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January 7, 2005

Arnold G. Polanco
Ross, Banks, May, Cron & Cavin, PC
2 Riverway, Suite 700
Houston, TX 77056-1918

Via Fax 713/623-6014

Re: Jeff Harrison/City of League City

Dear Sir:

This letter will serve as a notice of contemplated litigation for Declaratory Relief regarding actions purportedly taken at the meeting of the League City Council on December 14, 2004. This letter is not meant to be comprehensive, but to serve as a precis of our position.

1. Violation of City Charter

First, the action of the City Council in purporting to disenfranchise the Mayor based upon the disability clause in the City Charter was contrary to that charter and entirely without precedent. It is the executive prerogative of the Mayor to make appointments. The disability provisions of the city charter were not intended to support, and do not support, the actions of any council in simply disenfranchising the mayor. We intend to seek declaratory judgment to that effect.

2. Violation of Open Meetings

The course of events on December 14 suggests that certain council members had a previously determined course of action and "slate" of numerous board membership candidates. This implies deliberations in violation of the Open Meetings Act. Several consequences follow, at a minimum:

First, the appointments of various board members on December 14 are void, and any action they take will be subject to attack due to their appointment in violation of the Texas Open Meetings Act.

Second, it was apparent that Mayor Harrison and others were justified in leaving the meeting because of a perception that it was tainted by illegal deliberations. To this, I might add that the course of the meeting suggests a

deliberate and unprecedented "filibuster", which is not a basis for declaring a mayor incapacitated.

Third, in the course of demonstrating an Open Meetings violation, it will be necessary to make careful inquiry as to all communications between the council persons, whether directly or through an intermediary. In this regard, communications with, or through, yourself will not be privileged and will be subject to careful scrutiny. See, e.g. and without limitation, Tex. R. Evid. 503(d)(5).

3. Attacks on The Mayor

Mayor Harrison in his personal capacity reserves all rights and remedies, none of which are hereby waived. In particular, it is hoped that there will be no further personal attacks or accusations.

4. Possible Solution

As noted, the authority of all persons appointed on December 14 is subject to challenge. Without committing or waiving any right or remedy, I would hope that methods could be explored whereby those appointments could be rescinded by the Council, and a slate of candidates named by the Mayor be put forward for consideration, all pursuant to the Texas Open Meetings Act and a manner which would confirm the authority of any appointees.

Very truly yours,



Mark W. Stevens

cc: Jeff Harrison