

RESOLUTION NO. 2016-04

A RESOLUTION OF THE CITY OF EL LAGO, TEXAS CALLING ON THE 85th LEGISLATURE OF THE STATE OF TEXAS TO ADOPT LEGISLATION CONFIRMING THE EXPLICIT STATUTORY AUTHORITY OF A GENERAL LAW MUNICIPALITY TO ESTABLISH SAFETY ZONES FOR CHILDREN

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WHEREAS, a large number of Texas municipalities, both home rule and general law, have enacted Sex Offender Residency Restriction Ordinances (“SORROs”) for the purpose of providing safety zones for children prohibiting a person who is required by state law to register as a sex offender from establishing a residence within a certain distance of places where children gather; and

WHEREAS, by Ordinance No. 355, passed, approved and adopted by the El Lago City Council on November 6, 2006, the City of El Lago adopted a SORRO making it unlawful, among other things, for certain registered sex offenders to reside within 1500 feet of a public elementary school, city park or other premises where children gather; and

WHEREAS, by Attorney General’s Opinion No. GA-0526 issued on March 6, 2007, the Attorney General of the State of Texas opined that such an ordinance passed by a general law municipality such as the City of El Lago had not been expressly authorized by an act of the legislature and, thus, a general law municipality may not lawfully adopt a SORRO; and

WHEREAS, the City of El Lago was one of at least 46 general law cities in Texas to have received a letter dated November 4, 2015 from an attorney threatening to file a legal action against the City if the City failed or refused to repeal its SORRO; and

WHEREAS, the City Council of the City of El Lago has determined not to repeal the City’s SORRO; and

WHEREAS, it has come to the attention of the City Council of the City of El Lago that other general law cities in Texas which have not repealed their SORRO have, in fact, been served with a legal action seeking a finding that their SORROs are unconstitutional; and

WHEREAS, the City Council of the City of El Lago is desirous of insuring that its SORRO, if challenged, would be found to be constitutional and, therefore, desires that the 85th Legislature of the State of Texas adopt legislation confirming such;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS:

Section 1. Findings.

The findings contained in the preamble to this Resolution are determined to be true and correct and are hereby adopted as a part of the Resolution.

Section 2.

The City of El Lago, Texas respectfully requests and urges that the 85th Regular Legislature of the State of Texas adopt legislation confirming the lawful ability of a general law municipality in Texas to adopt an ordinance containing sex offender residency restriction requirements and establishing safety zones for children away from the residences of registered sex offenders.

PASSED, APPROVED AND ADOPTED this the 23rd day of May, 2016.

ROBERT WHITE
Mayor
City of El Lago, Texas

ATTEST:

ANN VERNON
City Secretary
City of El Lago, Texas