

CAUSE NO. 401-03181-2018

CITY OF PLANO, TEXAS
Plaintiff

v.

CITY COUNCIL MEMBER
TOM HARRISON,
Defendant.

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IN THE DISTRICT COURT

401st JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

FINAL JUDGMENT AND DECLARATION OF THE COURT

On the 14th day of August 2018, Counsel for the City of Plano, Texas and Counsel for the City Council Member Tom Harrison appeared before the Court and announced that they agree to waive the 45 day notice of trial, waive a jury and have this court conduct a trial and resolve all issues of fact and law. Both sides announced ready and present for such trial before the Court. The Court has carefully considered the evidence and testimony presented, along with applicable law and argument of counsel, and now makes and enters this its Final Judgment and Declaration for the Court.

The Court finds that the City of Plano has demonstrated that it had a profound and deep commitment to ensuring that its decisions are correct, has fulfilled its obligation of candor to the public, and has acted in good faith and fostered citizens confidence by requesting that a neutral judicial fact finder make certain declarations and findings.

The discussion, comments, and findings of the Court made during the trial on August 14, 2018, are incorporated herein by reference as if fully set forth. The Court finds based on clear and convincing evidence that the word “last” is included in section 6.02 of the Plano City Charter.

IT IS THEREFORE ORDERED ADJUDGED DECREED AND DECLARED THAT:

- 1) Section 6.02 of the Plano City Charter includes the word "last", and therefore, there are insufficient signatures on the recall petition to trigger an election.
- 2) The special election set for November 6, 2018, shall not go forward and shall be canceled.

IT IS FURTHER ORDERED THAT nothing herein precludes Plano citizens from initiating a new recall petition if they meet all legal requirements.

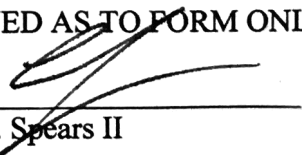
IT IS FURTHER ORDERED THAT Defendant shall recover of and from the City of Plano the sum of \$3,000.00 to be paid within 30 days. In making this award the Court finds that the City of Plano and its current City Counsel have acted with candor and in good faith, but were faced with an obstacle occurring in 1961 that they inherited, but did not learn until July 2, 2018.

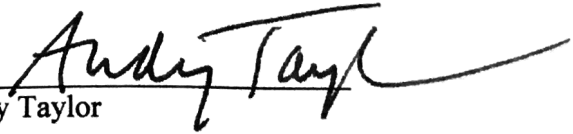
THIS FINAL JUDGMENT AND DECLARATION OF THE COURT disposes of all parties and claims and is final and appealable. Costs of court are taxed against the party incurring same all other relief requested not granted herein is denied.

SIGNED this 14 day of August, 2018


JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

By: 
Adrian A. Spears II

By: 
Andy Taylor