



Chill Bro, I Have Immunity

AN OVERVIEW OF MUNICIPAL LIABILITY AND THE LIMITED WAIVER OF
GOVERNMENTAL IMMUNITY UNDER THE TEXAS TORT CLAIMS ACT

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What to expect

- Understand Governmental & Municipal Immunity in Texas
- Review when immunity is waived under the TTCA
- Identify common risk areas for cities

What NOT to expect

- Not a deep-dive litigation seminar
- Not case-specific legal advice

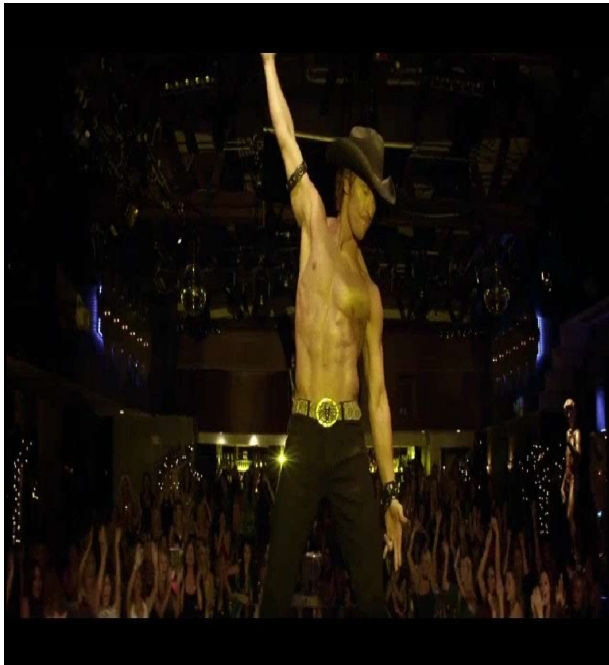
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Texas Tort Claims Act

- Enacted in 1969 to allow for the limited liability of governmental entities
- Provides a limited waiver of governmental immunity
- If a claim does not fall squarely within the TTCA, immunity remains
- The Act limits the amount of damages that can be recovered



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Governmental Immunity

- Immunity from suit
 - bars the lawsuit entirely unless waived
- Immunity from liability
 - shields the entity from paying damages even if sued


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Governmental vs. Proprietary Functions

- A City's liability depends on the type of function being performed.
 - Governmental functions are duties required by law for the public's benefit and are generally protected by immunity.
 - Proprietary functions are activities carried out in a City's private or corporate capacity and may subject the City to liability.



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When is Immunity Waived?

- Operation or use of a motor-driven vehicle or motor-driven equipment
- Condition or use of a tangible personal property
- Condition or use of real property
- Only if the employee is personally liable

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Exceptions to Waiver of Immunity



- Discretionary Powers
- Civil Disobedience and Certain Intentional Torts
- Emergency Response
- Judicial and Legislative Actions

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Notice Requirements



Claimant must provide notice within six months of the incident; if not properly given, immunity cannot be waived; the claim may be dismissed.

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Damage Caps Under the TTCA

- \$250,000.00 per person
- \$500,000.00 per occurrence (bodily injury/death)
- \$100,000.00 per occurrence (property damage)



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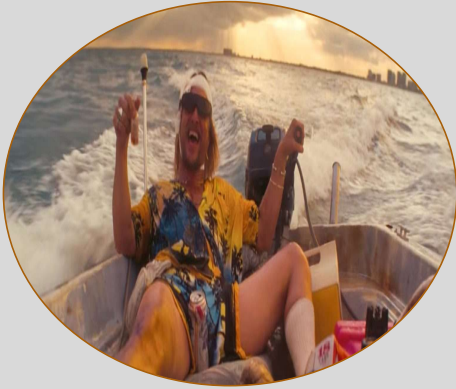
Employee Liability

- Employees are protected when acting within the scope of employment.
- The City becomes the proper defendant under the TTCA.
- Employees may be personally liable for ultra vires acts.



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Practical Risk Management for Cities



- Train employees on vehicle and equipment use
- Maintain facilities and document inspections
- Review policies regularly
- Encourage early involvement

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Notable Cases



- Immunity is waived when the use of tangible property is the proximate cause of injury. *City of Houston v. Ranjel (2017)*
- Courts must determine immunity before hearing the case's merits. *Texas Dept. of Parks & Wildlife v. Miranda (2004)*
- Immunity for discretionary functions. *City of San Antonio v. Hartman (2009)*

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Things to Remember

- The Texas Tort Claims Act waives immunity only in limited, defined situations
- Effective policies and risk management are the best defenses
- Understanding these limitations prevents unnecessary exposure




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“Take responsibility for who you are and what you stand for.” – Matthew McConaughey



Thank You.

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"I DON'T SEE A COP IN SIGHT"

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