



January 14, 2021

### **Statement Regarding Food Truck Litigation**

City officials recently conferred with Texas Municipal League (“TML”), insurance carrier, assigned attorneys and have agreed to follow their recommendation to appeal the district judge’s ruling denying the City’s plea to the jurisdiction. The City, along with their attorneys, believe this decision to appeal will be in the best interest of the city, its citizens and residents, and will provide much-needed clarification of the City’s Mobile Food ordinance and a municipality’s authority to regulate and enforce sanitation and public health and safety requirements, as allowed under State law. This appeal process, which TML counsel believes has a good chance of success, will also provide needed clarification of the district judge’s preliminary ruling.

No written findings, conclusions or reasoning was given by the district Judge, and no judgment or order of any kind was entered granting specific relief, damages, or instructions to the City. The City has not violated any court orders and has always fully complied with the law. The health and safety of City residents and visitors will always remain a priority.

The current City Council and administration, who were mostly not involved in the enactment of the Mobile Food Ordinance, continue to strongly desire to put this matter



behind them and move on with important City matters that need attention, but protecting the public health and safety of the City's residents and visitors is most important.

The Mobile Food Ordinance will remain in effect until further orders are issued by the Court of Appeals.

Protecting the health and safety of the public and requiring the proper sanitation conditions will always be a priority and will also assure the public and mobile food vendors of a successful, safe and sanitary environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick McNulty".

Patrick McNulty  
South Padre Island Mayor