IN THE SUPREME COURT OF TEXAS IN THE SUPREME COURT OF TEXAS IN RE LINDA DURNIN, ERIC KROHN, AND MICHAEL LOVINS, Relators. ORIGINAL PROCEEDING

NOTICE OF CITY COUNCIL ACTION ON COURT'S ORDER

The City of Austin and the Austin City Council unanimously adopted the attached ordinance this afternoon in response to the Court's order and opinion of today's date.* As the Court directed, it "delete[s] from the ballot proposition [for Proposition B] both uses of the word 'anyone" in the previously-adopted language for the proposition. No other changes were made.

^{*} The attached ordinance contains a "draft" background watermark. The adopted ordinance is identical except for removal of the "draft" watermark. It will be assigned an ordinance number.

Respectfully submitted,

Anne L. Morgan, City Attorney State Bar No. 14432400 Anne.Morgan@austintexas.gov Meghan Riley, Division Chief-Litigation State Bar No. 24049373 Meghan.Riley@austintexas.gov CITY OF AUSTIN-LAW DEP'T. P. O. Box 1546 Austin, Texas 78767-1546 (512) 974-2268

__/s/ Renea Hicks Renea Hicks State Bar No. 09580400 LAW OFFICE OF RENEA HICKS P. O Box 303187 Austin, Texas 78703-0504 (512) 480-8231 rhicks@renea-hicks.com

ATTORNEYS FOR CITY OF AUSTIN AND AUSTIN CITY COUNCIL

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2021, the foregoing Notice of City Council Action on Court's Order was served electronically in accordance with the Texas Rules of Appellate Procedure on the following counsel of record:

Donna García Davidson Capitol Station, P.O. Box 12131 Austin, Texas 78711; and

Bill Aleshire ALESHIRELAW, P.C. 3605 Shady Valley Drive Austin, Texas 78739

> _/s/ Renea Hicks____ Renea Hicks

ORDINANCE NO.

- 2 AN ORDINANCE AMENDING ORDINANCE 20210209-004 ORDERING A
- 3 SPECIAL MUNICIPAL ELECTION REGARDING A CRIMINAL
- 4 OFFENSE AND A PENALTY FOR CAMPING IN PUBLIC AREAS
- 5 WITHOUT A PERMIT, CERTAIN TYPES OF SOLICITATION, AND
- 6 SITTING, LYING, OR SLEEPING OUTDOORS IN CERTAIN PUBLIC
- 7 AREAS; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 10 **PART 1.** Through its adoption of Ordinance No. 20210209-004 on February 9,
- 2021, the City Council adopted ballot language for Proposition B, regarding a
- criminal offense and a penalty for camping in public areas without a permit, certain
- types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas.
- 14 **PART 2.** A suit was filed in the Third Court of Appeals on February 16, 2021
- challenging the ballot language for Proposition B.
- 16 **PART 3.** On February 24, 2021, the Third Court of Appeals denied the relators'
- application for a writ of mandamus, and the relators appealed to the Supreme Court
- of Texas. On March 2, 2021, the Supreme Court of Texas issued its opinion
- directing the City to modify the ballot language by deleting the word "anyone" where
- 20 it appeared in the ballot language.
- 21 **PART 4.** Pursuant to that order, Ordinance No. 20210209-004 is amended to alter
- 22 the ballot language of Proposition B to permit voting "Yes" or "No" on the
- 23 proposition:
- 24 Proposition B: Shall an ordinance be adopted that would create a criminal offense
- 25 and a penalty for sitting or lying down on a public sidewalk or sleeping outdoors in
- and near the Downtown area and the area around the University of Texas campus;
- 27 create a criminal offense and penalty for solicitation, defined as requesting money
- or another thing of value, at specific hours and locations or for solicitation in a public
- area that is deemed aggressive in manner; create a criminal offense and penalty for
- 30 camping in any public area not designated by the Parks and Recreation Department?
- 31 **PART 5.** Council finds that the need to adopt new ballot language constitutes an
- 32 emergency. Because of this emergency, this ordinance takes effect immediately on
- its passage for the immediate preservation of the public peace, health, and safety.

35	PASSED AND APPROVED	
36		
37		§
38		§
39_	, 2021	§
40		Steve Adler
41		Mayor
42		
43		
44	APPROVED:	ATTEST:
45	Anne L. Morgan	Jannette S. Goodall
46	City Attorney	City Clerk

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below:

Renea Hicks on behalf of Renea Hicks Bar No. 09580400 rhicks@renea-hicks.com Envelope ID: 51089653 Status as of 3/2/2021 5:03 PM CST

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