TEXAS DATA CENTERS

GROWTH IS ACCELERATING.
THE RULES ARE STILL CATCHING UP.



NATALIE “THE PLAYMAKER” THAMM



STANLEY “THE RULEBOOK” SPRINGERLEY

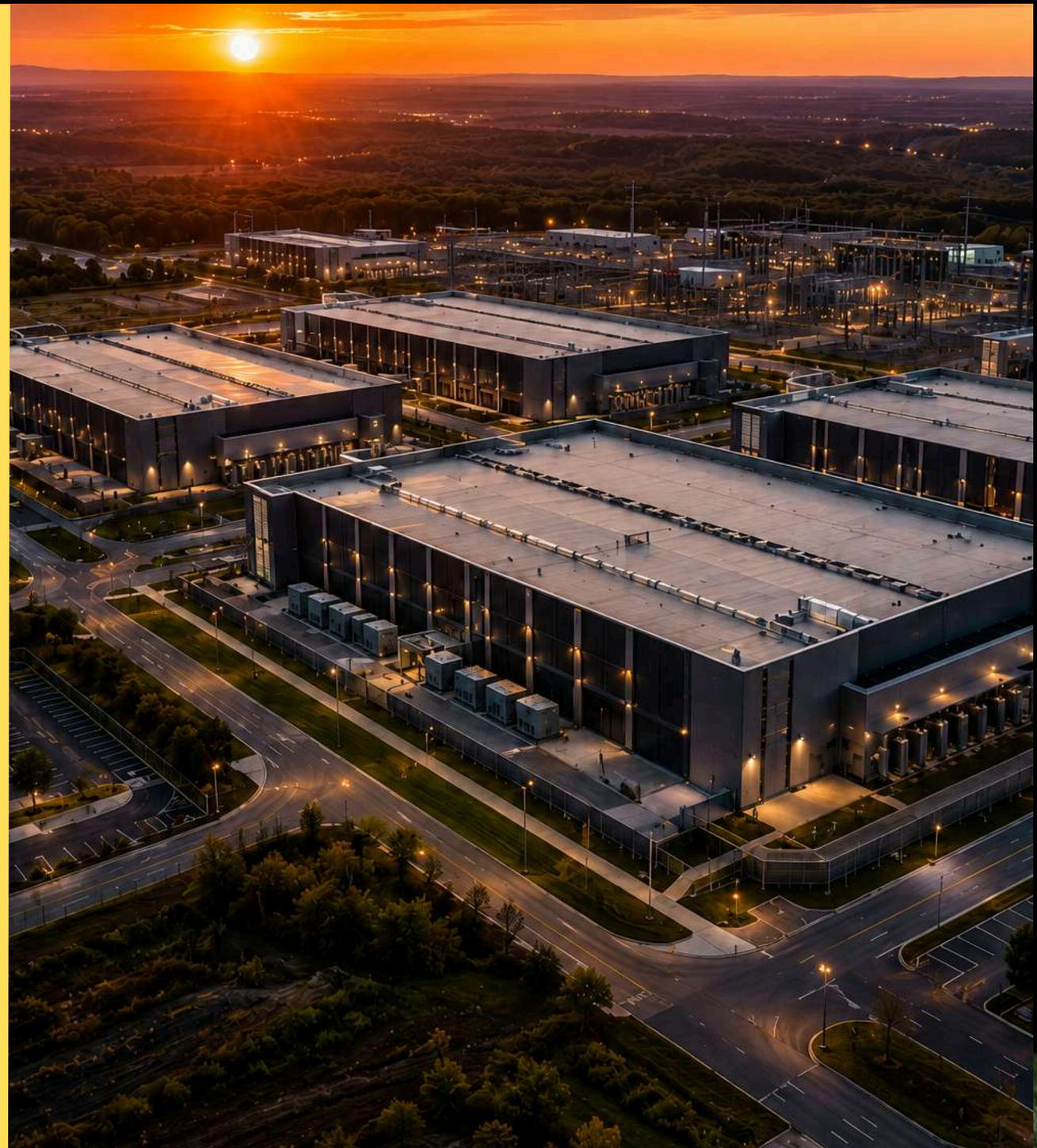


THE AI BOOM HAS KICKED OFF A DATA-CENTER BUILDING RUSH

Hundreds of billlions of dollars are being invested in the facilities and computing power needed to support artificial intelligence.

META • GOOGLE • AMAZON • OPENAI





THE PROMISED SCOREBOARD

PROJECTED WINS

- Economic investment
- New jobs
- Technology innovation
- Infrastructure growth

BUT WHO ACTUALLY PUTS POINTS ON THE BOARD?

NOT EVERY COMMUNITY IS CHEERING

Residents are raising concerns about water, power, noise, and transparency

WATER | POWER | TRANSPARENCY



San Marcos, Texas
Source: The Texas Tribune

FLAGS ARE ALREADY ON THE FIELD

- Water and energy demand
- Higher utility bills
- Construction speed and disruption
- Short-term jobs, uncertain long-term benefits
- Noise and pollution
- Opaque deals and public debt

THE DATA-CENTER SCOUTING REPORT

01 TRADITIONAL



A massive, expandable facility supporting cloud services and high-volume operations.

02 HYPERSCALE



A massive, expandable facility supporting cloud services and high-volume operations.

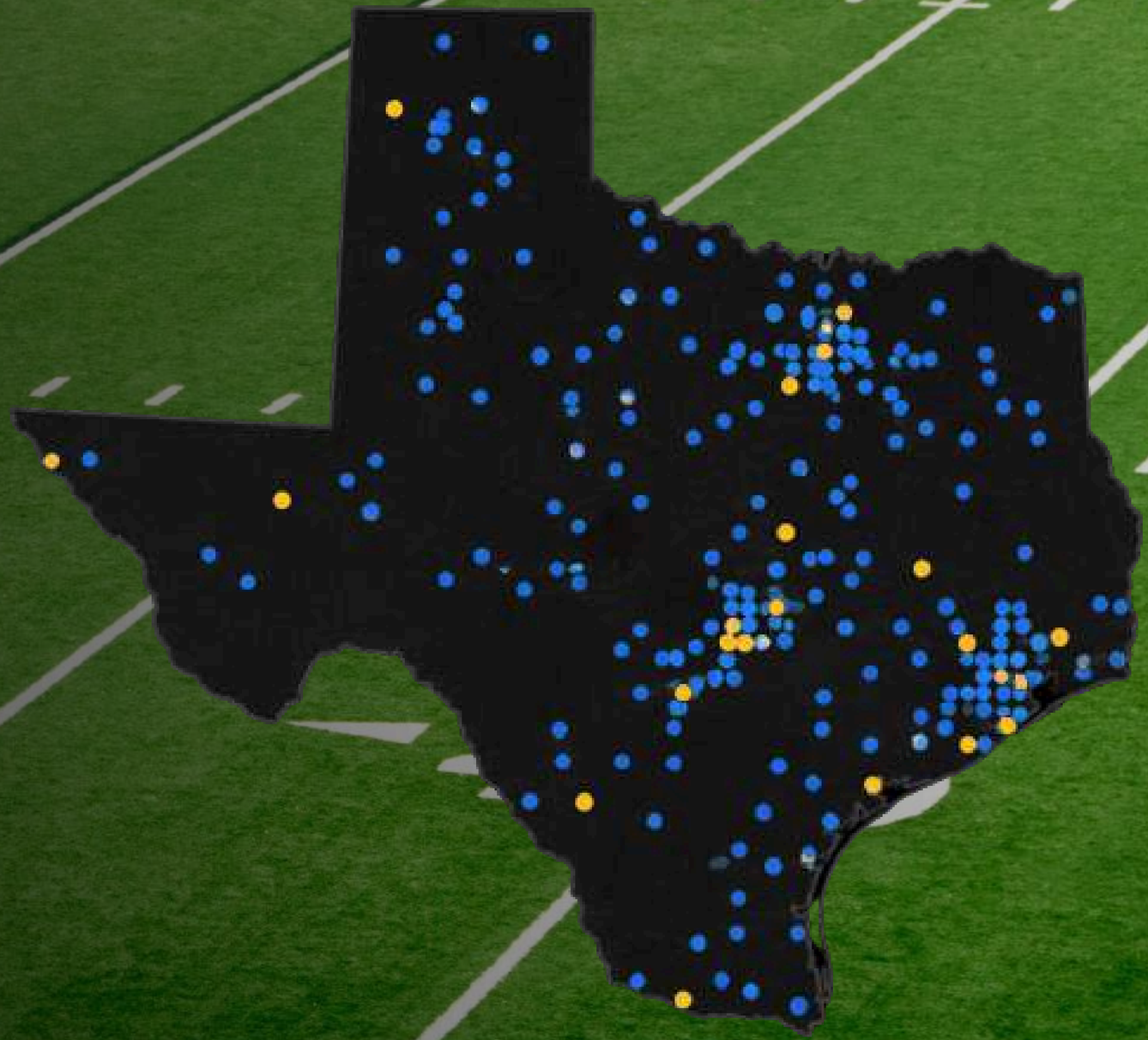
03 AI DATA CENTER



High-performance computing optimized for AI, with intensive electricity and cooling needs.

TEXAS IS ALREADY A DATE-CENTER POWERHOUSE

583

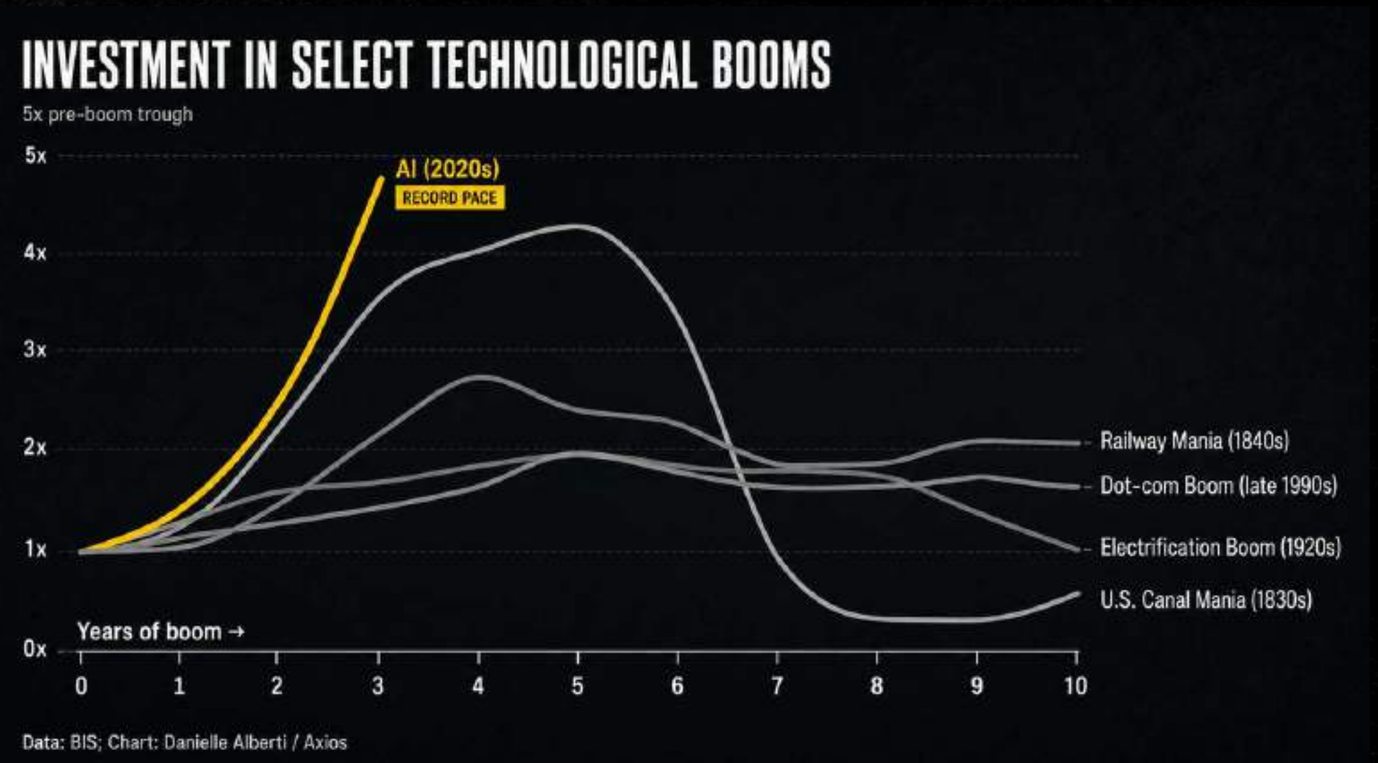


TOTAL PROJECTS IDENTIFIED	
335	EXISTING
248	PLANNED

Source: Texas Tribune review of industry sources

AI INVESTMENT IS RUNNING UP THE SCORE

LARGER THAN PRIOR TECH EXPANSIONS



The current AI buildout is outpacing earlier technology booms.

Source: Axios


Hyperion Data Center
over Manhattan

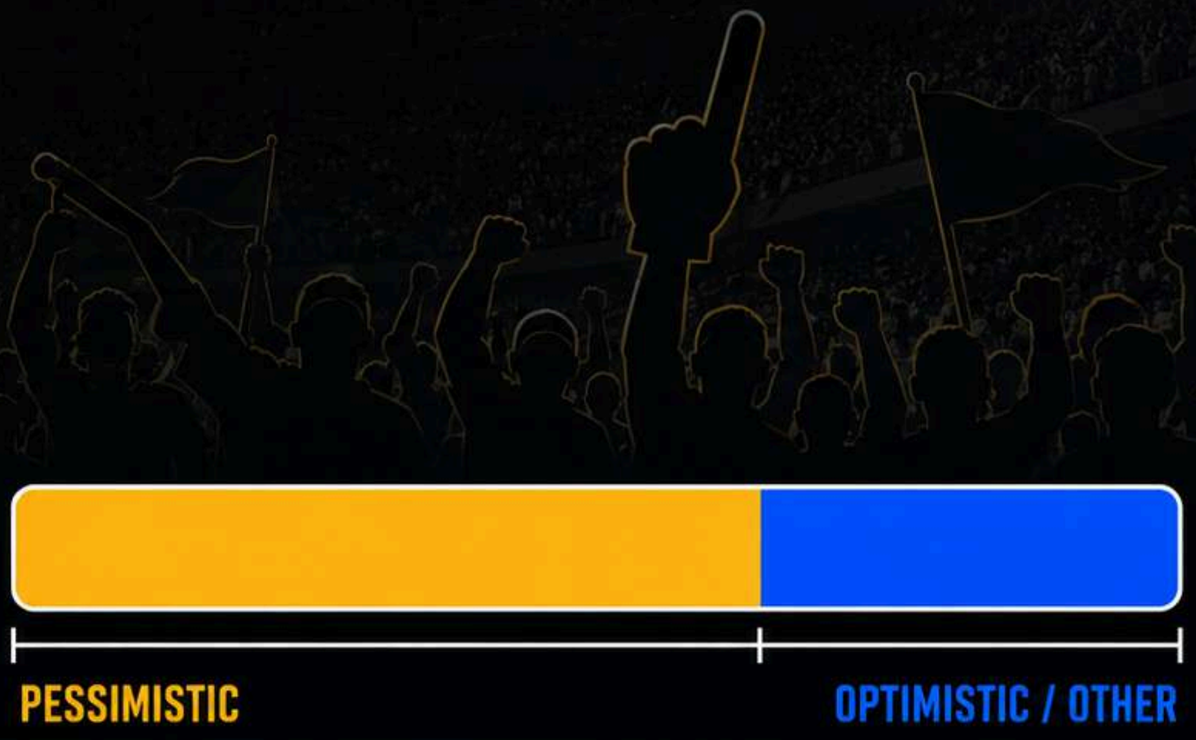
THE FANS AREN'T SOLD YET

PUBLIC SENTIMENT

7 IN 10

AMERICANS THINK AI WILL CUT JOBS

GEN Z IS THE MOST PESSIMISTIC



Source: Quinnipiac University Poll, March 30, 2026

THE PLAYBOOK IS HIDDEN

OPAQUE CONTRACTS + STEALTH DEVELOPMENT

CLOSED-DOOR LAND DEALS

Rural communities may learn the size, location, and resource impacts only after agreements are underway.

NO COMPETITIVE HUDDLE

Land is acquired without competing bidders, creating an appearance of secrecy or deception.

OFF-GRID POWER PLAY

On-site power can accelerate construction but may bring diesel noise and pollution near neighboring properties.



WHEN COMMUNITIES CANNOT SEE THE PLAY, TRUST DISAPPEARS.

Source:
Michael Webber, LBJ School of Public Affairs & Mechanical Engineering, UT Austin

HILL COUNTY, TEXAS

THE COUNTY CALLED TIMEOUT

$100M

DEVELOPER LAWSUIT

1 MORATORIUM → 2 DEVELOPMENT CHECKLIST



LOCAL GOVERNMENTS ARE TESTING WHERE THEIR AUTHORITY BEGINS—AND ENDS.

Source: Taylor Goldenstein, June 5, 2026



THE SECOND-HALF GAME PLAN

LEGAL RESPONSES + LOCAL APPROACHES



1. CALL TIMEOUT

TEMPORARY MORATORIUMS OR COMPLETE BANS



2. RESET THE TERMS

WORK WITH DEVELOPERS ON SAFEGUARDS AND HIGHER STANDARDS



3. MOVE THE RULEBOOK

LOBBY THE LEGISLATURE OR AWAIT LEGISLATIVE ACTION

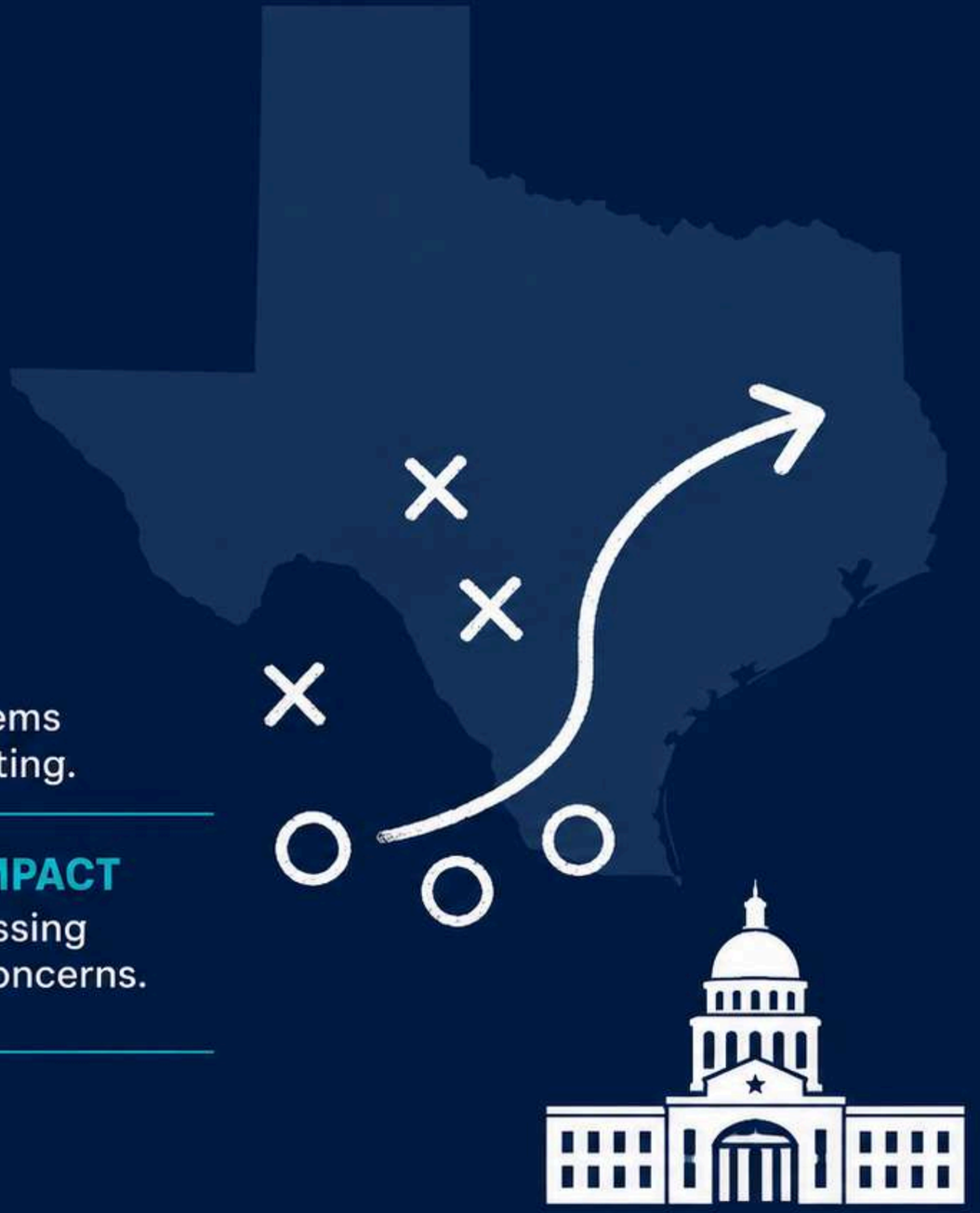


LOCAL GOVERNMENTS HAVE THREE PLAYS: PAUSE, NEGOTIATE, OR SEEK NEW AUTHORITY.

TEXAS IS DRAWING UP THE NEXT PLAY

90TH LEGISLATURE • JANUARY 12, 2027

State leaders and regulators are studying safeguards for rapid data-center growth.



1 POWER GENERATION
New facilities may be asked to add generation.

2 GRID COSTS
Developers may pay interconnection and infrastructure costs.

3 WATER USE
Closed-loop systems and annual reporting.

4 COMMUNITY IMPACT
Standards addressing noise and local concerns.

5 INCENTIVES
Possible review of data-center tax exemptions.

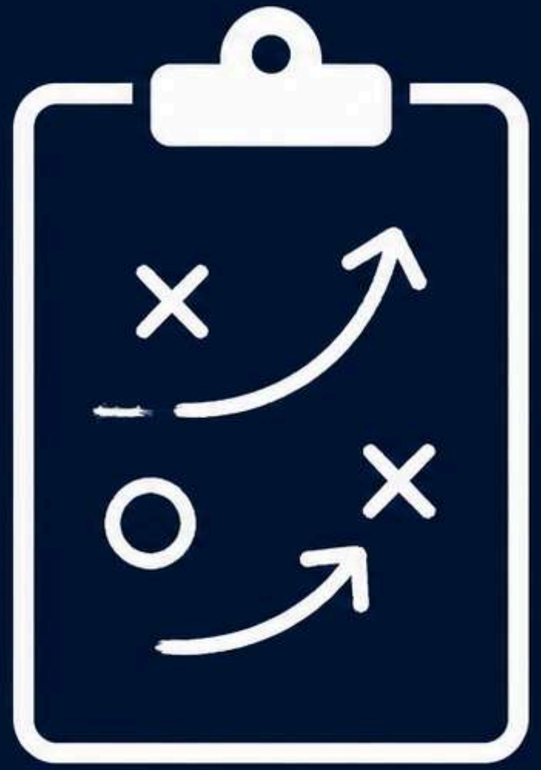
Sources: Texas Tribune; Interim Charges; PUC and ERCOT

GOVERNOR'S RESPONSE

NEW RULES ARE ON THE TABLE

SWEEPING DATA-CENTER REGULATION

~~SALES-TAX EXEMPTION COULD BE ELIMINATED~~



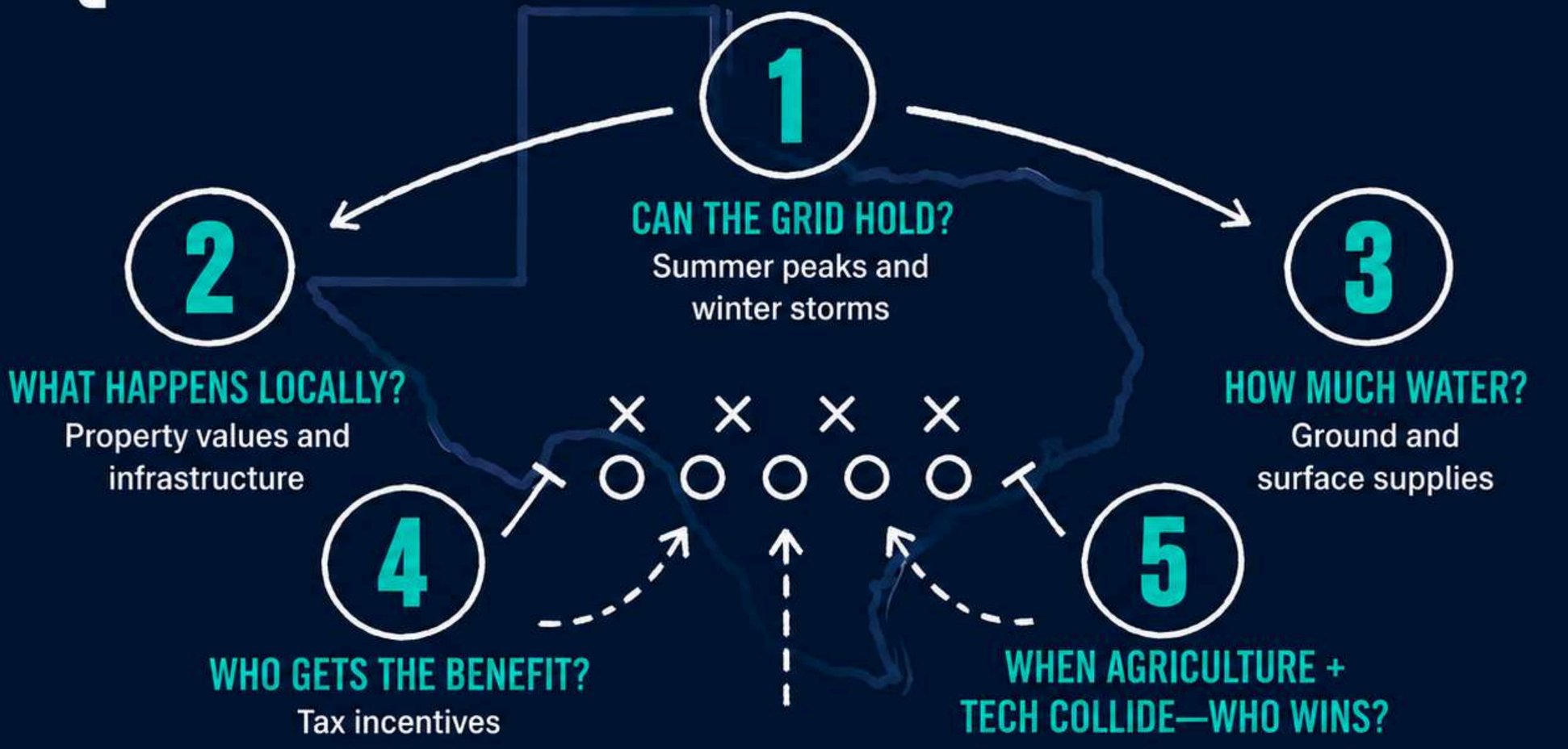
→ RECOMMENDATION → LEGISLATURE

The state's posture is shifting from recrutiment toward regulation.

Source: Texas Tribune, Alejandra Martinez, June 10, 2026

AG COMMISSIONER'S EDITORIAL

FIVE QUESTIONS BEFORE THE NEXT SNAP



The debate is no longer whether data centers are coming—but who carries the cost.

Source: Texas Agriculture Commissioner's editorial

INDUSTRY RESPONSE

THE INDUSTRY CALLS ITS COUNTERPLAY

WE'RE ALREADY PLAYING RESPONSIBLY

The Data Center Coalition says the industry already follows many proposed practices and will work with agencies on responsible infrastructure growth.

TEXAS TRIBUNE

BUILD POWER ON-SITE

Cummins says natural-gas generation can support phased energization alongside grid controls and utility planning.

CUMMINS NEWSWIRE, JUNE 17, 2026

The response: cooperate with regulators— and reduce dependence on the grid.

GRID PLANNING

ERCOT CHANGES THE LINEUP

BATCH ZERO

Large-load requests are forcing ERCOT to revise how data centers enter the planning and approval process.

ONE-BY-ONE REVIEW → BATCH REVIEW

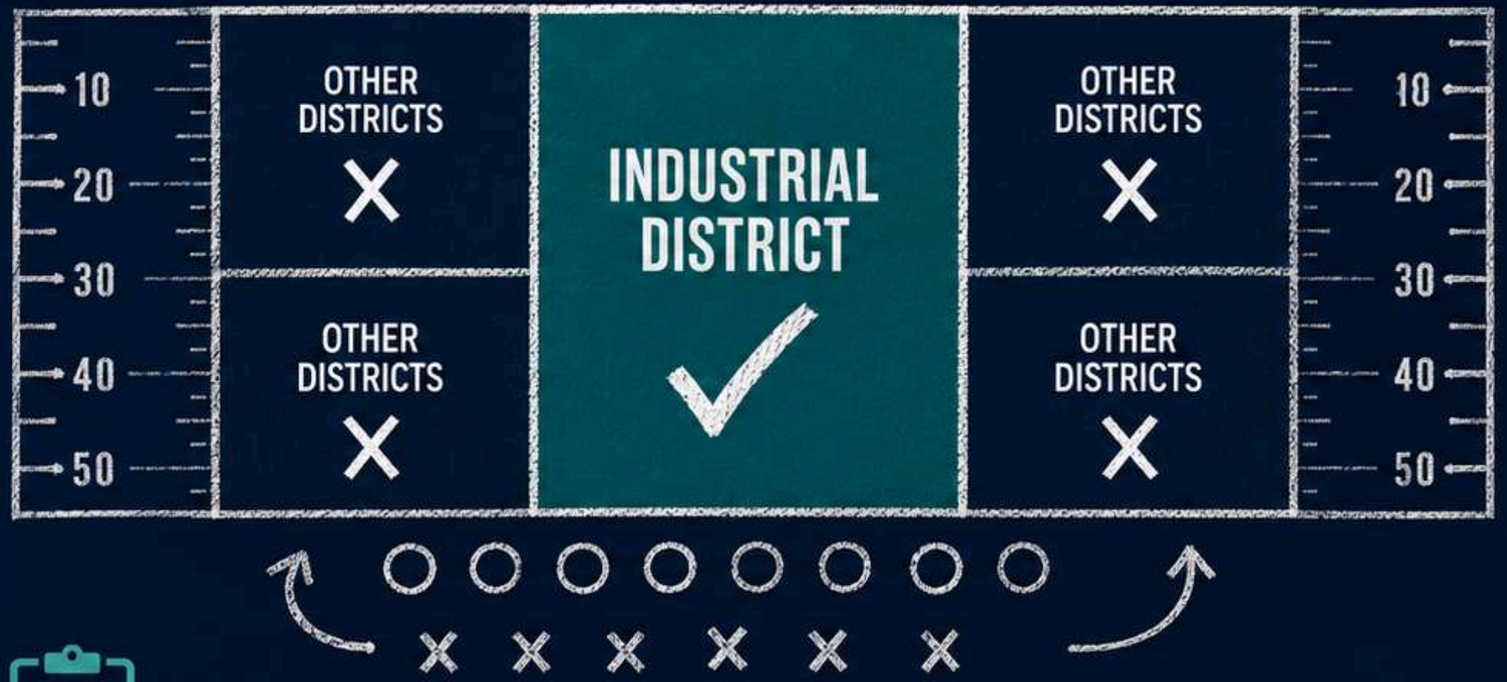
JUNE 2 VOTE

Source: Texas Tribune



GRANBURY WRITES ITS OWN PLAYBOOK

LOCAL ZONING RESPONSE • APRIL 7, 2026



Data centers and power generation added as regulated land uses, with supplemental standards.

★ ORDINANCE NO. 26-14 ★

ORDINANCE NO. 26-14

AN ORDINANCE, AMENDING ORDINANCE NO. 01-819, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF GRANBURY, TEXAS, BY AMENDING ARTICLE 4 – USE REGULATIONS (INCLUDING THE USE TABLE AND SUPPLEMENTAL STANDARDS) AND BY AMENDING ARTICLE 12 – DEFINITIONS, SECTION 12.3, LAND USE DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Granbury is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

AMENDMENT TO ZONING ORDINANCE 4.1 – INDUSTRIAL AND HEAVY COMMERCIAL USE TABLE AND 4.2 – SUPPLEMENTAL STANDARDS

Addition of Data Center and Power Generation Uses with Supplemental Standards §43

The following uses are hereby added to the Use Table in Zoning Ordinance Section 4.1, and the following supplemental standards are hereby added as Section 4.2 of the Zoning Ordinance:

Amendment to Zoning Ordinance 4.1 – Use Table

City of Granbury Use Table

"P" Permitted Use; "S" Specific Use Permit Required; "x" Prohibited

DISTRICTS	RESIDENTIAL								NONRESIDENTIAL							
Uses	IH	RE	R-12	R-10	R-8.4	R-7	MD-1	PH	TH	MR	MH	BC	LC	HC	I	CBD	Supplemental Standards
Data Center	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	43
Power Generation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	43

Amendment to Zoning Ordinance 4.2 – Supplemental Standards

43. Any uses designated with '43' in the Supplemental Standards column of the Use Table in Section 4.1, are subject to the following standards, in addition to all applicable provisions within the City of Granbury Code of Ordinances. If any provision of these supplemental standards conflicts with another portion of the zoning ordinance or City code, this supplemental standard shall control.

The local play: use zoning authority to control where facilities may locate—and under what standards.

Source: City of Granbury Ordinance No. 26-14

GRANBURY'S SUPPLEMENTAL STANDARDS

THE CONDITIONS TO TAKE THE FIELD

- ✓ SOUND BARRIERS
- ✓ NOISE-OPTIMIZED SITE PLAN
- ✓ HEIGHT LIMITS
- ✓ VISUAL BUFFERS
- ✓ CLOSED-LOOP WATER + REUSE
- ✓ CONSTRUCTION MANAGEMENT PLAN
- ✓ NIGHT-SKY LIGHTING



THE PERMITTING PLAYBOOK

City of Granbury Ordinance No. 26-14

OUTSIDE CITY LIMITS, THE PLAYBOOK SHRINKS

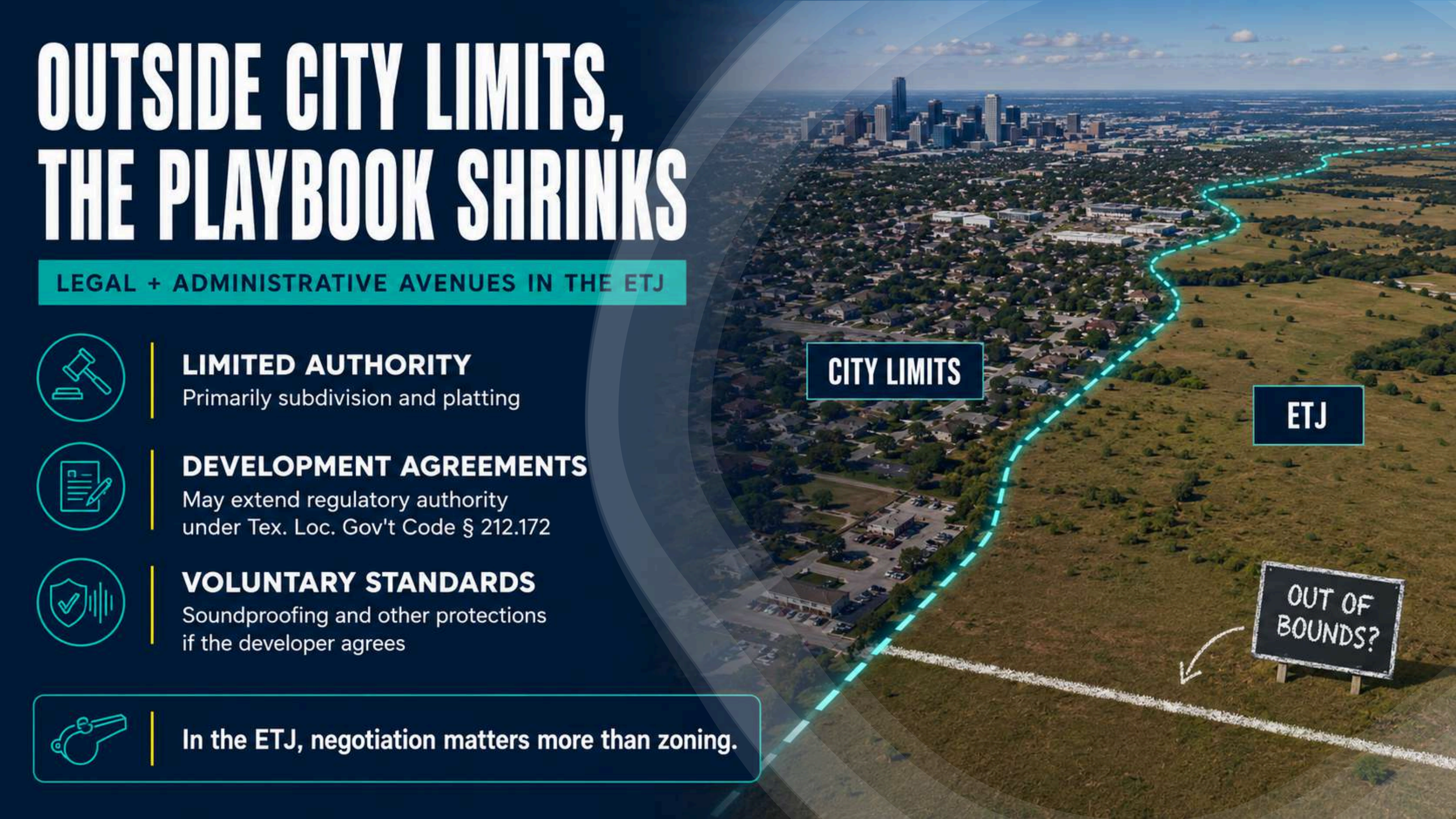
LEGAL + ADMINISTRATIVE AVENUES IN THE ETJ

LIMITED AUTHORITY
Primarily subdivision and platting

DEVELOPMENT AGREEMENTS
May extend regulatory authority under Tex. Loc. Gov't Code § 212.172

VOLUNTARY STANDARDS
Soundproofing and other protections if the developer agrees

In the ETJ, negotiation matters more than zoning.



WHAT CITIES SHOULD ASK FOR

THE NEGOTIATING CHECKLIST

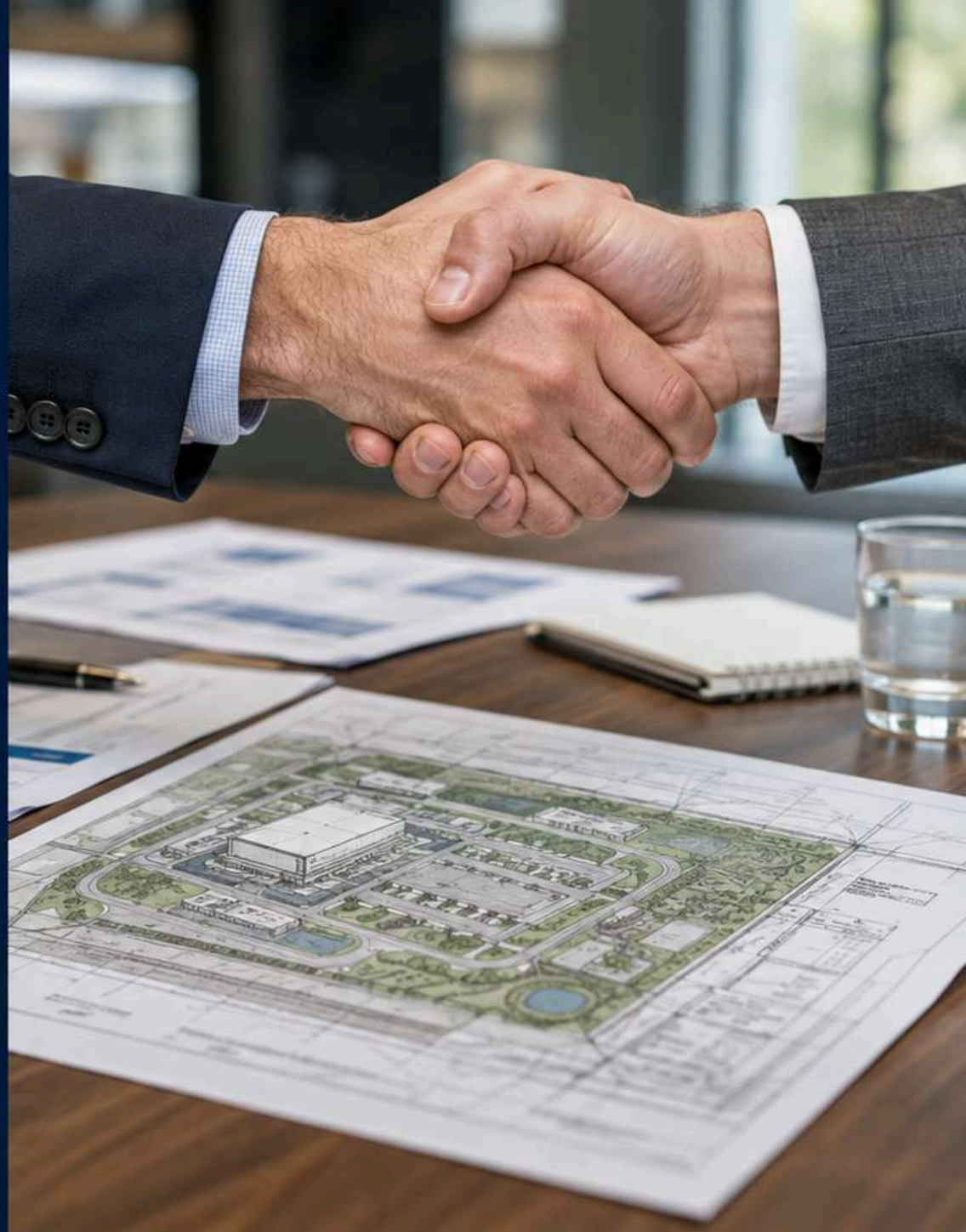
1. **ENERGY INVESTMENT**
   Improve affordability and grid resilience

2. **NOISE + SETBACKS**
   Protect nearby homes and landowners

3. **WATER SOLUTIONS**
   Closed-loop cooling, reuse, and innovation

4. **ROAD-USE AGREEMENTS**
   Address heavy-haul traffic and construction damage

If the city cannot prohibit the project, it can still negotiate the conditions.



FINAL WHISTLE

50

THE BUILDOUT IS COMING. THE RULES ARE STILL CATCHING UP.



HYPERSCALE GROWTH IS ACCELERATING



LOCAL COSTS INCLUDE POWER, WATER, NOISE + INFRASTRUCTURE



CITIES SHOULD USE EXISTING AUTHORITY NOW—AND MONITOR WHAT CHANGES NEXT

SET REASONABLE, NEUTRAL, AND ENFORCEABLE RULES.

10 20 30 40 50 40 30 20 10

Complete bans carry greater legal risk; proposed state direction currently favors regulation over prohibition.

POSTGAME

QUESTIONS?

LET'S TALK THROUGH THE NEXT PLAY.



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

Stan Springerley • sspringerley@rampagelaw.com

Natalie Thamm • nthamm@rampagelaw.com • (512) 279-6431

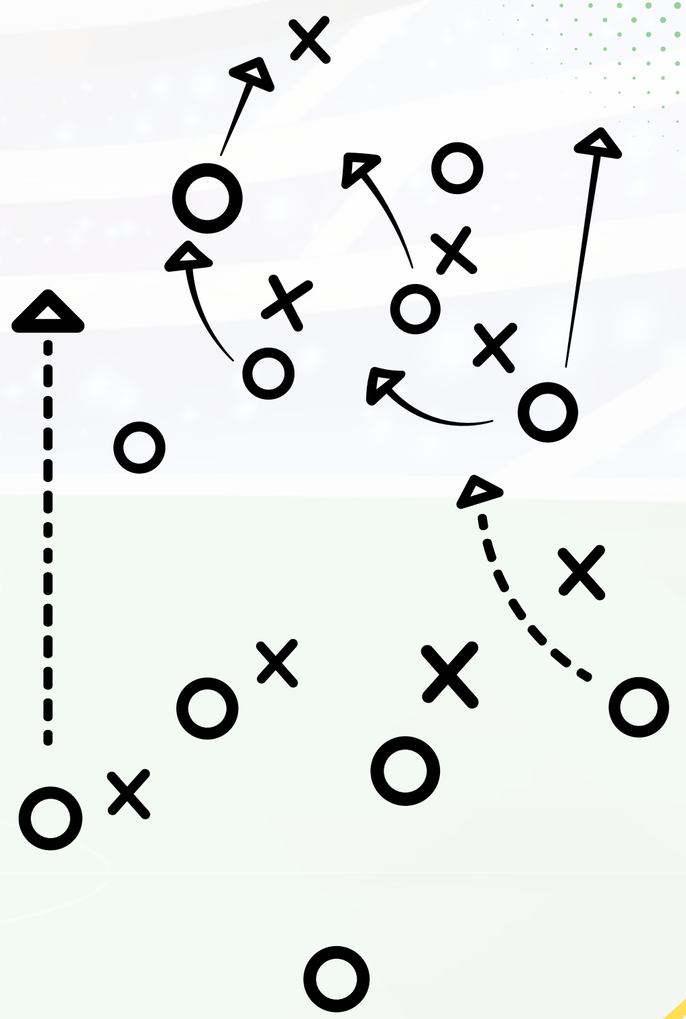
THE PLANNING PLAYBOOK: WINNING STRATEGIES FOR CITIES

Presented by Amanda Padilla and Jon James
Featuring Lindsey Wheeler, La Vernia City Manager

What do we mean by “Playbook”?

- Practical, proven approaches
- Flexible strategies cities can adapt
- Focused on results: budget, growth, community outcomes

This isn’t about one solution; it’s about having the right set of plays when challenges come up.



The Challenges Cities are Facing



- Growth pressure
- Regulatory constraints
- Affordable housing
- Infrastructure costs
- Community expectations
- Limited resources
- Development constraints

Play #1: Protect Community Character While Growing

- Identify what residents value
- Guide compatible development
- Focus growth in the right places
- Tools: Zoning, Overlay Zones, Subdivision, Design Standards

Panel Question

As a city grows, how can cities welcome new residents and investment while preserving the character of sense and sense of place that make them unique?

Play #2: Focus on Low-Cost, High-Impact Wins

- Tweaks to outdated ordinances
- Coordinate with other agencies
- Offer pre-development meetings
- Intersection fixes
- Downtown improvements
- Safety upgrades
- Safe routes to schools improvements
- Street trees and landscaping



Play #3: Fix What You Have First



- Reduce long-term costs
- Prioritize maintenance
- Avoid deferred liabilities

Panel Question

How can cities balance the excitement of new projects with the responsibility to maintain and improve the places, infrastructure, and services they already have?

Play #4: Ensure Growth Pays for Itself

- Align development with infrastructure capacity
- Phase development and infrastructure
- Avoid costly leapfrog growth
- “Right-size” infrastructure standards



Panel Question

What happens when growth outpaces infrastructure?

Play #5: Support Local Businesses Through Planning

- Streamline procedures and approvals
- Reduce uncertainty



Panel Question

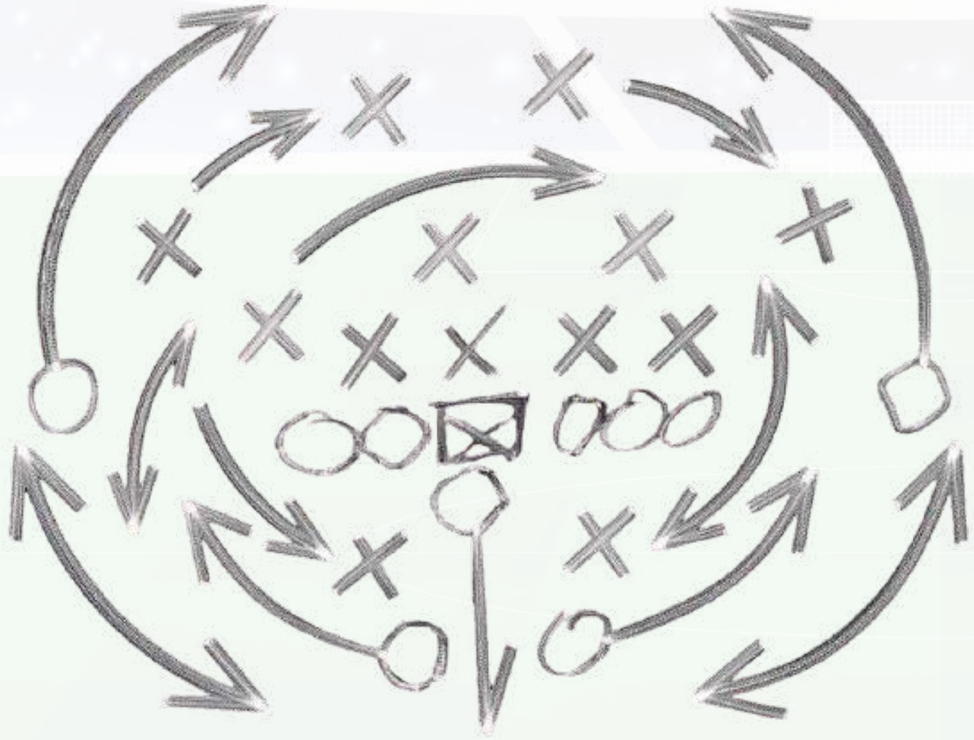
Where does planning help or sometimes unintentionally hurt local businesses?

Play #6: Learn from Cities Like Yours

- Reach out to peers to see what has worked for them
- Contact your **favorite planning consultants** for assistance



Why These Plays are Hard to Run



- Staffing constraints
- Public expectations
- Lack of expertise
- Budget limits

Running the Playbook in Real Life

- Prioritization matters – you can only do so much
- Not every play fits every city
- Timing is critical



Your First 3 Plays to Run

1. Streamline a Key Process

- Reduce approval bottlenecks
- Improve predictability
- Make it easier for residents and businesses to work with the city

2. Protect What Makes Your Community Unique

- Identify community character assets
- Preserve the places residents value most
- Focus growth where it fits best

3. Focus on One High-Impact Win

- Review and update outdated ordinances
- Update zoning to allow more flexible development
- Allow administrative approval for subdivision plats

What Winning Looks Like

- Better use of resources
- Maintained community character
- Fewer reactive decisions
- Stronger tax base

You Need a Practical Playbook that Works for You



Q & A



Let’s discuss questions as a team.

Amanda Padilla
apadilla@rampagelaw.com

Jon James
jcjames@rampagelaw.com



THE REFEREES OF THE GAME: LESSONS LEARNED FROM VETERAN ELECTED OFFICIALS - DISCUSSION PANEL

A panel of experienced municipal leaders as they share the victories, challenges, mistakes, and lessons learned throughout their public service careers. Featuring:



Marissa Ximenez



Erin Harrison



Donetta Roberts



Mario Morones

ONE TEAM, ONE GOAL

LEADING TOGETHER TO SERVE THE COMMUNITY

8 LEADERSHIP LESSONS FOR CITY OFFICIALS



Presented by :
Bennett Sandlin

BEFORE WE BEGIN, TWO QUESTIONS

1. What business would you like to see move to your city that isn’t there today?

2. What’s your vision for your city twenty years from now?

Hold on to both answers - we’ll come back to them.



01 UNDERSTAND YOUR ETHICAL RULES

“RELATIVITY APPLIES TO PHYSICS, NOT ETHICS.”
ALBERT EINSTEIN (ATTRIBUTED)



CROWN VIC



TAHOE



02 BEWARE OF MANDATES AND MISSIONS

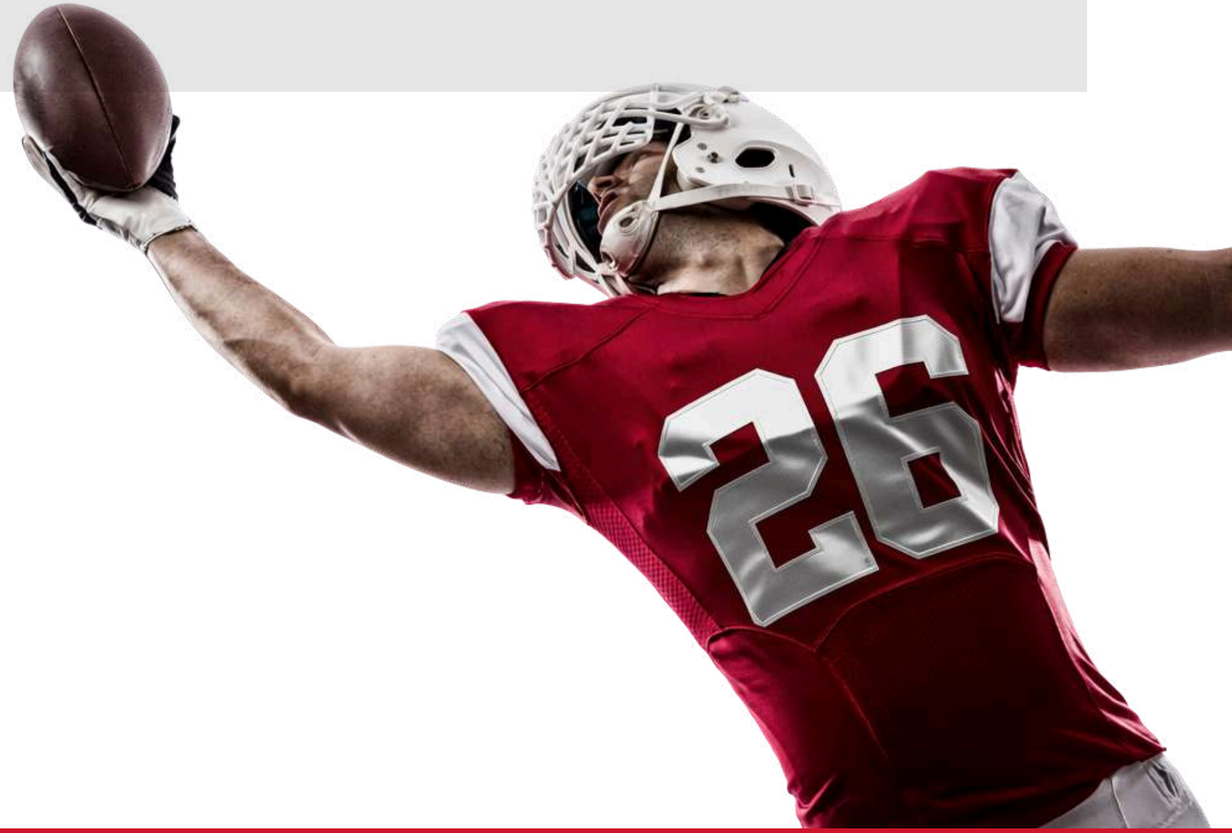
A SINGLE-ISSUE MANDATE CAN BLIND YOU TO THE DISTRICT YOU ACTUALLY SERVE.



03 LEAD FROM THE BOTTOM-UP, NOT THE TOP-DOWN

“ A LEADER IS LIKE A SHEPHERD. HE STAYS BEHIND THE FLOCK… THEY ARE BEING DIRECTED FROM BEHIND.” NELSON MANDELA





04 GOOD LEADERS ARE OPEN ABOUT THEMSELVES



A ROLLING TOWN HALL ON TWO WHEELS, AND A LESSON IN KNOWING THE LINE.



05 RESPECT AND RELY ON CITY STAFF

COUNCIL SETS THE DESTINATION. THE CITY MANAGER DRIVES.



06 UNDERSTAND ECONOMIC DEVELOPMENT TOOLS



07 EMBRACE CRITICISM

“DO WHAT YOU FEEL IN YOUR HEART TO BE RIGHT, FOR YOU’LL BE CRITICIZED ANYWAY.”
ELEANOR ROOSEVELT



08 HAVE A VISION FOR YOUR CITY IN TWENTY YEARS

“NEVER DOUBT THAT A SMALL GROUP OF THOUGHTFUL, CONCERNED CITIZENS CAN CHANGE THE WORLD. INDEED IT IS THE ONLY THING THAT EVER HAS.” MARGARET MEAD

Call back

- What business did you name?
- What’s your city’s next twenty years?





QUESTIONS?

CONTACT

bsandlin@rampagelaw.com

512-694-4532

WE GOT SUED!

SOS!!

SAVE THE SCRIPTS, AND BODY CAM, TOO!



Presented by: Clarissa M. Rodriguez, Partner
and Paloma Flores, Associate

WHAT IS E-DISCOVERY AND ESI?





E-Discovery is the process of identifying, locating, preserving, collecting, preparing, reviewing, and producing information requested in requests for production in the discovery process that is stored electronically as opposed to paper (or other tangible) form.

“Electronically Stored Information” or ESI is different than conventional paper production as it results in a significantly greater amount of production, it may be in multiple places, it may be in multiple formats, deletion of information may not really eliminate the ESI, and it may not have an equivalent for documents or tangible items.

WHAT IS E-DISCOVERY AND ESI?

- TYPES OF DATA
  - ACTIVE DATA- DATA ON HARD DRIVES
  - ARCHIVAL DATA- LONG TERM STORAGE; RECORD KEEPING
  - BACKUP DATA– RECOVERY SOURCE FOR DATA
  - BACKUP TAPE RECYCLING– OVERWRITTEN WITH NEW DATA (IE: SECURITY VIDEO)
  - DELETED DATA- DELETED BY SYSTEM OR USER
  - LEGACY DATA- OBSOLETE DATA ON HARDWARE OR SOFTWARE
  - NEAR LINE DATA- AVAILABLE IN A SYSTEM THAT RETRIEVES REMOVABLE STORAGE MEDIA OR TAPES
- METADATA - HOW, WHEN, WHY, WHOM - DATA WAS CREATED, MODIFIED, ETC.
- FORENSICS/FORENSIC COPY - EXAMINATION/COPY OF EXAMINATION OF ESI
- MIRROR IMAGING - FORENSIC IMAGING/DUPLICATION OF STORED ESI
- FORM OF PRODUCTION
  - NATIVE FORMAT - ORIGINAL FORMAT OF ESI (WORD, EXCEL, ETC.)
  - STATIC FORMAT - ESI THAT CAN BE VIEWED AS AN IMAGE ON A COMPUTER (PDF. TIFF, JPG. ETC.)
- HARD DRIVE - STORAGE DEVICE THAT HAS COMPONENTS THAT CAN BE WRITTEN OVER OR ERASED MAGNETICALLY
- SYSTEM DATA - COMPUTER RECORDS ABOUT ITS USE

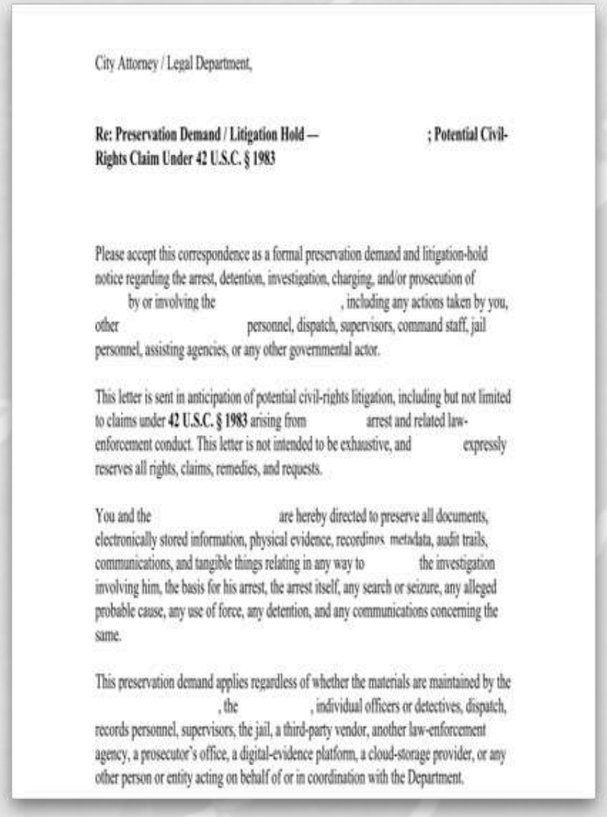
SUED OR NOT SUED...DON'T SINK!



IMMEDIATE ANTICIPATED CLAIM OR LITIGATION

- A CITIZEN OR ATTORNEY SENDS A DEMAND LETTER
- A CITIZEN OR ATTORNEY SENDS E-DATA PRESERVATION LETTER
- NOTICE LETTER UNDER TEXAS TORT CLAIMS ACT
- A SERIOUS ACCIDENT OCCURS INVOLVING CITY PROPERTY OR PERSONNEL
- AN EMPLOYEE FILES AN EEOC OR TWC COMPLAINT
- A POLICE USE-OF-FORCE INCIDENT
- A CONTRACT DISPUTE IS ESCALATING
- CONTROVERSIAL ORDINANCE PASSED

PRESERVATION LETTER FROM AN ATTORNEY: PRE-LITIGATION



City Attorney / Legal Department,

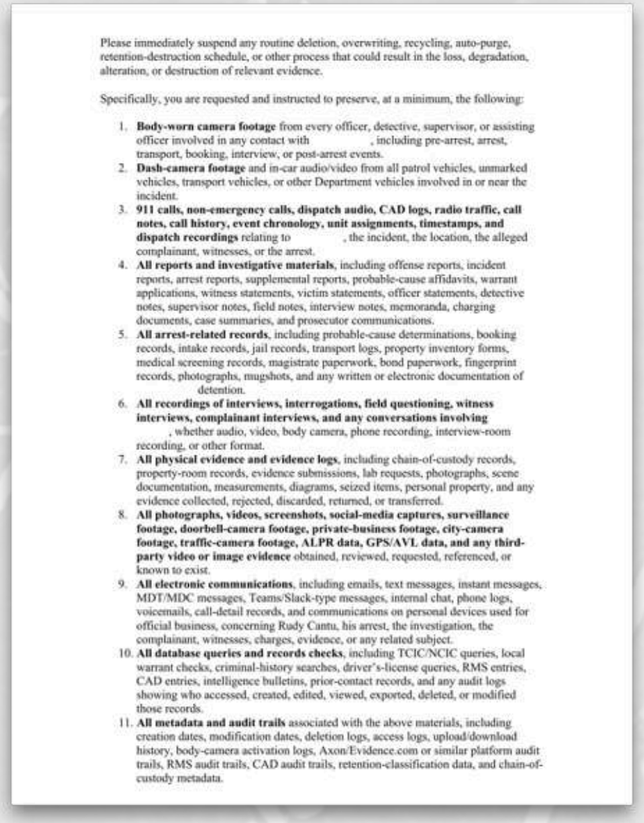
Re: Preservation Demand / Litigation Hold — ; Potential Civil-Rights Claim Under 42 U.S.C. § 1983

Please accept this correspondence as a formal preservation demand and litigation-hold notice regarding the arrest, detention, investigation, charging, and/or prosecution of by or involving the , including any actions taken by you, other personnel, dispatch, supervisors, command staff, jail personnel, assisting agencies, or any other governmental actor.

This letter is sent in anticipation of potential civil-rights litigation, including but not limited to claims under **42 U.S.C. § 1983** arising from arrest and related law-enforcement conduct. This letter is not intended to be exhaustive, and expressly reserves all rights, claims, remedies, and requests.

You and the are hereby directed to preserve all documents, electronically stored information, physical evidence, recordings, metadata, audit trails, communications, and tangible things relating in any way to the investigation involving him, the basis for his arrest, the arrest itself, any search or seizure, any alleged probable cause, any use of force, any detention, and any communications concerning the same.

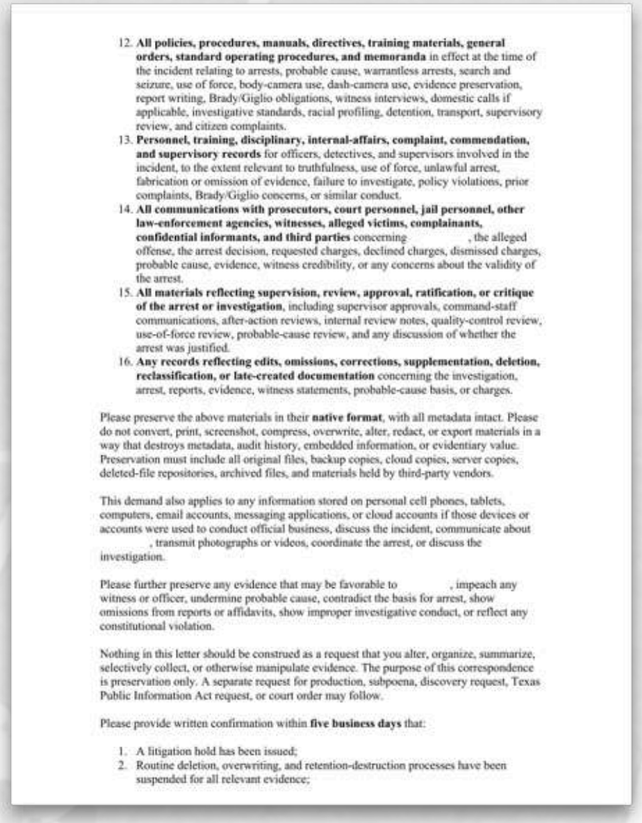
This preservation demand applies regardless of whether the materials are maintained by the , the , individual officers or detectives, dispatch, records personnel, supervisors, the jail, a third-party vendor, another law-enforcement agency, a prosecutor's office, a digital-evidence platform, a cloud-storage provider, or any other person or entity acting on behalf of or in coordination with the Department.



Please immediately suspend any routine deletion, overwriting, recycling, auto-purge, retention-destruction schedule, or other process that could result in the loss, degradation, alteration, or destruction of relevant evidence.

Specifically, you are requested and instructed to preserve, at a minimum, the following:

1. **Body-worn camera footage** from every officer, detective, supervisor, or assisting officer involved in any contact with , including pre-arrest, arrest, transport, booking, interview, or post-arrest events.
2. **Dash-camera footage** and in-car audio/video from all patrol vehicles, unmarked vehicles, transport vehicles, or other Department vehicles involved in or near the incident.
3. **911 calls, non-emergency calls, dispatch audio, CAD logs, radio traffic, call notes, call history, event chronology, unit assignments, timestamps, and dispatch recordings** relating to , the incident, the location, the alleged complainant, witnesses, or the arrest.
4. **All reports and investigative materials**, including offense reports, incident reports, arrest reports, supplemental reports, probable-cause affidavits, warrant applications, witness statements, victim statements, officer statements, detective notes, supervisor notes, field notes, interview notes, memoranda, charging documents, case summaries, and prosecutor communications.
5. **All arrest-related records**, including probable-cause determinations, booking records, intake records, jail records, transport logs, property inventory forms, medical screening records, magistrate paperwork, bond paperwork, fingerprint records, photographs, mugshots, and any written or electronic documentation of detention.
6. **All recordings of interviews, interrogations, field questioning, witness interviews, complainant interviews, and any conversations involving** , whether audio, video, body camera, phone recording, interview-room recording, or other format.
7. **All physical evidence and evidence logs**, including chain-of-custody records, property-room records, evidence submissions, lab requests, photographs, scene documentation, measurements, diagrams, seized items, personal property, and any evidence collected, rejected, discarded, returned, or transferred.
8. **All photographs, videos, screenshots, social-media captures, surveillance footage, doorbell-camera footage, private-business footage, city-camera footage, traffic-camera footage, ALPR data, GPS/AVL data, and any third-party video or image evidence** obtained, reviewed, requested, referenced, or known to exist.
9. **All electronic communications**, including emails, text messages, instant messages, MDT/MDC messages, Teams/Slack-type messages, internal chat, phone logs, voicemails, call-detail records, and communications on personal devices used for official business, concerning Rudy Cantu, his arrest, the investigation, the complainant, witnesses, charges, evidence, or any related subject.
10. **All database queries and records checks**, including TCIC/NCIC queries, local warrant checks, criminal-history searches, driver's-license queries, RMS entries, CAD entries, intelligence bulletins, prior-contact records, and any audit logs showing who accessed, created, edited, viewed, exported, deleted, or modified those records.
11. **All metadata and audit trails** associated with the above materials, including creation dates, modification dates, deletion logs, access logs, upload/download history, body-camera activation logs, Axon/Evidence.com or similar platform audit trails, RMS audit trails, CAD audit trails, retention-classification data, and chain-of-custody metadata.



12. **All policies, procedures, manuals, directives, training materials, general orders, standard operating procedures, and memoranda** in effect at the time of the incident relating to arrests, probable cause, warrantless arrests, search and seizure, use of force, body-camera use, dash-camera use, evidence preservation, report writing, Brady/Giglio obligations, witness interviews, domestic calls if applicable, investigative standards, racial profiling, detention, transport, supervisory review, and citizen complaints.
13. **Personnel, training, disciplinary, internal-affairs, complaint, commendation, and supervisory records** for officers, detectives, and supervisors involved in the incident, to the extent relevant to truthfulness, use of force, unlawful arrest, fabrication or omission of evidence, failure to investigate, policy violations, prior complaints, Brady/Giglio concerns, or similar conduct.
14. **All communications with prosecutors, court personnel, jail personnel, other law-enforcement agencies, witnesses, alleged victims, complainants, confidential informants, and third parties** concerning , the alleged offense, the arrest decision, requested charges, declined charges, dismissed charges, probable cause, evidence, witness credibility, or any concerns about the validity of the arrest.
15. **All materials reflecting supervision, review, approval, ratification, or critique of the arrest or investigation**, including supervisor approvals, command-staff communications, after-action reviews, internal review notes, quality-control review, use-of-force review, probable-cause review, and any discussion of whether the arrest was justified.
16. **Any records reflecting edits, omissions, corrections, supplementation, deletion, reclassification, or late-created documentation** concerning the investigation, arrest, reports, evidence, witness statements, probable-cause basis, or charges.

Please preserve the above materials in their **native format**, with all metadata intact. Please do not convert, print, screenshot, compress, overwrite, alter, redact, or export materials in a way that destroys metadata, audit history, embedded information, or evidentiary value. Preservation must include all original files, backup copies, cloud copies, server copies, deleted-file repositories, archived files, and materials held by third-party vendors.

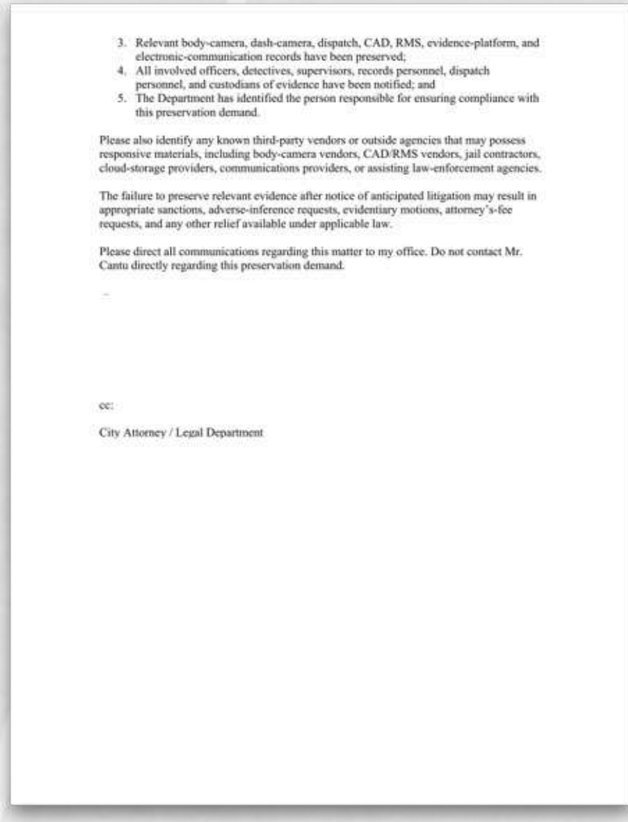
This demand also applies to any information stored on personal cell phones, tablets, computers, email accounts, messaging applications, or cloud accounts if those devices or accounts were used to conduct official business, discuss the incident, communicate about , transmit photographs or videos, coordinate the arrest, or discuss the investigation.

Please further preserve any evidence that may be favorable to , impeach any witness or officer, undermine probable cause, contradict the basis for arrest, show omissions from reports or affidavits, show improper investigative conduct, or reflect any constitutional violation.

Nothing in this letter should be construed as a request that you alter, organize, summarize, selectively collect, or otherwise manipulate evidence. The purpose of this correspondence is preservation only. A separate request for production, subpoena, discovery request, Texas Public Information Act request, or court order may follow.

Please provide written confirmation within **five business days** that:

1. A litigation hold has been issued;
2. Routine deletion, overwriting, and retention-destruction processes have been suspended for all relevant evidence;



3. Relevant body-camera, dash-camera, dispatch, CAD, RMS, evidence-platform, and electronic-communication records have been preserved;
4. All involved officers, detectives, supervisors, records personnel, dispatch personnel, and custodians of evidence have been notified; and
5. The Department has identified the person responsible for ensuring compliance with this preservation demand.

Please also identify any known third-party vendors or outside agencies that may possess responsive materials, including body-camera vendors, CAD/RMS vendors, jail contractors, cloud-storage providers, communications providers, or assisting law-enforcement agencies.

The failure to preserve relevant evidence after notice of anticipated litigation may result in appropriate sanctions, adverse-inference requests, evidentiary motions, attorney's-fee requests, and any other relief available under applicable law.

Please direct all communications regarding this matter to my office. Do not contact Mr. Cantu directly regarding this preservation demand.

cc:

City Attorney / Legal Department



KEY POINTS FROM IN HOUSE ATTORNEY LETTER

- *THIS IS THE DEMAND WE RECEIVED FROM OPPOSING COUNSEL.*
- **PRESERVATION DEMAND** RE: A POTENTIAL CIVIL-RIGHTS CLAIM UNDER 42 U.S.C. § 1983.
- **16 CATEGORIES OF ESI** BODY-WORN & DASH CAMERA FOOTAGE; 911 / DISPATCH AUDIO AND CAD LOGS; REPORTS; EMAIL, TEXT, SLACK/TEAMS AND MDT MESSAGES.
- **NATIVE FORMAT WITH METADATA INTACT** — AND PERSONAL DEVICES ARE EXPRESSLY INCLUDED.
- **SUSPEND ALL ROUTINE DELETION** AND RETENTION-DESTRUCTION PROCESSES IMMEDIATELY.
- **CONFIRM WITHIN FIVE BUSINESS DAYS** THAT A LITIGATION HOLD IS IN PLACE.
- **FAILURE TO PRESERVE** MAY SUPPORT SPOLIATION SANCTIONS AND AN ADVERSE-INFERENCE INSTRUCTION.

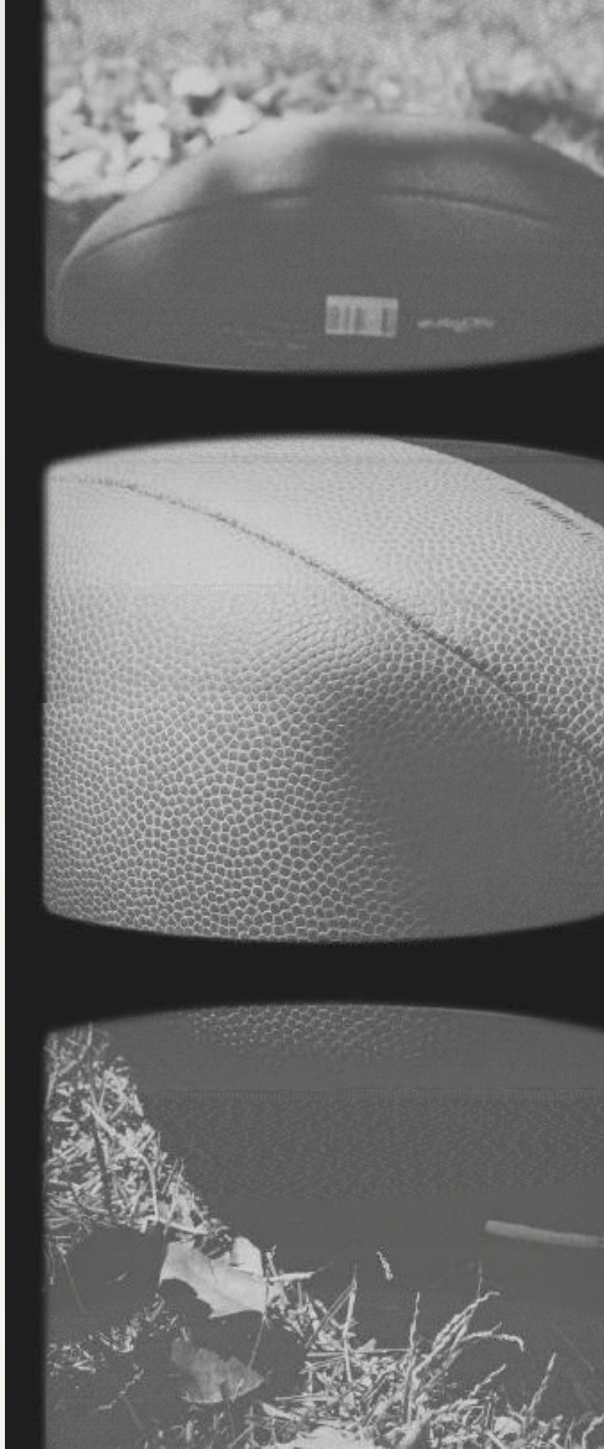
WE GOT THIS LETTER…WHAT DO WE DO WITH IT???



SAVE	SAVE THE E-DATA
Safeguard	Safeguard the Data
Alert	Alert Custodians
Verify	Verify Locations/Sources
Ensure	Ensure Retention & Compliance

WHY DO WE CARE: THERE IS NO LAWSUIT?

- **ANTICIPATION OF LITIGATION- CLAIM OR INVESTIGATION**
  - PRESERVATION AS **SOON** AS YOU KNOW!
- **TPIA** CONSIDERATIONS
- **MODERN EVIDENCE IS OFTEN TRANSIENT**
  - EVIDENCE IS ROUTINELY OVERWRITTEN OR DELETED:
    A. SURVEILLANCE VIDEO MAY AUTO-DELETE AFTER 30–90 DAYS.
    B. **INVENTORY** DIGITAL STORAGE DEVICES
    C. TEXT MESSAGES MAY DISAPPEAR WHEN PHONES ARE REPLACED.
      - **DO NOT LET ANYONE WIPE A PHONE!**
  - CLOUD PLATFORMS MAY HAVE SHORT RETENTION SETTINGS.
  - SOCIAL MEDIA CONTENT CAN BE REMOVED.
  - WITHOUT EARLY INTERVENTION, CRITICAL EVIDENCE MAY VANISH BEFORE ANYONE THINKS ABOUT A LAWSUIT.
- LEGAL **COMPLIANCE** LATER
- PROTECTS CITY **DEFENSES**

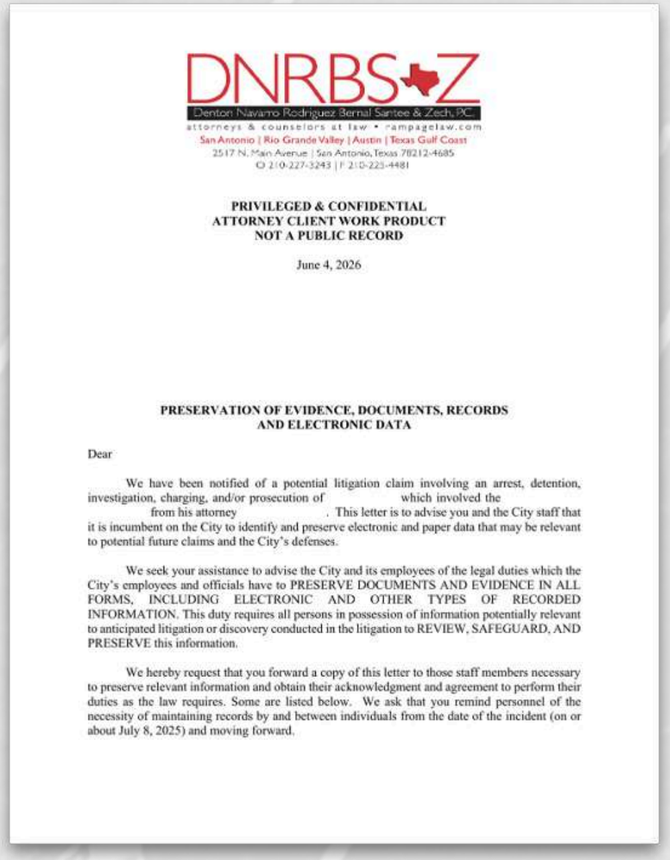


SAVE THE S___ (STUFF!)



- E-DATA PRESERVATION LETTER PRE LITIGATION
  - SPECIFIC OR OTHERWISE
- E-DATA PRESERVATION DIRECTION/LETTER AS A CITY ATTORNEY AFTER LITIGATION FILED
- THAT IS A LOT- WHY???
  - SPOLIATION…LATER…
    - SANCTIONS –
      - $$ AND RISK OF LOSING USE OF KEY EVIDENCE
  - VALUE TO PLAINTIFFS
  - ADVERSE JURY INSTRUCTION
  - DUTY TO PROTECT & EFFECTIVE REPRESENTATION OF THE CITY AS CLIENT
    - RULE 1.01- COMPETENT AND DILIGENT REPRESENTATION
    - RULE 1.13- ORGANIZATION AS CLIENT

PRE-LITIGATION LETTER FROM US



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O 210-227-3243 | F 210-223-4481

PRIVILEGED & CONFIDENTIAL
ATTORNEY CLIENT WORK PRODUCT
NOT A PUBLIC RECORD

June 4, 2026

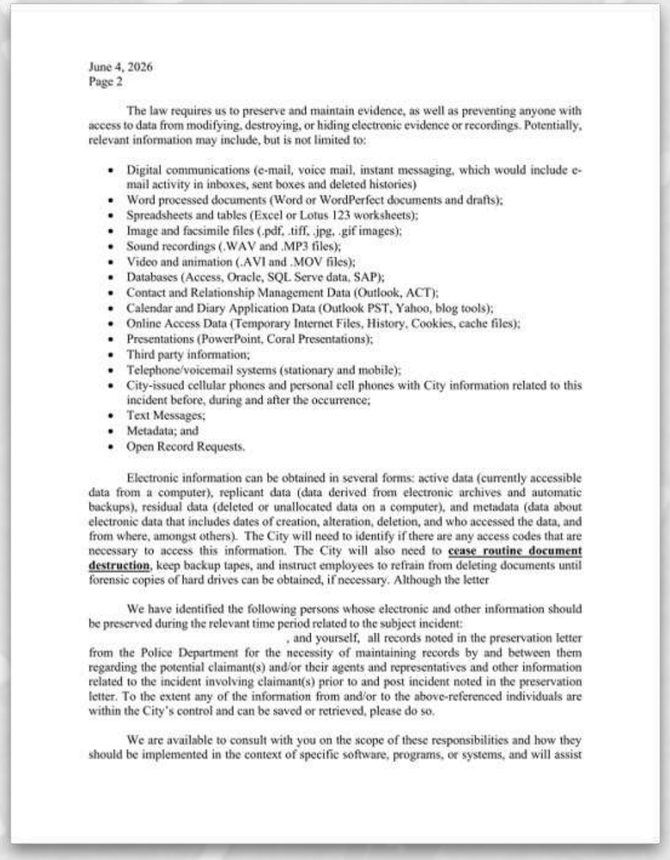
PRESERVATION OF EVIDENCE, DOCUMENTS, RECORDS AND ELECTRONIC DATA

Dear

We have been notified of a potential litigation claim involving an arrest, detention, investigation, charging, and/or prosecution of which involved the from his attorney . This letter is to advise you and the City staff that it is incumbent on the City to identify and preserve electronic and paper data that may be relevant to potential future claims and the City's defenses.

We seek your assistance to advise the City and its employees of the legal duties which the City's employees and officials have to PRESERVE DOCUMENTS AND EVIDENCE IN ALL FORMS, INCLUDING ELECTRONIC AND OTHER TYPES OF RECORDED INFORMATION. This duty requires all persons in possession of information potentially relevant to anticipated litigation or discovery conducted in the litigation to REVIEW, SAFEGUARD, AND PRESERVE this information.

We hereby request that you forward a copy of this letter to those staff members necessary to preserve relevant information and obtain their acknowledgment and agreement to perform their duties as the law requires. Some are listed below. We ask that you remind personnel of the necessity of maintaining records by and between individuals from the date of the incident (on or about July 8, 2025) and moving forward.



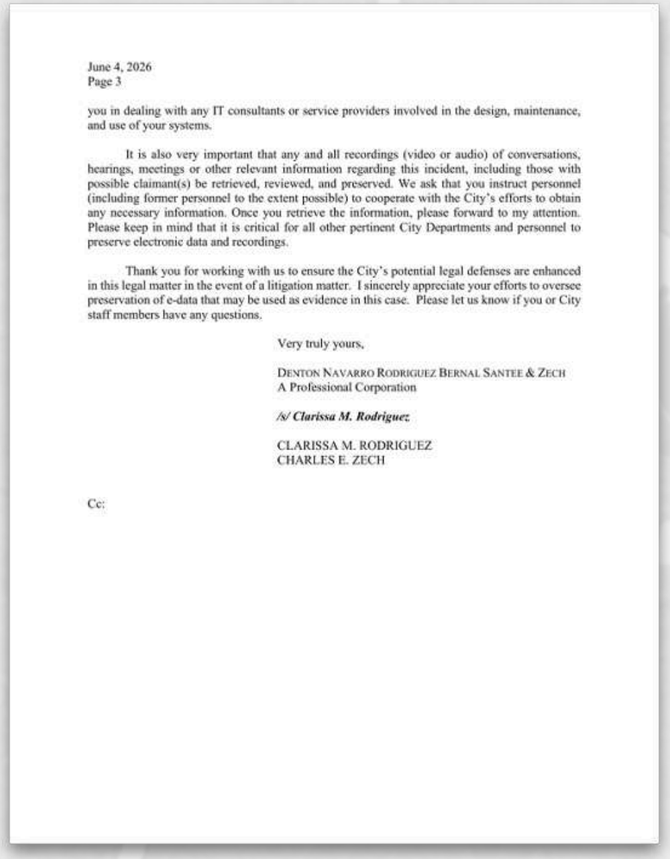
The law requires us to preserve and maintain evidence, as well as preventing anyone with access to data from modifying, destroying, or hiding electronic evidence or recordings. Potentially, relevant information may include, but is not limited to:

- Digital communications (e-mail, voice mail, instant messaging, which would include e-mail activity in inboxes, sent boxes and deleted histories)
- Word processed documents (Word or WordPerfect documents and drafts);
- Spreadsheets and tables (Excel or Lotus 123 worksheets);
- Image and facsimile files (.pdf, .tiff, .jpg, .gif images);
- Sound recordings (.WAV and .MP3 files);
- Video and animation (.AVI and .MOV files);
- Databases (Access, Oracle, SQL Serve data, SAP);
- Contact and Relationship Management Data (Outlook, ACT);
- Calendar and Diary Application Data (Outlook PST, Yahoo, blog tools);
- Online Access Data (Temporary Internet Files, History, Cookies, cache files);
- Presentations (PowerPoint, Coral Presentations);
- Third party information;
- Telephone/voicemail systems (stationary and mobile);
- City-issued cellular phones and personal cell phones with City information related to this incident before, during and after the occurrence;
- Text Messages;
- Metadata; and
- Open Record Requests.

Electronic information can be obtained in several forms: active data (currently accessible data from a computer), replicant data (data derived from electronic archives and automatic backups), residual data (deleted or unallocated data on a computer), and metadata (data about electronic data that includes dates of creation, alteration, deletion, and who accessed the data, and from where, amongst others). The City will need to identify if there are any access codes that are necessary to access this information. The City will also need to **cease routine document destruction**, keep backup tapes, and instruct employees to refrain from deleting documents until forensic copies of hard drives can be obtained, if necessary. Although the letter

We have identified the following persons whose electronic and other information should be preserved during the relevant time period related to the subject incident:
, and yourself, all records noted in the preservation letter from the Police Department for the necessity of maintaining records by and between them regarding the potential claimant(s) and/or their agents and representatives and other information related to the incident involving claimant(s) prior to and post incident noted in the preservation letter. To the extent any of the information from and/or to the above-referenced individuals are within the City's control and can be saved or retrieved, please do so.

We are available to consult with you on the scope of these responsibilities and how they should be implemented in the context of specific software, programs, or systems, and will assist



you in dealing with any IT consultants or service providers involved in the design, maintenance, and use of your systems.

It is also very important that any and all recordings (video or audio) of conversations, hearings, meetings or other relevant information regarding this incident, including those with possible claimant(s) be retrieved, reviewed, and preserved. We ask that you instruct personnel (including former personnel to the extent possible) to cooperate with the City's efforts to obtain any necessary information. Once you retrieve the information, please forward to my attention. Please keep in mind that it is critical for all other pertinent City Departments and personnel to preserve electronic data and recordings.

Thank you for working with us to ensure the City's potential legal defenses are enhanced in this legal matter in the event of a litigation matter. I sincerely appreciate your efforts to oversee preservation of e-data that may be used as evidence in this case. Please let us know if you or City staff members have any questions.

Very truly yours,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH
A Professional Corporation

/s/ Clarissa M. Rodriguez

CLARISSA M. RODRIGUEZ
CHARLES E. ZECH

Cc:

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PRIVILEGED & CONFIDENTIAL
ATTORNEY CLIENT WORK PRODUCT
NOT A PUBLIC RECORD

July 14, 2025

PRESERVATION OF EVIDENCE, DOCUMENTS, RECORDS AND ELECTRONIC DATA

Dear

We have been retained by the Texas Municipal League Intergovernmental Risk Pool to represent the City of ("City") with respect to a lawsuit alleging discrimination based on disability in connection with employment with the City's Fire Department. It is incumbent on the City to identify and preserve electronic and paper data that may be relevant to his claim and the City's defenses.

The purpose of this letter is to seek your assistance to advise the City and its employees of legal duties which the City's employees and officials have to PRESERVE DOCUMENTS AND EVIDENCE IN ALL FORMS, INCLUDING ELECTRONIC AND OTHER TYPES OF RECORDED INFORMATION. This duty requires all persons in possession of information potentially relevant to the litigation or discovery conducted in the litigation to REVIEW, SAFEGUARD, AND PRESERVE this information.

We hereby request that you forward a copy of this letter to those staff members necessary to preserve relevant information and obtain their acknowledgment and agreement to perform their duties as the law requires. We ask that you remind personnel of the necessity of maintaining records by and between, , the City and/or persons communicating with on behalf of the City from the date of February 1, 2024, to present and moving forward.

The law requires us to preserve and maintain evidence, as well as prevent anyone with access to data from modifying, destroying or hiding electronic evidence or recordings. Potentially, relevant information may include, but is not limited to:

- Digital communications (e-mail, voice mail, instant messaging, which would include e-mail activity in inboxes, sent boxes and deleted histories, cell phone text messages or call logs)
- Word processed documents (Word or WordPerfect documents and drafts);
- Spreadsheets and tables (Excel or Lotus 123 worksheets);
- Image and facsimile files (.pdf, .tiff, .jpg, .gif images);
- Sound recordings (.WAV and .MP3 files);
- Video and animation (.AVI and .MOV files);
- Databases (Access, Oracle, SQL Serve data, SAP);
- Contact and Relationship Management Data (Outlook, ACT);
- Calendar and Diary Application Data (Outlook PST, Yahoo, blog tools);
- Online Access Data (Temporary Internet Files, History, Cookies, cache files);
- Presentations (PowerPoint, Coral Presentations);
- Third party information;
- Telephone/voicemail systems (stationary and mobile);
- City-issued cellular phones and personal cell phones with City information related to this incident before, during and after the occurrence;
- Text Messages; Metadata; and
- Open Record Requests.

Electronic information can be obtained in several forms: active data (currently accessible data from a computer), replicant data (data derived from electronic archives and automatic backups), residual data (deleted or unallocated data on a computer), and metadata (data about electronic data that includes dates of creation, alteration, deletion, and who accessed the data, and from where, amongst others). The City will need to identify if there are any access codes that are necessary to access this information. The City will also need to **cease routine document destruction**, keep backup tapes, and instruct employees to refrain from deleting documents until forensic copies of hard drives can be obtained, if necessary.

We have identified the following persons with the City whose electronic and other information should be preserved during the relevant time period related to the subject incident: (City Secretary), (City Manager), (Fire Chief), (Asst City Manager/Civil Service Director), (Benefits Coordinator), (Battalion Chief), and yourself, for the necessity of maintaining records by and between them regarding possible claimant(s) and/or their agents and representatives and other information related to the incident involving possible claimant(s) prior to and post incident. To the extent any of the information from and/or to the above-referenced individuals are within the City's control and can be saved or retrieved, please do so.

We are available to consult with you on the scope of these responsibilities and how they should be implemented in the context of specific software, programs, or systems, and will assist you in dealing with any IT consultants or service providers involved in the design, maintenance, and use of your systems.

It is also very important that any and all recordings (video or audio) of conversations, hearings, meetings or other relevant information regarding this incident, including those with be retrieved, reviewed, and preserved. We ask that you instruct personnel (including former personnel) to cooperate with the City's efforts to obtain any necessary information. Once you retrieve the information, please forward to my attention. Please keep in mind that it is critical for all other pertinent City Departments and personnel to preserve electronic data and recordings.

Thank you for working with us to ensure the City's legal defenses are enhanced in this legal matter. I sincerely appreciate your efforts to oversee preservation of e-data that may be used as evidence in this case.

Very truly yours,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH
A Professional Corporation



KEY POINTS FROM IN HOUSE ATTORNEY LETTER

- **Triggered by a claimant's attorney** re: an arrest / detention matter (incident on or about July 8, 2025)
    - Could be pre- or post- litigation
    - TTCA Notice letter
- **Advises the City and employees** of the duty to preserve electronic and paper records for anticipated litigation.
- **Reminds personnel** to maintain records from the date of the incident forward.
- **Cease routine document destruction** keep backup tapes, and do not delete until forensic copies are made.
- **Identifies custodians** including the Police Department personnel noted in the preservation letter.



TYPES OF E-DATA TO SAVE (BECAUSE PAPER GETS DESTROYED IN WATER)

General City Information	Law Enforcement & Emergency (911)
•E-Mails •Texts •Teams, Slack (Messaging Forms) •What'sApp, Signal, Telegram, etc •Body Cam •Dash cam •Council Chamber Camera Video •Security/Surveillance Camera Video •Voicemails •AI Prompts •Cloud Storage- SharePoint, OneDrive, Dropbox •InCode Data •GIS/Public Works Data	•Body-worn camera footage •Dash camera video •Dispatch recordings CAD (Computer-Aided Dispatch) •Records RMS (Records Management System) data •Digital evidence files •911 recordings •Radio communications •Dispatch logs •Incident reporting systems •Holding cell video

THE SEDONA PRINCIPLES ON E-DISCOVERY

The Sedona Principles originated from the work of The Sedona Conference, a nonprofit think tank established in 1997 to bring together judges, lawyers, academics, and experts to address complex issues in law and policy.

There were multiple challenges to e-discovery in litigation, and the group worked on principles to provide guidance on fairness, reasonableness, and proportionality in e-discovery, emphasizing cooperation among parties and the need to balance costs with the value of information.

Sedona provides principled and best practices for courts, attorneys, and litigants in e-discovery processes and procedures under the Federal Rules of Civil Procedure.

There are 14 Sedona Principles and numerous commentaries on various topics on E-Discovery such as preservation, legal holds and so forth.

THE SEDONA PRINCIPLES & THE FRCP CROSSWALK

Sedona Principle	Relevant FRCP Rule(s)	Practical Example
1. Reasonableness and Good Faith in Preservation	Rule 26(b)(1), Rule 37(e)	Implement a targeted litigation hold on relevant custodians rather than halting deletion of all ESI.
2. Proportionality	Rule 26(b)(1)	Limit discovery to a 6-month window and key custodians to reduce costs while covering disputed issues.
3. Cooperation	Rule 1, Rule 26(f)	Agree on search terms and custodians during the Rule 26(f) conference to prevent later disputes.
4. Reasonable Accessibility	Rule 26(b)(2)(B)	Deem backup tapes “not reasonably accessible” due to extreme costs; produce only upon good cause.
5. Early Judicial Management	Rule 16, Rule 26(f)	Judge orders phased discovery, beginning with emails before financial records.
6. Duty to Preserve Once Litigation Is Anticipated	Rule 37(e)	Issue a litigation hold upon receipt of a demand letter—not after suit is filed.
7. Production Formats and Metadata	Rule 34(b)(2)(E)	Produce emails in native format with metadata to preserve searchability.
8. Protection of Privilege and Work Product	Rule 26(b)(5)(B)	Use a Rule 502(d) order to prevent privilege waiver for inadvertent productions.
9. Cost Allocation	Rule 26(c), Rule 26(b)(2)(B)	Court orders requesting party to share costs of restoring inaccessible backup data.
10. Sanctions for Spoliation	Rule 37(e)	Court declines sanctions where data loss occurred before duty to preserve and without bad faith.
11. Cross-Border Data	Rule 26(b)(1), (b)(2)	Negotiate production parameters to comply with GDPR restrictions.
12. Technology-Assisted Review (TAR)	Rule 26(b)(1), Rule 34	Parties agree to use TAR with validation metrics instead of linear review.
13. Ethics and Competence	Rule 26(g), Model Rule 1.1	Counsel engages e-discovery experts to ensure technical competence.
14. Continuous Improvement	Not codified; aligns with Rule 1	Firm implements post-case process reviews to improve future workflows.

E-DATA PRESERVATION & PRODCUTION CHECKLIST

- [ ] WHAT FORMAT ARE THE IMAGED FILES? (PDF, TIFF, JPEG)
- [ ] IS IT THE FORMAT YOU AGREED ON WITH OPPOSING COUNSEL?
- [ ] IS A SEARCHABLE TEXT FILE INCLUDED?
- [ ] IS A LOAD FILE INCLDUED? DOES IT CONTAIN THE NECESSARY METADATA?
- [ ] ARE ANY NATIVE FILES INCLUDED IN THE PRODUCTION?
- [ ] ASSIST OR APPLY REDACTIONS FOR A PRIVILEGE LOG?

CONSEQUENCES FOR FAILURE TO COMPLY WITH E-DISCOVERY

Sanctions	Remedial Measures
Courts will evaluate the following in determining sanctions: (1) ESI that should have been preserved; (2) ESI that has been lost; (3) loss due to a party's failure to take reasonable steps to preserve it; and (4) inability to restore or replace the ESI through additional discovery	•Requiring compliance with production requests •Responding to alternate requests for ESI •Inability to use evidence not produced timely, as ordered, or under the rules •Unwanted Extension of discovery deadlines

LIFESAVERS TO PREVENT SINKING



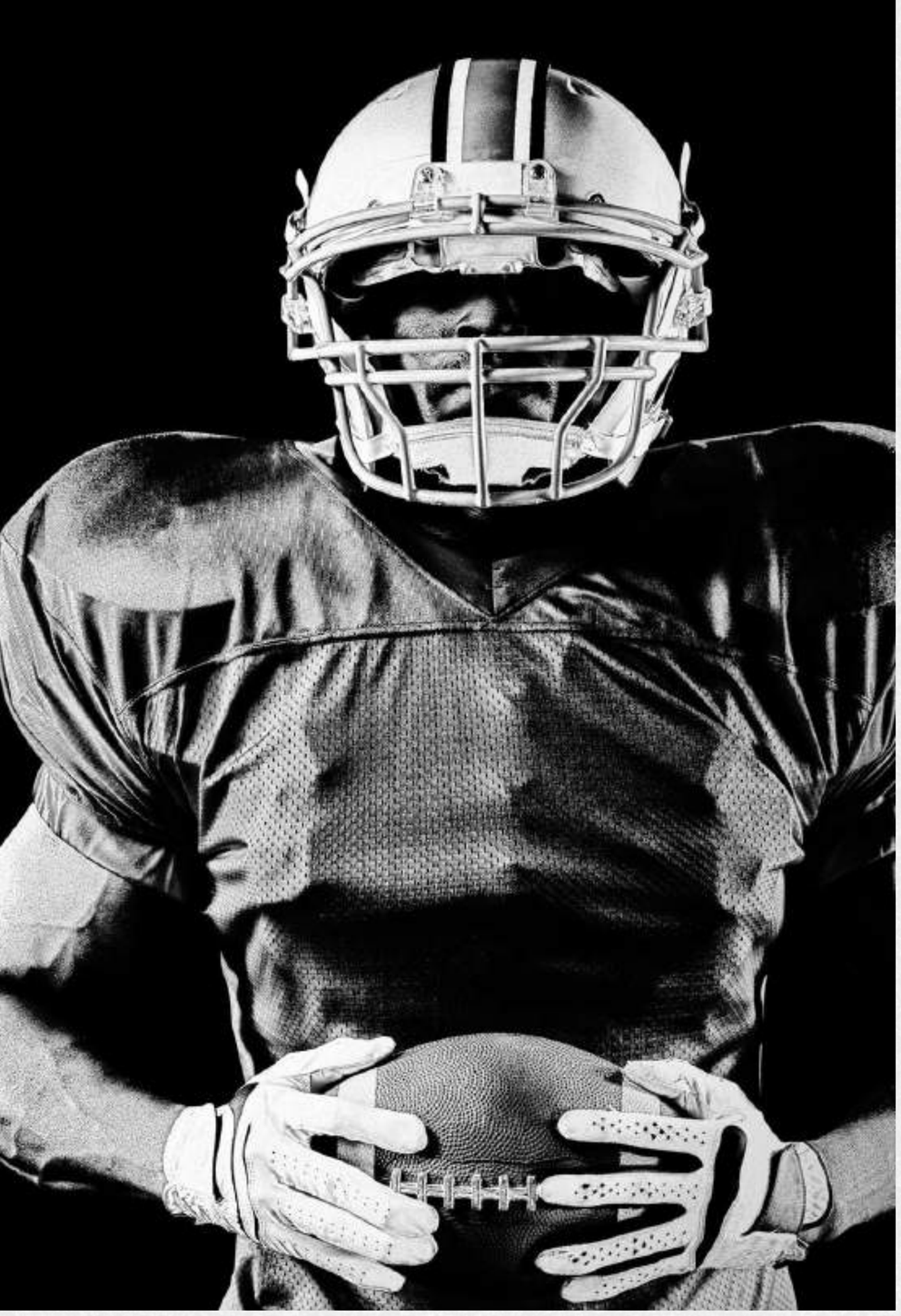
- PRESERVATION: WHEN YOU KNOW, YOU KNOW!
  - RISK MANAGEMENT DUTIES TO THE CLIENT
- ESTABLISH AND PRESERVE POLICIES FOR PRESERVATION
  - PERSONNEL POLICIES FOR USE & PRESERVATION
  - SURVEILLANCE VIDEO & OVERWRITE
  - SOCIAL MEDIA
  - AI POLICIES FOR USE
- WORK WITH IT
  - HIRE THE EXPERT
  - HIRE OUTSIDE VENDORS
  - INTERNAL IT
- UNDERSTANDING OF E-DATA: METADATA AND OTHER TYPES
- **DO NOT IGNORE THE INCIDENT OR LETTER!**

FOUR STEPS FOR PREVENTING DISASTER

1	**Preserve the moment you anticipate litigation —** not when suit is filed.
2	**Electronic evidence is fragile** — body cam, texts, and video vanish fast; never let anyone wipe a device.
3	**Follow the process** — help your lawyer follow the process for preservation.
4	**Build your defenses now** — set policies, work with IT, and bring in experts before the demand letter arrives.

SAVE THE E-DATE: A FOUR-STEP RESPONSE

S	**Safeguard the Data -** Lock down and protect all potentially relevant ESI
A	**Alert Custodians -** Issue the litigation hold to everyone who may hold data
V	**Verify Locations & Sources -** Inventory every system, device, and platform
E	**Ensure Retention & Compliance -** Suspend auto-deletion; document the process



CONCLUSION

- REMAIN FOCUSED AND DILIGENT
- EVALUATE AND WORK WITH CITIES
- ADOPT A PROACTIVE AND STRATEGIC APPROACH TO PRESERVATION & PRODUCTION OF ESI
- TECHNICAL EXPERTISE
- COMMUNICATION AND DISCUSSION

Questions?

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CMRODRIGUEZ@RAMPAGELAW.COM

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PCFLORES@RAMPAGELAW.COM