

**Reversed and Rendered and Majority and Concurring Opinions filed June 17, 2021.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-20-00164-CV**

---

**CITY OF HOUSTON, Appellant**

**V.**

**LOURDES N. AYALA, Appellee**

---

**On Appeal from the 190th District Court  
Harris County, Texas  
Trial Court Cause No. 2018-49460**

---

**CONCURRING OPINION**

I concur in the judgment and generally agree with the analysis in the opinion. As this is a full opinion, I would explain the legal analysis of the two subdivisions of governmental immunity—immunity from suit and immunity from liability—rather than merely cite the definition of a city as a governmental unit, and refer to the relevant waiver provisions of the Texas Tort Claims Act, which make it clear that this court’s dismissal for want of jurisdiction is based on the City’s immunity

from suit. *See* Tex. Civ. Prac. & Rem. Code Ann. §§ 101.021(2) (waiver of immunity from liability), .025 (waiver of immunity from suit). I would treat the request in footnote 1 of the City’s brief that this court take judicial notice of the City’s charter as a motion and grant it. Finally, because the court concludes that Ayala did not preserve for appellate review her issues regarding the City’s use of its ASOCS records, I do not join the court’s dicta on the merits of those unpreserved issues.

/s/ Charles A. Spain  
Justice

Panel consists of Chief Justice Christopher and Justices Spain and Wilson. (Christopher, C. J., majority.)