

## **City Loses Appeals Court Ruling as to the jurisdiction.**

The Texas Court of Appeals released its ruling yesterday on the City of Plano's lawsuit.

The City responded to this by posting a very misleading message acting as if it won. The City then Closed the message so no one could post a response with the truth. We are asking for help by posting the truth to your neighborhood next door – let us know if you do so.

Here is the City's post:

The Court of Appeals for the Fifth District of Texas has dismissed claims against the City of Plano **and City Council members. The lawsuit asked the court to suspend Plano Tomorrow, the City's** comprehensive plan, replace it with the 1986 comprehensive plan, and require City Council to call an election. The court dismissed those requests. The appellate court also ruled Thursday that a State District Court has the authority to hear the case involving a petition calling for a referendum on the Plano Tomorrow plan. The question of whether this petition is valid has not been decided.

City Staff will be briefing City Council members Monday to consider the next step in this ongoing process.

Here a suggested post with the TRUTH:

**Subject: UPDATE: Appellate Court Ruling on City's Comprehensive Plan- THE TRUTH**

THE POST BY THE CITY WAS A GROSS MISREPRESENTATION OF THE COURT RULING. The CITY LOST the appeal. The Appeals Court said the District Court correctly ruled that it has jurisdiction to compel the City Secretary to present the petition to the City Council as required by the City's Charter. The City of Plano should be ashamed for trying to mislead the public about the Appeals Court's ruling.

The Comprehensive Plan ordinance is automatically SUSPENDED under the Charter and once the it is presented to City Council, the Council must decide whether to withdraw the ordinance or put it to a vote of the citizens. What the Appeals Court said was that the lawsuit, which named the City Secretary, the city of Plano and the City Council, should only be directed at the City Secretary. The Court made clear that action against the City Secretary was valid and can continue. It is typical to name all possible parties to litigation because the plaintiffs will always claim that the wrong party is being sued. It does not reduce or impact the Citizens' suit to remove the City and the City Council at this time. If the City Council fails to follow the City Charter after the City Secretary performs her duty, then there will be cause for action against the City and the City Council.

**NOTE THAT THE CITY POSTED ITS MESSAGE, THANKED ITSELF AND THEN CLOSED THE DISCUSSION SO NO ONE COULD REPLY WITH THE TRUTH. SHAME! SHAME!! SHAME!!!**