



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Legal

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

**DATE:** October 17, 2017

### **SUBJECT**

Consider approval of a resolution of the City of Denton, Texas, in support of 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.

### **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.

Of the various available legal options for the City to pursue following SB4 and its proceedings, the City of Denton may approve a resolution in support of 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.

### **EXHIBITS**

1. Resolution in support of 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.*,

Respectfully submitted:  
Victor A. Flores  
Deputy City Attorney

Prepared by:  
Toni Reedy  
Legal Secretary