



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Legal

CM/ DCM/ ACM: Victor A. Flores, Deputy City Attorney

DATE: October 17, 2017

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding the City's position: (1) as it applies to compliance with Texas Senate Bill 4; (2) as to the language and enforceability of the bill that is being reviewed by the U.S. Court of Appeals for the 5th Circuit and other Texas courts; and (3) as to what position the City should take in the SB4 litigation currently pending in U.S. Court of Appeals for the 5th Circuit.

BACKGROUND

In May 2017, the Texas Legislature passed Senate Bill 4 (commonly referred to as the Anti-Sanctuary City Bill). SB 4 was set to become effective on September 1, 2017. Even before its passage, many civil rights organizations rallied to oppose the new law. Anticipating a constitutional challenge, on the same day that the bill was signed by the Texas Governor, Texas Attorney General Paxton filed a declaratory lawsuit in Travis County to uphold the constitutionality of SB4. Almost immediately after, the City of El Cenizo filed its lawsuit for injunctive relief (to stay/pause the enforcement of SB4 until the constitutional merits of the case could be determined). On August 30, 2017, the Federal Court for the Western District of Texas granted the injunction for (5) of the SB4 provisions. Shortly after the Western District's decision, the State of Texas appealed the same to the U.S. Court of Appeals for the Fifth Circuit. On September 25, 2017, the Court of Appeals granted a stay (injunction) in part and denied the appeal in part.

The Mayor and Council have requested a full update on the recent legal proceedings surrounding SB4, analysis on how the law and the recent court decisions impact the Denton Police Department, and a presentation on available legal options for the City to pursue following SB4 and its proceedings.

EXHIBITS

1. PowerPoint dated October 17, 2017

Respectfully submitted:
Victor A. Flores
Deputy City Attorney

Prepared by:
Toni Reedy
Legal Secretary