hidalgo County Water Improvement District No. 3 (the district) for ultra vires actions after the district changed the rates it charged MPU for delivery of raw water from the Rio Grande. MPU claimed that the district had changed its rates in violation of Section 11.036, Water Code, which requires that a person that supplies conserved or stored water must follow certain rules about prices and terms. MPU also sought a declaration that the district violated S.B. 2185 (2021), legislation that requires the district to post certain information on its internet database. The district board members filed a plea to the jurisdiction and the trial court granted the plea. MPU appealed.

The appellate court affirmed, holding that: (1) Section 11.036 did not apply because water from the Rio Grande is not stored or conserved; and (2) MPU did not have standing to sue the district for violating S.B. 2185.

***Lost Pines Groundwater Conservation Dist., et. al., v. Lower Colorado River Auth.*, No. 03-23-00303-CV, 2024 WL 3207472 (Tex. App.—Austin June 28, 2024) (mem. op.).**
In 2018, the Lower Colorado River Authority (LCRA) applied for operating and transport permits from the Lost Pines Groundwater Conservation District (LPGCD). After a State Office of Administrative Hearings (SOAH) contested case hearing, LPGCD approved LCRA's permits with modifications in November 2021. Later that month, LCRA filed a motion for rehearing, and in May 2022, LPGCD issued an order adopting its final decision. LCRA then filed a second motion for rehearing, and while the motion was pending with LPGCD, also filed suit in district court. In response, LPGCD filed a plea to the jurisdiction based on governmental immunity, but the trial

court denied the motion. At issue in this interlocutory appeal was whether LCRA timely filed its petition for judicial review within the deadline under Water Code Section 36.251 as the trial court's jurisdiction is only invoked if LCRA files its petition after all administrative appeals to LPGCD are final and if it files within 60 days after the date on which LPGCD's decision becomes final. LPGCD's decision becomes final when a motion for rehearing is denied or it is overruled by operation of law. LCRA, LPGCD, and intervenors (including the city of Elgin), disagreed on when LPGCD's order became final, and which statutory timeframe (either 91 days under Water Code Section 366.412(e) or 55 days under Sections 2001.144 and 2001.146(c) of the Administrative Procedure Act (APA) and Section 36.416(a) of the Water Code) applies when a decision is considered final by operation of law.

The court of appeals held that the 55-day deadline in Section 2001.146(c) applied because LPGCD had contracted with SOAH to conduct the contested case hearing, subjecting it to the APA provisions. Because LPGCD's November 2021 decision became final by operation of law under the 55-day deadline in January 2022 and LCRA did not file its lawsuit within 60 days of that date, it failed to comply with the statutory prerequisites for seeking judicial review. As such, the court of appeals reversed the lower court's order and dismissed LCRA's suit for lack of jurisdiction.

***Dahl v. Vill. of Surfside Beach*, No. 14-23-00218-CV, 2024 WL 3447472 (Tex. App.—Houston [14th Dist.] July 18, 2024) (mem. op.).**

Todd Dahl, Ted Dahl, and Tina Dahl sued the Village of Surfside Beach after being required to pay $4,000 for a water connection to a house they were constructing, which they claimed violated the city's ordinance mandating the city to cover costs for the first 100 feet of waterline extensions. After paying the money under protest, the Dahls sought reimbursement and a declaratory judgment, and the city asserted governmental immunity. The trial court dismissed the Dahls' claims with prejudice for lack of jurisdiction, and the Dahls appealed.

On appeal, the Dahls argued that the Texas Tort Claims Act (TTCA) waives the city's governmental immunity for claims related to water and sewer services and that the Uniform Declaratory Judgment Act (UDJA) likewise waives immunity from a suit to declare rights under a municipal ordinance. Unfortunately for the Dahls, the appellate court disagreed. The TTCA waives immunity only for tort claims involving property damage, personal injury, or death, none of which were claimed by the Dahls. Likewise, the UDJA waives immunity for actions that challenge the validity of an ordinance rather than its application. In this case, the Dahls challenged the city's application of the ordinance; therefore, the city's immunity was not waived. Ultimately, the appellate court determined that while the trial court correctly dismissed the claims, the Dahls should be given the opportunity to amend their pleadings. The trial court's order dismissing the case was reversed, and the case was remanded for further proceedings to allow such amendments.

***Rooney & Nacu v. City of Austin, Watson, Roalson, & Lucas*, No. 03-23-00053-CV, 2024 WL 4292040 (Tex. App.—Austin Sept. 26, 2024) (mem. op.).**

Michael Rooney sued the City of Austin and city officials seeking declaratory and injunctive relief after he was denied a certificate of occupancy for failing to connect to the city's water system. Rooney had previously been denied a waiver of the connection requirement as well as a building permit after requesting that the property be served by a water well he installed in 2017. Rooney claimed, among other things, that (1) the city's ordinance connection requirement did not apply to his property as it was not "a structure served by the city's water utility," (2) city officials engaged in ultra vires conduct in applying these requirements to his property and denying his request for

a waiver, and (3) the connection requirement as applied to his property was unconstitutional. In response, the city filed a plea to the jurisdiction. Although the trial court denied the city's motion, a bench trial resulted in a ruling in favor of the city to which Rooney appealed.

The court of appeals affirmed the lower court concluding: (1) that because Rooney sought a declaration of his rights under the city's ordinance, rather than a declaration of its validity, the Unform Declaratory Judgment Act did not waive the city's governmental immunity, (2) the plain language of the ordinance indicated "a structure served by" meant a structure located within a certain proximity to the city's water system not a structure already "connected to" the system, (3) under this construction of the ordinance language, city officials did not act ultra vires in requiring Rooney to comply with the city's connection requirement; (4) city officials did not act ultra vires in denying Rooney's waiver of the connection requirement as the ordinance granted city officials the discretion to grant an exemption; and (5) Rooney failed to show that the city's connection requirement was not rationally related to a legitimate governmental interest.

WHISTLEBLOWER

***City of Denton v. Grim*, No. 22-1023, 694 S.W.3d 210 (Tex. May 3, 2024).**

Former city employees filed suit against the city under the Whistleblower Act (Act), based on allegations that they were terminated for having reported violations of law by a city council member who leaked confidential vendor information to a local newspaper reporter in the context of a story about a controversial plan for the construction of new power plant. The trial court denied the city's motions, and the Dallas Court of Appeals affirmed.

The Texas Supreme Court reversed, finding: (1) alleged violations by the city council member, who was not a public employee, of the Public Information Act and the Open Meetings Act, could not be imputed to city, and thus, the council member's violations of law were not violations of law by the city, as an employing governmental entity, within the meaning of the Act; (2) the council member was not acting as an agent for city when she allegedly violated the law, and thus, council member's violations of law were not violations of law by the city, as an employing governmental entity; (3) whether a government official who had no authority to act on behalf of the government entity was acting in his or her individual or official capacity at the time of the violation of law had no bearing on the issue of whether the official's violation of law constituted a violation of law by employing government entity, within the meaning of the Act, and (4) the goal of the Act to encourage public employees' reports of violations of law that were detrimental to public good or society in general without fear of retribution had no bearing on whether a violation of law by a governmental official who had no authority to act on behalf of a governmental entity constituted a violation of law by an employing governmental entity, within the meaning of Act.

WORKERS COMPENSATION

***City of Stephenville v. Belew*, No. 11-22-00273-CV, 2024 WL 968970 (Tex. App.—Eastland Mar. 7, 2024).**

In 2014, Michael Belew, a firefighter and EMT for the City of Stephenville, passed away after developing pancreatic cancer. His spouse and legal beneficiaries (the Belews) applied for workers' compensation death benefits under the Texas Workers' Compensation Act (TWCA), asserting Michael's cancer originated from his service as a city firefighter. To apply for the death benefit, a claimant proceeds through a benefits review conference, a contested-case hearing, and an appeal, if applicable, through the Texas Department of Insurance's Division of Workers' Compensation (TDI-DWC). During the contested hearing stage of the proceedings, a TDI-DWC officer determined that Michael had sustained a qualifying injury in the form of an occupational

disease during the course of his employment with the city. The hearing officer relied on the "Firefighter's Presumption" in Texas Government Code Chapter 607 which allows state governments to shift the burden of proving causation from a claimant to an employer. The officer also relied on a similar decision in which a firefighter suffered from pancreatic cancer and was determined to be eligible for workers' compensation benefits. After appealing the administrative decision, the TDI-DWC upheld the hearing officer's decision, and the city appealed to the district court.

The city argued that the presumption did not apply in Michael's case, because pancreatic cancer did not meet the requirements under Section 607.055. The district court ruled in favor of the Belews, and the city appealed to the court of appeals. At the time of Michael's death, the "Firefighter's Presumption" statute required a claimant to show that: "the cancer was known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen … or a type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer [IARC]."

After a thorough analysis of the statutory construction and plain meaning of the language, the court of appeals concluded that for the "Firefighter's Presumption" to apply, Section 607.055 required a claimant to show by exclusively relying on IARC materials and determinations, a general causal link between the cancerous condition originating from the course and scope of the person's employment and the specific exposures listed in the statute (heat, smoke, radiation, or a known suspected carcinogen). Ultimately, because the Belews failed to establish this causal link, providing no evidence of IARC determinations, the court held that Michael did not sustain a compensable injury under Texas Government Code Chapter 607. The court further held that the "Firefighter's Presumption" did not apply to the pancreatic cancer Michael developed. As a result, the court reversed the trial court's decision and rendered judgment in favor of the city.

ZONING

***Badger Tavern LP, 1676 Regal JV, and 1676 Regal Row v. City of Dallas*, No. 05-23-00496-CV, 2024 WL 1340397 (Tex. App.—Dallas Mar. 29, 2024) (mem. op.).**

This case stems from a certificate of occupancy issued to Badger Tavern, which operated a cabaret in Dallas called La Zona Rosa. In 2021, Badger Tavern applied to the City of Dallas for a certificate of occupancy record change to rename its business to La Zona Rosa dba Poker House of Dallas. During the approval process, there was some indication that Badger Tavern was changing its business operations from a cabaret to a private membership-based poker club. While the city issued the certificate of occupancy record change, it later sent Badger Tavern two notices that it was in violation of the city's ordinances by failing to obtain the proper certificate of occupancy before changing the use of the property. When Badger Tavern failed to cease operations as a poker club and apply for a new certificate of occupancy, the city sued Badger Tavern seeking injunctive relief.

After a hearing, the trial court granted the city's request, and Badger Tavern appealed. Badger Tavern argued that: (1) the trial court lacked jurisdiction because the city failed to first exhaust its administrative remedies by appealing to the city's Board of Adjustment (BOA); (2) the court erred in granting an injunction under Texas Local Government Code Sections 54.016 (applicable to municipal health and safety ordinances) and 54.018 (an action for repair or demolition of a structure) when the city did not request relief under Section 54.018; and (3) the city failed to

present sufficient evidence of a "substantial danger of injury or adverse health impact" to support a temporary injunction under Section 54.016.

In affirming the lower court, the court of appeals concluded that because the city was not alleging an error in a zoning decision but instead was enforcing a zoning ordinance violation by Badger Tavern, it was not required to appeal to the BOA. As for the grounds for injunctive relief, the court held that although the city did not present evidence as required under Section 54.016, it also sought temporary and permanent injunctive relief under Texas Local Government Code Section 211.012(c) (zoning ordinance violations and remedies). Because the record reflected that Badger Tavern changed the use of its property without first obtaining the proper certificate of occupancy and failed to cease operations as such, the evidence was sufficient to support temporary injunctive relief under Section 211.012(c).

***Arlington v. City of Arlington*, No. 02-23-00288-CV, 2024 WL 2760415 (Tex. App.—Fort Worth May 30, 2024) (mem. op.).**

Liveable Arlington, Jade Cook, and Gibran Farah Esparza (collectively "plaintiffs") sued the City of Arlington; the Assistant Director of the Planning and Development Services Department; the Mayor; and City Council Members (collectively the "city") seeking injunctive, mandamus, and declaratory relief based upon the city council's approval of the establishment of a drilling zone and new gas-drilling permits on land known as the Fulson Drill Site. The plaintiffs further alleged that the council failed to provide proper notice of its actions. The city filed a plea to the jurisdiction alleging governmental immunity. The trial court granted the plea. The plaintiffs appealed.

The appellate court affirmed in part, finding that governmental immunity protected the city from claims they violated the Texas Constitution due-course-of-law provision, Section 253.005 of the Local Government Code or a city ordinance. But the court reversed and remanded, finding that the plaintiffs' claim under the Open Meetings Act survives the city's plea. The court also affirmed the trial court's order denying the application for temporary injunction.

MISCELLANEOUS

***Albertson Companies, Inc. v. Cnty. of Dallas*, No. 14-23-00279-CV, 2024 WL 2279191 (Tex. App.—Houston [14th Dist.] May 21, 2024).**

Dallas and Bexar counties sued various pharmaceutical manufacturers, distributors, and pharmacies, alleging negligence in dispensing opioids and ignoring red flags of abuse and diversion. The pharmacies moved to dismiss the suits under the Texas Medical Liability Act (TMLA), arguing that the counties failed to serve expert reports within 120 days as required by the TMLA. The pharmacies' motions to dismiss hinged on whether a county is a "person" for purposes of the TMLA. Because "person" is a legal term of art, it must be construed according to common law rather than simply looking to the Code Construction Act. The court examined numerous court precedents and definitions and held that in most cases under the common law, "person" does not include governmental entities; therefore, the counties in this case were not subject to the TMLA's expert report requirement.

***Joiner v. Wiggins*, No. 01-23-00026-CV, 2024 WL 3503065 (Tex. App.—Houston [1st Dist.] July 23, 2024) (mem. op.).**

Joiner, mayor of the City of Kemah, sued his campaign opponent, Wiggins, for defamation after Wiggins displayed signs reading that Joiner had pleaded guilty to spending public funds for political advertising. Wiggins filed a no-evidence motion for summary judgment and the trial court granted the motion. Joiner appealed.

The appellate court reversed and remanded, holding that Joiner had raised an issue of material fact regarding: (1) whether the statement was false, because it referred to an ethics complaint rather than an actual crime; and (2) whether Wiggins had made the statement with actual malice.

***Kleinman v. State*, No. 03-23-00708-CR, 2024 WL 3355046 (Tex. App.—Austin July 10, 2024).**

In late 2021, Cedar Park code compliance officers learned Michael Kleinman and AusPro Enterprises, L.P. were operating a head shop in violation of the city's zoning ordinances. After a warning, Kleinman and AusPro failed to come into compliance with the city's codes, and as a result were issued 15 citations over several months. The violations were Class C misdemeanors and were punishable by fines only. Kleinman and AusPro were found guilty of the violations in municipal court but later appealed. During this time, they also filed a pretrial application for writ of habeas corpus challenging the city's zoning ordinance as unconstitutionally vague on its face and additionally alleging their prosecution was unconstitutionally selective and in violation of their rights to equal protection. Although the trial court determined Kleinman and AusPro were restrained in their liberty, the court denied their application for writ of habeas corpus.

In affirming the lower court's order, the court of appeals concluded that Texas habeas relief could not be extended to applicants who have been charged with fine-only offenses and are not in custody or have not been released from custody on bond. As a such, Kleinman and AusPro failed to satisfy the restraint requirement for habeas relief.

***Kleinman v. State*, No. 03-23-00665-CR, 2024 WL 3355069 (Tex. App.—Austin July 10, 2024).**

This case stems from the same shop in which Kleinman was cited multiple times by code compliance officers for violating various Cedar Park ordinances and a provision in the Texas Health and Safety Code. In 2023, Kleinman was found guilty of those violations in municipal court but appealed his convictions to the trial court. As part of the process, Kleinman filed the required appeal bonds but did not personally sign them, instead granting his attorney a limited power of attorney to do so. Because Kleinman did not personally sign them as required by Tex. Code of Criminal Procedure Art. 17.08(4), the municipal court denied the bonds. The State then filed an application for a writ of procedendo arguing the trial court lacked jurisdiction because Kleinman's appeal bonds were insufficient to perfect the appeals and that the court should remand them to the municipal court for enforcement of the final judgments. The trial court granted the State's application, and Kleinman appealed.

Evaluating Articles 44.14 and 45.0426 of the Code of Criminal Procedure and citing to a sister court's decision, the Court of Appeals concluded that a court in which an appeal is taken cannot dismiss a defendant's appeal for lack of jurisdiction for a deficient appeal bond without first providing the defendant notice and an opportunity to cure by filing a new amended bond. Because the trial court did not provide Kleinman this notice or opportunity to cure, the court of appeals reversed the trial court's order and remanded the case for further proceedings.

***City of Baytown v. Jovita Lopez*, No. 14-23-00593-CV, 2024 WL 3875941 (Tex. App.—Houston [14th Dist.] Aug. 20, 2024) (mem. op.).**

Three pitbulls owned by Jovita Lopez attacked and killed a neighbor's Labrador. The City of Baytown seized the pitbulls and classified them as "dangerous dogs" under its ordinance, ordering them to be euthanized. Lopez appealed to the county court, which affirmed the dangerous dog designation but vacated the euthanasia order while also modifying other conditions applicable to

Lopez. The county court lowered the insurance liability requirement applicable to Lopez from $300,000 to $100,000, to bring it in line with Harris County regulations, and limited her financial responsibility to the city for the boarding of the dogs to $2,500. The city appealed, arguing that the county court's orders violated its ordinance. The appellate court agreed, ruling that such deviations were improper as Lopez failed to prove that the city's ordinance was arbitrary or unreasonable. The court of appeals reversed the county court's order and remanded the case, instructing the lower court to enforce the $300,000 insurance requirement per dog and recalculate the boarding fees owed by Lopez in accordance with the city ordinance.

***Dallas Police & Fire Pension Sys. v. Townsend Holdings, et al.*, No. 05-23-00099-CV, 2024 WL 5134654 (Tex. App.—Dallas Dec. 17, 2024) (mem. op.).**

In 2015, after the Dallas Police & Fire Pension System (DPFP) faced significant real-estate investment losses and its actuary reported DPFD was insolvent, DPFD authorized its new executive director to hire a law firm to review possible claims related to prior investment transactions. After the investigation concluded, DPFD sued its real estate investment consultant, Townsend Holdings LLC, its principals, and its former attorney, Gary Lawson, for a breach of fiduciary duty, breach of contractual duty, and negligence. At trial, Townsend's attorney argued to the jury that DPFD attorneys had been deceptive, coached witnesses before trial, and manufactured the case. While DFPD's lawyers did not immediately object, they notified the court and Townsend the next morning of their position that Townsend's attorney had engaged in incurable jury argument but did not request a ruling or curative instruction. After the jury found that Townsend had not breached its fiduciary duties or contractual duties, both parties were negligent, and awarded a take-nothing judgment, DFPD moved for a new trial. The motion was later denied by operation of law, and DPFD appealed.

In upholding the denial of DPFD's motion for new trial, the court of appeals first addressed whether the comments made by Townsend's attorney were incurable. Noting that while some comments were improper, the court concluded the evidence supported some of the complained-of jury arguments and as a whole were not shown to be incurably "extreme," "inflammatory," and "prejudicial." As to DPFD's second issue that the evidence was factually insufficient to support a jury finding that Townsend did not breach a fiduciary or contractual duty, the court of appeals disagreed and determined that evidence at trial presented by both parties could have supported the jury's findings. As a result, DPFD failed to show that the evidence was so weak or that the jury's findings were so against the great weight and preponderance of the evidence that they were clearly wrong and unjust.

***Donalson v. Houston Mennonite Fellowship Church, Inc., et al.*, No. 12-24-00194-CV, 2024 WL 5158419 (Tex. App.—Tyler Dec. 4, 2024) (mem. op.).**

This case arises from long-running disputes among a number of parties over ownership and use of some real property in Canton, Texas. In this case, Barney Jo Donalson, Jr. (acting *pro se*) claimed an ownership interest in a room on the property and challenged a 2020 stipulated permanent injunction governing the property's use. The Houston Mennonite Fellowship Church, Inc. (HMFC) and Robert Coyle, who essentially was claiming to represent the public's interest, also asserted claims against the City of Canton and sought an injunction. The city filed a plea to the jurisdiction, arguing that Donalson, HMFC, and Coyle lacked standing to file any of their claims. The trial court granted the plea, dissolved a preliminary injunction obtained by Donalson in a different Harris County court, and severed Donalson's unrelated breach of contract claims concerning a separate Houston property. Donalson, HMFC, and Coyle appealed. After analyzing

the different standing issues, the appellate court ultimately affirmed the lower court's ruling, holding that: (1) Donalson, HMFC, and Coyle all lacked standing; (2) the trial court lacked subject matter jurisdiction over their claims; and (3) dissolution of the preliminary injunction and severance of unrelated claims were proper.

***Webb County v. Mares*, No. 14-23-00617-CV, 2024 WL 5130862 (Tex. App.—Houston [14th Dist.] Dec. 17, 2024).**

Cynthia Mares sued Webb County, alleging the commissioners court violated the Texas Open Meetings Act (TOMA) by inadequately notifying the public before their decision to restructure the county's Administrative Services Department. During the meeting in question, the commissioners court split the department into two, reassigned Mares to a new position, and reduced her salary from $105,000 to $75,000. The agenda for the meeting included an item which referenced general discussion and adoption of the county's budget but did not mention departmental restructuring or salary reductions. Mares filed a claim following the meeting, and was later terminated by the county. In her lawsuit, among other things, Mares sought back pay and lost retirement benefits and attorney's fees and costs. The trial court ruled in Mares's favor, finding a TOMA violation, awarding her $39,000 in back pay and lost retirement benefits, and granting $69,650 in attorney's fees and costs. Webb County appealed.

TOMA requires specific notice of the subject to be discussed at government meetings. To be sufficient, such notice must fairly identify the meeting and be sufficiently descriptive to alert a reader that a particular subject will be addressed. The agenda item at issue referenced general budget discussions but did not alert the public to the restructuring of the Administrative Services Department or Mares's salary reduction. Comparing the notice to the actions taken, the appellate court concluded the notice fell short of TOMA's requirements. TOMA does not waive governmental immunity for claims seeking money damages; therefore, the court concluded that Mares could not recover back pay or retirement benefits essentially stemming from this violation. The court reversed the portion of the judgment awarding back pay and lost retirement benefits and rendered judgment that Mares take nothing on her monetary damages claim, while affirming the trial court's findings of a TOMA violation and the award of attorney's fees and costs.

***City of San Benito v. Rios*, No. 13-24-00579-CV, 2025 WL 945566 (Tex. App.—Corpus Christi–Edinburg Mar. 28, 2025) (mem. op.).**

The City of San Benito posted notice for a meeting to approve an election order for the purpose of voting on amendments to the city charter. Rios, a resident, sued the city, claiming the city violated the Texas Open Meetings Act (TOMA) by failing to provide proper notice of the substance of the election. The trial court issued a temporary injunction enjoining the city from adopting or confirming the election results and voiding all votes regarding the propositions. The city appealed the order, claiming that Rios was not entitled to the temporary injunction.

The appellate court reversed the temporary injunction, holding that the: (1) the notice adequately informed the public of the proposed charter amendments; (2) the trial court's orders improperly interfered with the elective process, once it had begun, in violation of the doctrine regarding separation of powers and the judiciary's deference to the legislative branch; and (3) Rios had not shown that he had a probable right to relief on the merits of his claim.

MAINTENANCE STAFF REPORT – CITY OF DRIPPING SPRINGS

Director/Department Head	Riley Sublett
Staff:	
City Inspector	Garrett Osborne
Administrative Assistant	Micaela Betts
Lead Maintenance Worker	Andrew Thompson
Maintenance Worker II	Robert Hutson
Maintenance Worker II	John Hill
Maintenance Worker II	Manny Espinosa
Maintenance Worker I	Noe Maldonado
Maintenance Worker I	Sam Fadhli
Maintenance Worker I	OPEN POSITION

Facilities Managed:

- DS City Hall
- DS Development Services
- DS Visitors Bureau
- Stephenson Building
- Downtown Restrooms

ROW's managed

- Big Sky Ranch Subdivision
- Founders Ridge Subdivision
- Harrison Hills Subdivision
- Cortaro Subdivision
- Legacy Trails Subdivision
- Heritage Subdivision
- North Forty Subdivision
- Texas Heritage Village Subdivision
- Cannon Ranch Subdivision
- Historic District
- Blue Blazes
- Blue Ridge Subdivision
- Post Oak Subdivision
- Springwood Subdivision
- Hidden Springs Subdivision
- All other ROW's within the city limits (other than TxDOT and Privately owned infrastructure)

Operations:

- **Maintenance Operations**

- Preventative Maintenance - Staff replaces wear items for equipment, plumbing, electrical, HVAC, streets, and drainage before they break
- **Reactive Maintenance**- Staff respond to damaged or broken equipment, plumbing, electrical, HVAC, streets, and drainage
- **Emergency Response** -The on-call Maintenance Worker is responsible for responding to any emergency called in by residents or first responders

- Construction
  - Inspects all City owned public infrastructure to ensure proper functionality and to prevent failures
  - Oversee City construction projects to keep record of submittals, pay apps, and change orders
  - Seeks new grant opportunities for projects within the city

DRIPPING SPRINGS
Texas

Maintenance Department

Year in Review

Riley Sublett
Maintenance Director

Meet the Team

Garrett Osborne
City Inspector/ Grant Administrator

Micaela Betts
Administrative Assistant

Andrew Thompson
Lead Maintenance Worker

John Hill
Maintenance Worker II

Manny Espinosa
Maintenance Worker II

Robert Hutson
Maintenance Worker II

Sam Fadhli
Maintenance Worker I

Noe Maldonado
Maintenance Worker I

Maintenance Year in Review

Maintenance

- Performs routine maintenance for City offices and structures
- Maintain all City R.O.W.'s including street and drainage infrastructure
- Mow City property's, R.O.W.'s, Drainage easements, and Veterans Memorial Park
- Repair plumbing and electrical within City facilities
- Maintain City fleet and equipment
- Respond to emergency call-outs
- Assist in events such as Founders Day, Christmas on Mercer, and all other City events

Construction

- Inspect installation of new City infrastructure such as street, drainage, and sidewalk improvements
- Inspect all stormwater and water quality within the ETJ
- Maintain records of improvements, warranty bonds, project quantities,
- Seek grant opportunities for state and federally funded projects
- Communicate with contractors regarding submittals, change orders, and pay apps

DRIPPING SPRINGS
Texas

FY2025 Budget

- Purchased budgeted vehicle's for Maintenance and Utilities
- Purchase power washing trailer
- Ordered 50' towable boom lift
- City Hall wastewater tie-in project
- Complete larger road repair projects in-house
- Create a preventative roadway maintenance schedule

DRIPPING SPRINGS
Texas

FY 2025 – Projects

City Hall Remodel – Completed

Downtown Restrooms – Completed

Mercer Street Sidewalk Project – In Construction

FY-25 Roadway Maintenance Project – Bids received, Council on June 17th

DSRP Arena project – NTP to be issued Early June

Founders Park Dumpster enclosure/ Paving project – Bidding in June

DSRP Storage building- Bidding in June

Maintenance Facility – Currently in planning and design phase

DRIPPING SPRINGS
Texas

FY 2026 Requests

Equipment
- Crack sealing machine
- 1 ton work vehicle– existing 2018 F-150 will go to City Project Manager

Personnel
- City Project Manager
- Fleet Mechanic

New Line Items
- Preventative Roadway Maintenance
- Construction Services

QUESTIONS?

DRIPPING SPRINGS
Texas

FY 2025 Emergency Management Year in Review

Director/Department Head Roman Baligad

Services & Service Levels:

Preparedness Planning: Develop and update emergency response plans.

Public Safety Coordination: Partner with law enforcement, fire, EMS, and public health agencies.

Risk Assessment: Identify threats (natural disasters, terrorism, cyber threats).

Critical Infrastructure Protection: Safeguard essential services (wastewater, transport).

Incident Command: Lead emergency operations during crises.

Recovery & Resilience: Support post-disaster recovery and long-term resilience building.

Event Safety & Security: Prepare or review all event safety and security plans.

City Facilities Security: Prepare and implement physical security plans for all city facilities

FY 2025 Budget Highlights:

Event Safety: $30,000.00

Communications interoperability upgrade: $7,500.00

Public Safety Equipment: $21,000.00

Facilities and Staff Safety Equipment: $10,000.00

Future:

Add an Emergency Management Specialist or share an Admin Assistant with IT department.

Purchase of event security items:

- Metal crowd control barricades.
- Meridian Vehicle Barriers which can be rented to other jurisdictions.
- Flock Security Cameras.

Emergency Management & Homeland Security

Emergency Preparedness and Homeland Security Department Year in Review

Department Overview:

- Preparedness Planning: Develop and update emergency response plans.
- Public Safety Coordination: Partner with law enforcement, fire, EMS, and public health agencies.
- Risk Assessment: Identify threats (natural disasters, terrorism, cyber threats).
- Critical Infrastructure Protection: Safeguard essential services (wastewater, transport).
- Incident Command: Lead emergency operations during crises.
- Recovery & Resilience: Support post-disaster recovery and long-term resilience building.

Emergency Management & Homeland Security

Emergency Preparedness and Homeland Security Department Year in Review

Department Overview cont.:

- Event Safety & Security: Prepare or review all event safety and security plans.
- City Facilities Security: Prepare and implement physical security plans for city facilities

Org Chart

Emergency Preparedness and Homeland Security Department Year in Review

Emergency Preparedness & Homeland Security Director

Emergency Management Specialist or shared Admin Assistant with IT Department

Emergency Plans and Procedures

Emergency Preparedness and Homeland Security Department Year in Review

- Basic Plan
- Hazard Mitigation Plan
- Continuity of Operations Plan (COOP)
- Pandemic Plan
- Crisis Communications Plan
- Cybersecurity Incident Response Plan
- Debris Management Plan
- Wastewater Utility Emergency Response Plan
- Facilities Emergency Action Plan (EAP) for City Hall, Ranch Park, Development Services, and Wastewater Plant.

Boards and Committees

Emergency Preparedness and Homeland Security Department Year in Review

- Emergency Management Committee
- DSISD Safety and Security Board
- Hays County School Safety Committee
- SRP/Reunification Task Force
- Local Emergency Planning Committee (LEPC)
- Regional Emergency Managers Committee (REM)
- TDEM Incident Support Task Force (ISTF)

Event Safety and Security

Emergency Preparedness and Homeland Security Department Year in Review

Event Safety and Security Partners

Emergency Preparedness and Homeland Security Department Year in Review

- North Hays Fire/Rescue
- North Hays Fire Marshal
- PCT 4 Constables
- HCSO
- North Hays EMS
- Austin Fusion Center
- Austin Regional Intelligence Center (ARIC)
- Department of Homeland Security (DHS)
- NWS Austin/ San Antonio

Staff Training

Emergency Preparedness and Homeland Security Department Year in Review

- All staff FEMA training:
  - FEMA Incident Command System, ICS -100, 200, 700, and 800
  - FEMA IS-906 Workplace Security Awareness
- Department Specific:
  - FEMA IS-556 Damage Assessment for Public Works
  - FEMA IS-559 Local Damage Assessment
- FEMA IC-300 and IC-400 Advanced Incident Command (5)
- CPR/AED
- Active Attacker
- Stop the Bleed
- Monthly Safety Training
- Site Protection Through Observational Techniques (SPOT)

Professional Development Training

Emergency Preparedness and Homeland Security Department Year in Review

- All Hazard Preparedness for Animals in Disasters (RDCP/FEMA)
- SPOT Train the Trainer (LSU/NCBRT)
- Mass Casualty Workshop (City of San Marcos)
- Cybersecurity for Everyone (TEEX/FEMA)
- NWS Integrated Warning Team Tabletop (NWS)
- Preventing Mass Attacks in Our Communities (USSS/DHS)
- Dealing With Disasters: GIS for Emergency Management (TDEM)
- Using AI in Emergency Management Plans for Special Events (TDEM)

ISTF Deployment

Emergency Preparedness and Homeland Security Department Year in Review

CITY OF DRIPPING SPRINGS EMERGENCY MANAGEMENT

Emergency Preparedness and Homeland Security Department Year in Review

FY 2025:

- Provide staff with emergency and safety training opportunities.
- Enhance event safety and security with the purchase of more vehicle barricades and metal crowd barriers.
- Update interoperability communications system.
- Enhance staff and public safety.
- Promote EM preparedness to the public.
- Better able prepare for, mitigate, and respond to disasters that occur in and outside city limits.

Emergency Preparedness and Homeland Security Department Year in Review

FY 2026 & Beyond

- Continue providing staff EM training opportunities.
- Enhance event safety and security with the purchase of extra metal crowd barriers and hardened vehicle barriers.
- Stronger capacity to prepare for, reduce the impact of, and respond to disasters across city boundaries.

Emergency Preparedness and Homeland Security Department Year in Review

Questions?

Site Development Projects				
Site Development Project Name	**City Limits / ETJ**	**Location**	**Description**	**Status**
SD2021-0005 Dripping Springs WWTP Expansion	CL	23127 FM 150 W	Expansion of the Wastewater treatment plant.	HOLD
SD2021-0011 Blue Ridge Business Park	CL	26228 RR 12	Extension of previously approved site plan.	Under Review
SD2021-0021 RR 12 Commercial Kitchen	CL	28707 RR 12	Commercial kitchen that will support a catering business, no on-site dining is proposed.	Approved w/ Conditions
SD2021-0033 Bell Springs Business Park, Sec 1&2 Rev	ETJ	4955 Bell Springs	A revision for minor adjustments on site layouts, rainwater, and overall drainage & water quality.	Approved w/ Conditions
SD2022-0001 Julep Commercial Park	ETJ	Northeast corner of W US 290 and Trautwein Rd	11.27 acre site of mixed-use commercial buildings with supporting driveways, water quality and detention pond, rainwater harvesting, and other utilities.	Waiting on Resubmittal
SD2022-0013 DS Flex Business Park	CL	28513 RR 12	Construction of two shell buildings with accompanying site improvements.	Waiting on Resubmittal
SD2022-0011 Skybridge Academy	CL	519 Old Fitzhugh Road	Remodel/repurpose of exisiting historic structures, add new construction to tie together the house and garage with additional parking and revised driveway	Approved w/ Conditions
SD2022-0014 Bell Springs Site Plan (Travis Flake)	ETJ	5307 Bell Springs Rd	Office and Warehouse with drives, parking, waterline connection, and pond.	Approved w/ Conditions
SD2022-0018 Office 49	ETJ	241 Frog Pond Lane	The construction of eleven office buildings of varying sizes along with the related paving, grading, drainage, and utility improvements.	Waiting on Resubmittal
SD2022-0020 Merigian Studios	ETJ	105 Daisy Lane	Art studio with driveway, parking, and external structures.	Approved w/ Conditions
SD2022-0024 4400 US 290 SP	ETJ	4400 US 290	7 Commercial Buildings in the ETJ.	Approved w/ Conditions
SD2022-0025 Hardy Drive	ETJ	2901 US 290	Construction of a road for the Hardy and Bunker Ranch development to meet fire code.	Approved w/ Conditions
SD2023-0004 Austin Ridge Bible Church Revision	ETJ	31330 Ranch Road 12	Revmoval of the existing old house, the addition of 3 portable buildings and pavilion; additional parking.	Waiting on Resubmittal
SD2023-0007 Phase 4A Drip Irrigation System Improvements	ETJ	2581 E Hwy 290	The project is Phase 4A of the drip disposal fields and consists of 14.76 acres of drip irrigation fields only.	Approved w/ Conditions
SD2023-0008 102 Rose Drive	CL	102 Rose Dr	Construction of tow additional duplexes w/ accompanying site improvments.	Waiting on Resubmittal
SD2023-0010 Creek Road Horse Farms	CL/ETJ	1225 Creek Rd	Horse training facility with covered riding arena, barn, storage building and open-air riding.	Waiting on Resubmittal
SD2023-0011 Amazing Explorers Academy	ETJ	Ledgestone	Daycare facility, including driveways, parking areas; and water, wastewater, and stormwater facilities.	Waiting on Resubmittal
SD2023-0014 BR Dripping Springs	CL	27010 RR 12	3 commercial buildings with parking, stormwater and water quality.	Waiting on Resubmittal
SD2023-0018 Sunset Canyon Storage Facility	ETJ	950 S. Sunset Canyon Drive	Proposed storage facility with associated parking and drive.	Waiting on Resubmittal
SD2023-0019 3980 US 290 Warehouse	ETJ	3980 US 290	Construction of 4 - 5k sq ft Warehouse/office buildings.	Waiting on Resubmittal
SD2023-0020 Graveyard Cellars	ETJ	24101 RR 12	2800 sq ft building and parking.	Approved w/ Conditions
SD2024-001 Roxie's at Dripping Springs	CL	299 W. Mercer Street	Renovating and expanding site.	Under Review
SD2024-002 QuickTrip #4133	CL	HWY 290 and Sawyer Ranch Rd	Convenience store with fuel sales.	Waiting on Resubmittal
SD2024-004 Glass Business Park, Phase 2	ETJ	2560 W Hwy 290	Construction of 6 additional warehouse buildings with associated site improvements	Waiting on Resubmittal
SD2024-007 New Growth at Roger Hanks	CL	US 290 at Roger Hanks Pkwy	Mix land use and 240 residential units with parkland and roadway connections.	Waiting on Resubmittal
SD2024-008 AutoZone 5807 Dripping Springs	CL	US Hwy 290	Retail parts store.	Waiting on Resubmittal
SD2024-010 Austin Ridge Bible Church	ETJ	3100 E Hwy 290	Church campus, with worship center, driveways, parking, detention, and park area.	Waiting on Resubmittal
SD2024-011 Patriot Erectors CZP	ETJ	3023 West Hwy 290	Detention pond.	Waiting on Resubmittal
SD2024-012 5285 Bell Springs Rd	ETJ	5285 Bell Springs Rd	Private religious educational facility and associated improvements.	Waiting on Resubmittal
SD2024-013 Cowboy Church of the Hill Country	ETJ	207 Darden Hill Road	Construction of a church building and accompanying site improvements.	Approved w/ Conditions
SD2024-014 Pear Tree Commercial	ETJ	27322 RR 12	Existing commercial space. Pave the parking area and provide water quality treatment of that area.	Under Review
SD2024-018 Short Mama's	CL	101 College Street	Existing project addition to include dining area, parking, lawn area, stage, and streetscaping.	Approved
SD2024-020 Lost Lizard	ETJ	10730 FM 967	Four residential accessory structures and gravel parking.	Waiting on Resubmittal
SD2024-021 Genesis City - Glamping Hotel	ETJ	113 Concorde Circle	One main building with 9 cabins, and parking.	Under Review
SD2024-022 Stephenson Building Addition and Parking Improvements	CL	101 Old Fitzhugh Rd	Phase 1:Stephenson building addition. Phase 2: parking lot improvements.	Approved w/ Conditions
SD2025-002 Ewald Kubota	ETJ	3981 E US 290	Kubota sales and service center with customer and display parking.	Waiting on Resubmittal
SD2025-003 The Ranch at Caliterra Amenity Center	ETJ	Whiskey Barrel Dr.	Office, bathrooms, remodel pavillion out of an existing barn, pool, pickleball courts, and parking.	Waiting on Resubmittal
SD2025-005 Big Sky Ranch Drip Field Addition	CL	Sue Peaks, Lost mine Peak, Apache Mt., Davis Mt.	Installation of additional subsurface drip disposal systems.	Waiting on Resubmittal
SD2025-006 AAA Storserv Dripping Springs LLC Phase 2	CL	1300 E US 290	Expansion of developed area including buildings, drives and parking.	Waiting on Resubmittal

Ongoing Projects	
Comprehensive Plan	Multiple Comp Plan Committee meetings to be scheduled May/June
Cannon Mixed-Use	Awaiting Resubmittal
PDD2023-0001 Madelynn Estates	Dormant
PDD2023-0002 Southern Land	June DAWG meeting to discuss grading, tree preservation, and density.
PDD2023-0003 ATX RR12 Apartments	Awaiting Resubmittal. We are expecting an expansion of this project to include Commercial uses along Village Grove Pkwy

Subdivision Projects				
Subdivision Project Name	**City Limits / ETJ**	**Location**	**Description**	**Status**
SUB2021-0011 Double L Phase 1 Prelim Plat	ETJ	1.5 miles N of US 290 & RR 12	PP for 243 residential units and 1 amenity center	Approved w/ Conditions
SUB2022-0033 The Ranch at Caliterra	ETJ	Premier Park Loop	Preliminary plat of the Carter tract with 243 lots	Approved w/ Conditions
SUB2022-0043 Howard Ranch Sec 4 Lots 62 & 63 AP	ETJ	590 Cypress Creek Dr	An amending plat to remove a site parking area from the single family lot. This request is by the property owner.	Waiting on Resubmittal
SUB2022-0048 Wild Ridge Phase 1 CP	CL	E US 290	Construction plans for phase 1 of Wild Ridge	Waiting on Resubmittal
SUB2023-0001 Village Grove Phase 2B CP	CL	Sports Park Rd	Residential townhome infrastructure improvements. Construction of 16 Townhome lots and roadways.	Approved w/ Conditions
SUB2023-0003 The Ranch at Caliterra CP	ETJ	Soaring Hill Rd at HC Carter Way	Construction Plans for the Carter tract.	Approved w/ Conditions
SUB2023-0006 Wild Ridge Phase 1 FP	CL	E US 290	Approximately 62.1 acres to include 136 residential lots, roadways, and a commercial lot	Approved w/ Conditions
SUB2023-0008 Silver Creek Subdivision Construction Plans	ETJ	Silver Creek Rd	29 Single family residential lots with access, paving, OSSF, water supply well, and open space	Approved w/ Conditions
SUB2023-0028 Arrowhead Commercial Final Plat	CL	US Hwy 290 W	Subdividing 6.6 acres as 1 lot.	Waiting on Resubmittal
SUB2023-0034 Lunaroya Subdivision Final Plat	ETJ	Silver Creek Rd	28 single family large residential lots with on site sewage for each lot	Waiting on Resubmittal
SUB2023-0037 Amending Plat of Final Subdivision Plat of Roger Hanks Park	CL	US 290 at Roger Hanks Pkwy	Redesign to include north bound turn lane on Roger Hanks Pkwy, Improvements to Hamilton Crossing and Lake Lucy Loop	Waiting on Resubmittal
SUB2023-0038 The Ranch at Caliterra Final Plat	ETJ	HC Carter Way	234 single family lots on 200.024 acres	Approved w/ Conditions
SUB2023-0039 Wild Ridge Phase 2 Construction Plans	CL	Shadow Ridge Parkway	142 single family lots, minor arterial and local roadways, 2 water quality ponds, utilities, lift station, parkland and open space	Waiting on Resubmittal
SUB2023-0042 Hardy Construction Plans	CL	2901 West US 290	78.021 acres subdivided into 73 single family lots	Approved w/ Conditions
SUB2023-0048 Driftwood Falls Estates Subdivision	ETJ	609 S Creekwood Dr	Replat two lots in one.	Approved w/ Conditions
SUB2023-0049 Amended Plat of the Breed Hill Replat Subdivision	ETJ	3100 W US 290	Combining three lots into one.	Approved w/ Conditions
SUB2024-005 Roger Hanks Construction Plans	CL	US 290 at Roger Hanks Pkwy	Public improvements from southern boundary to intersection with 290.	Waiting on Resubmittal
SUB2024-008 Skylight Hills Final Plat	ETJ	13001 and 13111 High Sierra	Subdivide into 5 lots.	Approved w/ Conditions
SUB2024-012 St. Martin's Subdivision, Lots 1 & 2 Amending Plat	CL/ETJ	230 Post Oak Drive	Combine two existing lots into one.	Approved w/ Conditions
SUB2024-015 Gateway Village Phase 1	CL	US 290	Final plat for 144 single family subdivision.	Waiting on Resubmittal
SUB2024-017 Wild Ridge Phase 2 Final Plat	CL	Shadow Ridge Parkway	152 single family residential lots.	Approved w/ Conditions
SUB2024-019 Driftwood Subdivision, Phase 5, Preliminary Plat	ETJ	Thurman Roberts Way	13 lots. 10 residential, 2 open space, and 1 private.	Under Review
SUB2024-021 Village Grove Phase 2A Subdivision	CL	Village Grove Parkway	Infrastructure for 64 single family residential lots on 18.206 acres	Waiting on Resubmittal
SUB2024-024 Heritage Phase 4 Subdivision	CL	Sportsplex Drive	115 single family lots on 31.80 acres	Waiting on Resubmittal
SUB2024-025 Village Grove Phase 3 Subdivision	CL	Village Grove Parkway	115 single family lots on 30.04 acres	Waiting on Resubmittal
SUB2024-028 Off Site Waterline Plans for Luna Roya Subdivision	ETJ	Silver Creek Rd	Waterline infrastucture construction plans.	Waiting on Resubmittal
SUB2024-030 Heritage Phase 3 Final Plat	CL	Sportsplex Drive	164 lot subdivision plat	Waiting on Resubmittal
SUB2024-033 Village Grove Phase 1 Final Plat	CL	Village Grove Parkway	Plat of 1 roadway, 2 water quality ponds, and 1 drainage easement.	Under Review
SUB2024-034 Village Grove Phase 2A Final Plat	CL	Village Grove Parkway	Final plat for 165 single family lots.	Under Review
SUB2024-036 Mitchel Property Preliminary Plat	ETJ	Silver Creek Rd	33 residential lots.	Waiting on Resubmittal
SUB2025-001 Village Grove Phase 2B Final Plat	CL	Village Grove Parkway	262 single family residential lots.	Under Review
SUB2025-002 Lunaroya PH 3 Preliminary Plat	ETJ	13755 Silver Creek Dr	9 single family residential lots.	Waiting on Resubmittal
SUB2025-004 Replat of Lot 1 Howard Ranch Commercial	CL	SE Corner RR 12 and FM 150	Create two lots to allow for the FM 150 ROW.	Under Review
SUB2025-005 Ewald Kubota Minor Plat	ETJ	3981 E US 290	3.9 acre plat	Waiting on Resubmittal
SUB2025-006 Cannon Ranch Phase 3 and 4 Construction Plans	CL	Rushmore Drive at Lone Peak Way	Public roadways, utilities, and storm drainage infrastructure for 156 residential and 3 open space lots.	Waiting on Resubmittal
SUB2025-007 Double L Ranch Reclaimed Water Production Facility and Pump and Haul	ETJ	Northwest of RR 12 and Event Center Dr	Reclaimed water facilty	Waiting on Resubmittal
SUB2025-008 Cannon Ranch Phases 3 & 4 Subdivision Final Plat	CL	Rushmore Drive	3 open space lots and 156 40', 45', or 60' residential lots.	Waiting on Resubmittal
SUB2025-009 Wild Ridge Subdivision Wastewater Treatment Plant Final Plat	CL	Goose Island Dr and Lost Maples Dr	0.8873 acre lot	Under Review
SUB2025-010 Howard Ranch Commercial WW Line	CL	RR 12 and FM 150	Construct Wastewater Service Extension to Howard Ranch Commercial.	Waiting on Resubmittal
SUB2025-011 Double L Pod A1, A2, A3 Arterial Preliminary Plat	ETJ	Pecos River Xing	Public infrastructure.	Waiting on Resubmittal
SUB2025-012 Double L Pod A3 Preliminary Plat	ETJ	Pecos River Xing	46 residential units.	Waiting on Resubmittal
SUB2025-013 Double L Pod A1 and A2 Preliminary Plat	ETJ	Pecos River Xing	99 resisdnetial units.	Waiting on Resubmittal
SUB2025-014 Village Grove Wastewater Treatment Plant	CL	S Rob Shelton Blvd	WWTP for the Village Grove Development.	Under Review
SUB2025-015 Wild Ridge Wastewater Treatment Plant	CL	Goose Island Drive	Phase one of the temporary WWTP.	Under Review
SUB2025-016 Caliterra Phase 3 Section 10 Amended Plat	ETJ	Caliterra Pkwy at Point Du Hoc	Correct plat to note the streets are private.	Waiting on Resubmittal
SUB2025-017 Lunaroya Phase 2 Construction Plans	ETJ	Silver Creek Road	28 single family residential lots (minimum 1.5 acre) with on site sewage, paving, utilites, and open space.	Waiting on Resubmittal

In Administrative Completeness	Filing Date
SUB2025-010 Howard Ranch Commercial WW	2-Jul
SD2025-005 Big Sky Ranch Drip Field Addition	2-Jul
ADMIN2025-011 Sunset Canyon, Section 4, Lots 680 & 681 Amending Plat	9-Jul
SUB2025-016 Caliterra Phase 3 Section 10 Amending Plat	9-Jul
SUB2023-0028 Arrowhead Commercial Minor Plat	9-Jul