



TEXAS MUNICIPAL LEAGUE
Empowering Texas cities to serve their citizens

President **David Rutledge**, Mayor, Bridge City
Executive Director **Bennett Sandlin**

April 19, 2023

The Honorable DeWayne Burns
Chairman, House Land and Resource Management Committee
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Burns:

I am writing on behalf of the Texas Municipal League in opposition to **H.B. 2023** by **Representative Munoz**. As filed, H.B. 2023 would require cities to use taxpayer dollars to pay court costs, attorney's fees, and expert witness fees in different types of legal challenges to city regulation and action. Requiring taxpayers to subsidize plaintiffs' attorneys for their legal challenges to local regulations makes little sense as a policy matter, especially considering that local government regulation, action, or inaction is already subject to judicial review.

When city officials take action on a given topic, they do so as elected representatives of city residents. They also do with the counsel of the city attorney. Existing law subjects those decisions (or indecisions) to judicial review. Further, there are also non-legal penalties for city officials when they act outside the legal authority afforded to them – namely at the ballot box during a reelection campaign. By requiring cities to pay court costs, attorneys fees, and expert witness fees, H.B. 2023 wouldn't necessarily penalize city officials, but instead would penalize city taxpayers who would be responsible for paying those costs. Beyond that, it would incentivize more lawsuits that would only drive up the cost to those same taxpayers.

For these reasons, we oppose H.B. 2023.

Sincerely,

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League