

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION SUPPORTING THE LAWSUIT FILED BY THE CITY OF EL CENIZO, TEXAS, AGAINST THE STATE OF TEXAS, IN *CITY OF EL CENIZO, ET. AL., V. STATE OF TEXAS, ET. AL.*, FILED AND PENDING IN THE DISTRICT COURT OF THE WESTERN DISTRICT OF TEXAS, AND CURRENTLY ON APPEAL WITH THE UNITED STATES 5<sup>TH</sup> CIRCUIT COURT OF APPEALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 4 was filed in Texas Legislature and passed both the Texas House and Senate, signed by Governor Abbott into law on May 7, 2017, and, barring any injunctive relief granted by the courts, to become effective September 1, 2017; and

WHEREAS, on May 7, 2017, Texas Attorney General Ken Paxton filed a lawsuit against Travis County; Sherriff Hernandez; the Austin Mayor, City Council, and City Manager; and the Mexican American Legal Defense and Education Fund (MALDEF), seeking a declaration that Senate Bill 4 is constitutional (*Texas v. Travis County, et al.* 1:17-CV-00425 (W.D.Tex – Austin)); and

WHEREAS, the City of El Cenizo and other Texas municipalities, including among others San Antonio, Austin, El Paso County, Dallas, and Houston, have joined in the lawsuits against the State of Texas challenging the constitutionality of Senate Bill 4; and

WHEREAS, on August 30, 2017, the Federal Court for the Western District of Texas entered a preliminary injunction prohibiting the enforcement of five (5) of the SB4 provisions; and

WHEREAS, on September 25, 2017, the U.S. Court of Appeals for the 5th Circuit lifted part of the preliminary injunction; and

WHEREAS, the City of El Cenizo continue to present its legal arguments on the merits to the 5th Circuit Court of Appeals; and

WHEREAS, the prescribed period to join the lawsuit filed by City of El Cenizo has expired; and

WHEREAS, the 5th Circuit Court of Appeals recently reduced the briefing schedule to submit an Amicus Brief reducing the response period for the City of Denton to actively participate in the Amicus Brief writing procees; and

WHEREAS, the City of Denton is committed to preserving the safety and welfare of all its residents and visitors.

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The recitals and findings contained in the preamble of this Resolution are incorporated into the body of this Resolution.

SECTION 2. Be it further resolved that the Mayor and City Council: do not agree with the divisive language expressed by many in favor of Senate Bill 4; do not agree with many of the terms listed in Senate Bill 4; support the City of El Cenizo's legal efforts to object to SB4 on grounds that such a law should be reviewed by the courts as unconstitutional and preempted; and will continue to comply with all state and federal laws to preserve the safety and welfare of all City of Denton residents and visitors.

SECTION 3. This Resolution shall become effective immediately upon its passage and approval.


PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
AARON LEAL, INTERIM CITY ATTORNEY

BY:  \_\_\_\_\_