

RESOLUTION 26-R-046

A RESOLUTION OF THE CITY OF SCHERTZ, TEXAS APPROVING A POLICY TITLED “DESIGNATION AND USE OF CERTAIN CITY FACILITIES UNDER CHAPTER 3002, TEXAS GOVERNMENT CODE”; DIRECTING IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature adopted the Texas Women’s Privacy Act, to be codified in Chapter 3002 of the Texas Government Code, with an effective date of December 4, 2025; and

WHEREAS, Chapter 3002 applies to political subdivisions, including municipalities, and requires them to designate certain multiple-occupancy private spaces in buildings they own, operate, or control for use based on sex, and to take reasonable steps to ensure compliance; and

WHEREAS, Chapter 3002 further establishes complaint, cure, and enforcement procedures, including potential civil penalties for noncompliance; and

WHEREAS, the City Council desires to ensure that City facilities are administered in accordance with state law and that City staff are provided clear direction for implementing the statutory requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT:

Section 1. The City Council hereby approves the policy titled “Designation and Use of Certain City Facilities Under Texas Government Code, Chapter 3002” in the form presented to the City Council on this date and attached hereto as Exhibit “A”.

Section 2. The policy is adopted to comply with the requirements imposed on the City by Texas Government Code, Chapter 3002

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

Section 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED on this _____ day of _____, 2026.

Ralph Rodriguez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

APPROVED AS TO FORM:

Denton Navarro Rodriguez Bernal
Santee & Zech, P.C.

EXHIBIT A

Designation and Use of Certain City Facilities Under Texas Government Code, Chapter 3002

1. Purpose

The purpose of this policy is to implement the requirements imposed on municipalities by Texas Government Code, Chapter 3002, relating to the designation and use of certain multiple occupancy private spaces in City-owned, City-operated, or City-controlled buildings according to sex.

2. Applicability

2.1. This policy applies to:

- (a) every building and facility the City owns, operates, or controls; and
- (b) every multiple-occupancy private space within those facilities, as that term is used in Chapter 3002 (e.g., restrooms, locker rooms, changing rooms, showers designed for more than one person at a time).

2.2. This policy does not apply to facilities the City neither owns, operates, nor controls, or to private businesses.

3. Terms & Definitions

For purposes of this policy, the definitions in Texas Government Code, Chapter 3002, are adopted by reference, including but not limited to “multiple-occupancy private space,” “single occupancy private space,” “political subdivision,” and “sex.”

4. Designation of Facilities

4.1. Facilities Management shall complete an inventory of all City-controlled facilities and identify every multiple-occupancy private space.

4.2. Each identified multiple-occupancy private space shall be designated for use only by individuals of one sex (male or female) and shall have exterior signage indicating the designation.

4.3. Departments shall take “every reasonable step” to ensure that individuals do not enter a multiple-occupancy private space designated for the opposite sex, consistent with Chapter 3002. Reasonable steps may include signage, staff direction, and adjustments to access points.

5. Single-Occupancy Options

This policy does not prohibit the City from providing or creating:

- 5.1. single-occupancy restrooms,
- 5.2. family restrooms, or
- 5.3. changing rooms,

as allowed in Chapter 3002.

6. Statutory Exceptions

Access inconsistent with the posted designation is permitted only in the limited circumstances identified in Chapter 3002, such as custodial/maintenance access, emergencies, law enforcement needs, assistance to a person who needs help, or a child of or under the age prescribed by law who is accompanied by a caregiver. Staff shall be trained to recognize these exceptions.

7. Complaints and Cure

7.1. Chapter 3002 allows Texas residents to file a complaint with the Texas Attorney General if a political subdivision has not complied, but only after the political subdivision has been given written notice and three business days to cure.

7.2. Any employee who receives a written complaint or notice alleging noncompliance with Chapter 3002 must immediately forward it to:

- (a) the City Manager (or designee), and
- (b) the City Attorney's Office.

7.3. The receiving department must correct any substantiated noncompliance (e.g., missing sign, mis-designation, staff error) within three business days of receipt so the City can demonstrate cure within the statutory window.

8. Communications

8.1. The City may post on its website or in City facilities a general statement that City facility designations are made pursuant to state law (Chapter 3002, Texas Government Code).

8.2. The City may also provide contact information for the State of Texas or for state legislative offices for members of the public who have questions or concerns about the scope or content of Chapter 3002.

9. Enforcement

Failure by City personnel to follow this policy may be addressed under normal personnel procedures. External enforcement, including civil penalties and private actions, is governed exclusively by Chapter 3002 and is outside the City's control.

10. No Waiver of Immunity

Nothing in this policy shall be construed as a waiver of the immunities and jurisdictional limitations preserved to the City by Chapter 3002, including Sections 3002.106–.109, or by any other law.