

CL-24-3647-F

AFFIDAVIT OF DAVID MORENO

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, the undersigned authority, on this day personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

1. My name is David Moreno. I am the Mayor of the City of Donna, Texas, and I have personal knowledge of the facts stated herein. I am over the age of eighteen, of sound mind, and competent to make this affidavit.

2. On or about the early part of August, 2024, a Commissioner who is not a Respondent herein, Commissioner Jesse Jackson, admitted to me that he, along with his co-Respondents, Ernesto Lugo, Jr., and Oscar Gonzales, held an informal meeting. At this meeting, the three Commissioners, who constitute a quorum of the Donna City Council, deliberated on and discussed matters concerning the termination of the City Manager and the termination of Robert J. Salinas as City Attorney and the attorney for the Donna Economic Development Corporation (EDC) 4A Board.

3. The meeting was not publicly noticed and was not conducted in accordance with the requirements of the Texas Open Meetings Act (TOMA), specifically Tex. Gov't Code §§ 551.041 and 551.043, which require that deliberations among a quorum of a governing body be conducted in a properly noticed public meeting.

4. The Respondents have now caused the City of Donna to schedule a special meeting of the City Council to be held on Monday, August 26, 2024, at 12:15 PM at Donna City Hall, located at 307 South 12th Street, Donna, Texas. At this meeting, the Respondents intend to formalize the decisions made during their unlawful informal meeting, including the termination of the City Manager and the termination of Robert J. Salinas as City Attorney and EDC 4A Board Attorney.

5. These actions pose a significant threat to the legal and operational integrity of the City of Donna. Formalizing these decisions would violate TOMA, undermine the governance of the City, and expose the City to legal liabilities, including potential breach of contract claims by the City Manager and Robert J. Salinas. Additionally, the City Council has no legal authority to terminate Robert J. Salinas as the attorney for the EDC 4A Board, as the EDC is a separate entity with its own board of directors responsible for employment matters.

Petitioners' Exhibit 4

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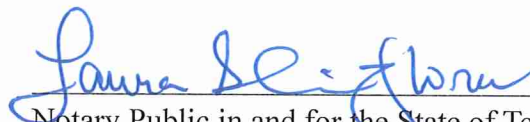
6. I am executing this affidavit in support of the Verified Application for Relief filed by Petitioners to seek a Temporary Restraining Order and Temporary Injunction to prevent the Respondents from taking any action to formalize the unlawful decisions made during their informal meeting. The relief sought is necessary to prevent irreparable harm to the Petitioners, as plead, and to ensure that the City's governmental processes comply with the law.

Further affiant sayeth not.



David Moreno
Mayor, City of Donna

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this 25th day of August, 2024.



Notary Public in and for the State of Texas
My Commission Expires: 3-16-2027