

plans to turn substantial parts of the existing system of free public highways into a system of toll roads. TURF serves as an active public voice for great numbers of citizens and voters who oppose the conversion of the existing system of free public highways into a system of toll roads. In particular TURF is highly active in opposing the conversion of various free public highways in Bexar County into toll roads.

2.

The pursuit of this lawsuit is germane to TURF's mission. The individual members of TURF could bring this action individually. The participation of individual members of TURF as named parties is not necessary for the disposition of this suit.

3.

The Defendant San Antonio-Bexar County Metropolitan Planning Organization ("SAMPO") is a governmental body that plans methods and modes of highway transportation for the San Antonio-Bexar County metropolitan area and that makes final decisions for the expenditures of millions of dollars in federal highway funds on transportation projects that SAMPO decides should be constructed and funded in the San Antonio-Bexar County metropolitan area. Such funding decisions are made specifically by the SAMPO Transportation Policy Board; of which the voting members consist partially of public officials who hold elected office in certain local governmental units, and partially of unelected, appointed staff employees of certain state and local governmental units. The elected public officials include certain Bexar County Commissioners, San Antonio City Council members, and members of the Texas Legislature from Bexar County. The summons may be served on SAMPO by service on its Executive Director, Isidro Martínez, at 825 S. St. Mary's Street, San Antonio, Texas 78205.

4.

The Defendant Sheila McNeil is a member of the San Antonio City Council, a member of the SAMPO Transportation Policy Board, and in particular the Chair of the SAMPO Transportation Policy Board. Defendant McNeil by deeds, conduct, and statements is the leader of the faction of governmental officials who undertake continuously to shut TURF and the citizens and voters who oppose toll roads out of equal participation in the political process because of her disapproval of their opposition to toll roads. The summons may be served on Defendant McNeil at San Antonio City Hall, 100 Military Plaza, 4th Floor, San Antonio, Texas 78205.

5.

This Court's jurisdiction is founded upon the First and Fourteenth Amendments to the United States Constitution, 28 U.S.C. §1331, and 28 U.S.C. §§1343(3) and (4). The section of the post-Civil War civil rights enactments codified as 42 U.S.C. §1983 provides the Plaintiff's enabling cause of action.

6.

Venue is proper in this Court in that the Defendants reside and do business in this judicial district and division, and the events and circumstances giving rise to the Plaintiff's claim occurred and continue to occur in this judicial district and division.

7.

Certain members of the SAMPO Transportation Policy Board, who serve in elective offices such as County Commissioner and State Legislator, seek from time to time in Board deliberations and votes to provide representation for their constituents who oppose turning free public highways into toll roads. Various unelected, appointed

members of the SAMPO Transportation Policy Board with voting rights thereon, such as certain staff employees of the Texas Department of Transportation (TXDOT) and certain staff employees of the City of San Antonio, continuously act in concert to approve measures and funding decisions favorable to the conversion of existing free public highways to toll roads with no exercise of judgment but rather in automatic lockstep with the favoritism for toll roads of the agencies and bodies that employ them as staff employees. Such unelected, appointed members of the Board were not chosen by voters and are not accountable to voters, yet by official policy of SAMPO they participate in decisions to spend hundreds of millions of dollars of public tax-funded money with voting rights on the SAMPO Board that are equal in weight to the voting rights on the SAMPO Board of elective officials such as County Commissioners and State Legislators who were elected by citizen voters and are accountable to the voters. SAMPO's extension of voting rights in the expenditures of huge sums of public money to such unelected Board members that are equal in weight to the voting rights of Board members who were elected by citizen voters debases and dilutes the votes of the citizen voters who elect the latter Board members in public general elections. TURF represents great numbers of such citizen voters who are represented on the SAMPO Board by County Commissioners and State Legislators who seek to provide representative voices and votes for their constituent voters who oppose turning free public highways into toll roads, but whose voices and votes as members of the SAMPO Board are cancelled out by the votes of unelected, appointed staff employees of certain governmental bodies such as TXDOT, who as members of the SAMPO Board arbitrarily and automatically vote in support of tolling because it is a condition of employment for

them to do so as staff employees of said governmental bodies such as TXDOT. Such debasement and dilution of the general election votes of citizen voters deprives the citizen voters of Equal Protection of the Law in violation of the Fourteenth Amendment of the United States Constitution.

8.

A majority faction of the SAMPO Transportation Policy Board, which includes unelected, appointed staff employees as described in the foregoing paragraph, continuously acts in concert under the leadership of Defendant McNeil and her predecessor as the Board Chair, former San Antonio City Council member Richard Perez, to prevent the outnumbered Board members who seek to provide representation for their constituents' opposition to tolling existing free public highways from being able to provide voices and votes on behalf of their constituents through various oppressive and bullying tactics that are calculated to prevent opposition to their tolling plans from being heard. By way of recent example, in a SAMPO Transportation Policy Board meeting of September 24, 2007, Defendant McNeil, using the badge of authority of Chairmanship of the Board, arbitrarily removed from the meeting agenda a motion by State Representative and MPO Board member David Leibowitz calling for SAMPO to object to certain expenditures of public money by TXDOT promoting toll roads, which expenditures Representative Leibowitz believed to be inappropriate. Defendant McNeil, acting under color of law, removed Representative Leibowitz's motion from the meeting agenda even though Representative Leibowitz had properly and legitimately placed it on the meeting agenda and SAMPO had included it in the public posting of the agenda pursuant to the Texas Open Meetings Act. Defendant McNeil, acting under color of law,

refused to permit Representative Leibowitz to present his motion because of her disfavor of his attempt to provide a voice for his constituents who oppose turning free public highways into toll roads. Whether or not Representative Leibowitz' motion would have secured a majority vote of Board members for passage, by presenting the motion he at least would have been able to provide a voice for his constituents and an opportunity for discussion and debate. Defendant McNeil's oppressive action in removing the motion from the meeting agenda without permitting even a vote on the agenda because she disfavored the content of the motion is but one example and illustration – colloquially speaking, “the tip of the iceberg” – of a series of oppressive tactics by which the pro-tolling faction for a number of months has continuously exercised its majority control – with the assistance of the votes of unelected appointed staff employees – to deny to TURF and the citizens and voters who oppose turning free public highways into toll roads their fundamental rights of full participation in the political process, in violation of their rights to Freedom of Speech and Association under the First and Fourteenth Amendments of the United States Constitution, their rights to Equal Protection of the Law under the Fourteenth Amendment of the United States Constitution, and 42 U.S.C. §1983.

9.

In remedy of the violations of fundamental Constitutional rights described herein, Plaintiff Texans Uniting for Reform and Freedom prays the Court to grant it the following relief against the Defendants:

A. Declaratory judgment that the full voting participation on the SAMPO Transportation Policy Board of unelected, appointed staff employees of governmental

bodies violates the rights of TURF and citizen voters whom it represents to Equal Protection of the Law under the Fourteenth Amendment to the United States Constitution by debasing and diluting their votes through diluting the votes of their elected political representatives who serve on the SAMPO Transportation Policy Board;

B. Permanent injunction ordering SAMPO to cease and desist from conducting any business until and unless a new configuration of membership on the Transportation Policy Board is established that cures the above described violation of Equal Protection of the Law;

C. Permanent injunction ordering Defendant McNeil and all persons acting in concert and privity with her to cease and desist from all actions that would deny TURF and the citizen voters whom it represents full participation and voice in the political processes at SAMPO through those elected public officials on the Transportation Policy Board who seek to represent their interests in opposing the conversion of free public highways into toll roads;

D. All other relief to which the Court may deem Plaintiff entitled; and

E. Reasonable attorneys fees pursuant to 42 U.S.C. §1988.

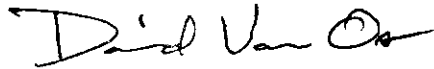
10.

Pursuant to the Seventh Amendment of the United States Constitution, Plaintiff demands trial by jury on all issues so triable.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be summoned to appear and answer herein, and that upon final trial of this action they be granted all relief described above, plus such other and further relief to

which the Court may deem them entitled, along with court costs and their reasonable attorney fees.

Respectfully submitted,

A handwritten signature in black ink that reads "David Van Os". The signature is written in a cursive style with a large, stylized initial "D".

David Van Os
Texas State Bar No. 20450700
Matt Holder
Texas State Bar No. 24026937
Ricardo Alberto García
Texas State Bar No. 24025375
David Van Os & Associates, P.C.
3617 Broadway, Suite 301
San Antonio, Texas 78209
Telephone: 210 - 821-1700
Facsimile: 210 - 821-1701

COUNSEL FOR PLAINTIFF