



February 25, 2017

VIA E-MAIL

Mr. Andy Taylor
Andy Taylor & Associates, P.C.
2628 Highway 36 S, #288
Brenham, Texas

Ms. Paige Mims
City Attorney
City of Plano
1520 Avenue K, Suite 340
Plano, Texas 75074

RE: Elizabeth Carruth, et al. v. City of Plano, et al.

Mr. Taylor and Ms. Mims:

As you know, I represent five citizens who have brought suit against the City Secretary, City Council, and City of Plano, Texas.

Before that lawsuit was initiated, I wrote a letter to the Plano City Attorney dated January 20, 2016, in which I stated that “the City Secretary and City Council do not have any legitimate legal argument for refusing to comply with the Charter’s presentment and reconsideration requirements.” A year later and after considerable taxpayer expense, the Dallas Court of Appeals has confirmed that the “City Secretary’s duty under section 7.03 is clear: the secretary must present the petition to the City Council immediately upon the filing of such petition.”¹ Moreover, “the Plano City Charter does not give the City Secretary any discretion to determine whether the subject matter of a referendum petition has been withdrawn from the referendum power by general law or the charter.”²

It is time for the City Secretary to do her job and present the City Council with the petition calling for a referendum on the Plano Tomorrow Plan. Given that the City Charter requires the City Secretary to present the petition immediately, we expect that she will do so at the City Council meeting scheduled for Monday, February 27, 2017.³ Indeed, a meeting properly noticed for considering and taking action on the Court’s ruling is the appropriate time for taking the actions the Court confirmed are required. There is no reason to continue to expend public funds on litigation, and it is time to give the people a vote on the Plano Tomorrow Plan.

¹ See Memorandum Opinion at 8, *City of Plano, Texas et al. v. Elizabeth Carruth, et al.*, Cause No. 05-16-00573-CV Fifth District Court of Appeals, Dallas (February 23, 2017).

² See *id.* at 9.

³ Home Rule Charter of the City of Plano § 7.03 (“Immediately upon the filing of such petition, the person performing the duties of city secretary shall present said petition to the city council.”).

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Jack Ternan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jack G. B. Ternan