

# A Resolution

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

**AUTHORIZING THE CITY OF FORT WORTH TO JOIN SCENIC TEXAS, TEXAS MUNICIPAL LEAGUE, TEXAS CITY ATTORNEYS ASSOCIATION AND HARRIS COUNTY IN AN AMICUS CURIAE BRIEF SUPPORTING THE STATE ATTORNEY GENERAL IN A MOTION FOR REHEARING REGARDING THE TEXAS HIGHWAY BEAUTIFICATION ACT**

**WHEREAS**, on August 29, 2016, the Austin Court of Appeals issued an opinion in No. 03-14-00375-CV Auspro Enterprises, LP v. Texas Department of Transportation declaring that key sections of the Texas Highway Beautification Act (TxHBA) are unconstitutional; and

**WHEREAS**, the Court of Appeals decision found that the majority of the TxHBA is unconstitutional because it violates the First Amendment free speech clause under a recent U.S. Supreme Court opinion in the case of Reed v. Town of Gilbert; and

**WHEREAS**, as a result of the Court of Appeals decision, the licensing and permitting of billboards on the federal highway system by TxDot, along with the state's federal highway funding, is now called into question; and

**WHEREAS**, the State and Scenic Texas agree that TxDOT may not regulate non-commercial political speech, but that the Court should modify its remedy so that the primary purpose of the TxHBA -- licensing and permitting of outdoor commercial advertising signs -- remains in place; and

**WHEREAS**, on September 27, 2016, the Texas Attorney General will ask the Court to grant a Motion for Rehearing to reconsider the remedy in this case; and

**WHEREAS**, Scenic Texas will file an amicus curiae brief, authored by former Texas Supreme Court Justice Scott Brister, to support the Attorney General's Motion for Rehearing; and

**WHEREAS**, the Texas Municipal League, Texas City Attorneys Association and Harris County have joined Scenic Texas as partners in the amicus curiae brief; and

**WHEREAS**, Scenic Texas has asked the City of Fort Worth to join Scenic Texas as amicus curiae brief partners.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**



The City Attorney and City Manager are authorized to join Scenic Texas, Texas Municipal League, Texas City Attorneys Association and Harris County in an amicus curiae brief supporting the State Attorney General in a Motion for Rehearing regarding the Texas Highway Beautification Act.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2016.

ATTEST:

By: \_\_\_\_\_  
Mary Kayser, City Secretary

