

SUPREME COURT OF TEXAS

City of Dallas v. Martin

361 S.W.3d 560 (Tex. 2012) · No. No. 07-0288; consolidated with No. 07-0289 · Decided December 16, 2011

SUMMARY

The Texas Supreme Court addressed governmental immunity in a class action brought by Dallas firefighters and police officers alleging breach of employment contracts based on a 1979 city ordinance. The court held that the ordinance's adoption by referendum did not waive the City's immunity, that immunity barred the declaratory-judgment claim, and that the City's dismissal of its counterclaim did not reinstate immunity as to pending claims. The court reversed the court of appeals and remanded for consideration of whether subsequent legislation waived the City's immunity.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Johnson; Chief Justice Jefferson; Justice Hecht; Justice Wainwright; Justice Medina; Justice Green; Justice Guzman; Justice Lehrmann; Justice Willett
JURISDICTION	Texas
DECIDED	December 16, 2011
DOCKET	No. 07-0288; consolidated with No. 07-0289
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City appealed interlocutorily from the trial court's denial of its plea to the jurisdiction based on governmental immunity. The court of appeals affirmed in part, reversed in part, and remanded; the Supreme Court of Texas reviewed that judgment.
STANDARD OF REVIEW	The Supreme Court reviewed the denial of the plea to the jurisdiction in an interlocutory appeal and applied the governmental-immunity principles stated in <i>City of Dallas v. Albert</i> .
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Texas; precedential.
PARTIES	City of Dallas v. David S. Martin and other firefighters and police officers

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QUESTIONS PRESENTED

1. Whether adoption of the 1979 pay ordinance by referendum waived or eliminated the City's governmental immunity from suit.
2. Whether governmental immunity barred the officers' declaratory-judgment claim.
3. Whether the City's nonsuit of its counterclaim reinstated immunity as to the officers' claims that were pending when the counterclaim was nonsuited.
4. Whether the case should be remanded for the trial court to determine whether Texas Local Government Code section 271.152 waived the City's immunity.
5. Whether the officers' pleadings implicitly placed the validity of municipal pay resolutions at issue so as to waive immunity under Texas Civil Practice and Remedies Code section 37.006(b).

HOLDINGS

1. The ordinance's adoption by referendum did not result in the City of Dallas losing its immunity from suit.
2. The City retained immunity from suit as to the officers' declaratory-judgment action.
3. By nonsuiting its counterclaim, the City did not reinstate immunity from suit as to the officers' claims that were pending when the counterclaim was nonsuited.
4. The case must be remanded for the trial court to consider whether the Legislature waived the City's immunity by amending the Local Government Code.
5. The officers' pleadings did not support the contention that the suit involved the validity of the pay resolutions; consequently, section 37.006(b) did not provide a basis for concluding that immunity was waived.

KEY QUOTATIONS

“However, the Officers’ pleadings do not support this contention.” (361 S.W.3d at 561)

“We reverse the judgment of the court of appeals and remand the case to the trial court for further proceedings.” (361 S.W.3d at 560-61)

FACTUAL BACKGROUND

The dispute arose from whether Dallas paid its firefighters and police officers in accordance with a 1979 ordinance adopted after a voter-approved referendum. The officers claimed the ordinance became a term of their employment contracts and sued the City for breach of contract and declaratory relief as a class. Their pleadings

referenced two city-council resolutions as possible bases for calculating damages but did not challenge the validity of the ordinance or either resolution.

PROCEDURAL HISTORY

Firefighters and police officers filed a class action asserting breach-of-contract claims and seeking declaratory relief based on a 1979 City ordinance. The City filed a counterclaim, later filed a plea to the jurisdiction asserting governmental immunity, and then nonsuited its counterclaim. The trial court denied the plea. While the interlocutory appeal was pending, the Legislature enacted a limited retroactive waiver of immunity under Texas Local Government Code section 271.152. The court of appeals affirmed in part, reversed in part, and remanded for reconsideration; the Supreme Court reversed and remanded for further proceedings consistent with its opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for further proceedings, including consideration of whether Texas Local Government Code section 271.152 waived the City's immunity from suit.

CASES CITED

- City of Dallas v. Albert, 354 S.W.3d 368 (Tex. 2011)
- Tooke v. City of Mexia, 197 S.W.3d 325 (Tex. 2006)
- Reata Construction Corp. v. City of Dallas, 197 S.W.3d 371 (Tex. 2006)

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