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December 17, 2025

Salado Public Library District Board of Trustees
Attn: President Nancy Mills Mackey
1151 N. Main St.
Salado, Texas 76571

Re: Violation of the Texas Open Meetings Act – Invalid Adoption of Public Comment Rules

Dear President Mills Mackey and Members of the Board:

Remnant Law is a 501(c)(3) Public Interest Law firm dedicated to advancing and protecting the public interest on matters of religious liberty and constitutional rights. We represent concerned citizens of the Salado Public Library District regarding the Board's improper implementation of extensive new rules governing public comments at meetings. These rules were adopted without proper notice or a formal vote, in violation of the Texas Open Meetings Act (TOMA), Texas Government Code Chapter 551. As a result, these proposed rules are *void ab initio* and unenforceable.

We write to demand that the Board cease any attempted enforcement, immediately retract these improperly adopted rules, and adopt any such rules through a TOMA-compliant process. Failure to comply with this demand will result in litigation to protect the rights of the general public to ensure transparency and accountability in Salado Public Library District.

FACTUAL BACKGROUND

The agenda for the October 27, 2025, meeting described the Public Forum simply: citizens must sign in at the meeting's start, speakers are heard in sign-in order and limited to five minutes each, and the Board may provide factual information or existing policy but shall not deliberate on non-agenda subjects.

In contrast, the December 1, 2025, agenda introduced substantial new restrictions without prior notice or Board action, including limiting the Public Forum to 15 minutes total, reducing individual speaking time to five minutes or less based on the number of speakers, requiring comments to be "polite and respectful," enforcing rules of order and decorum for efficient meetings and order, authorizing the presiding officer to prohibit further comments from persons or groups engaging in personal attacks, violent, discriminatory, disruptive, or inappropriate conduct including interference with others'

rights, and stating that participants are legally responsible for their statements' content and consequences. Audio recordings confirm the Board did not vote on these rules or the agenda itself; the meeting proceeded directly to public comment.

STATUTORY VIOLATIONS OF LAW

The Salado Public Library District Board, as a governing body of a special district, is subject to TOMA. Tex. Gov't Code § 551.001(3)(H). TOMA mandates that governmental actions, including adoption of rules for public participation, occur transparently in open meetings with adequate notice. Tex. Gov't Code § 551.001 (requiring liberal construction in favor of openness).

Section 551.007 authorizes reasonable rules for the public's right to address the body on agenda items, including time limits. Tex. Gov't Code § 551.007(c). However, adoption must comply with TOMA: the matter requires specific agenda notice at least 72 hours in advance (Tex. Gov't Code § 551.041), and final action must occur in an open session (Tex. Gov't Code § 551.102). Vague or boilerplate notices are insufficient; they must apprise the public of the subjects to be considered. *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762, 765 (Tex. 1991).

The Texas Attorney General's Open Meetings Handbook and opinions confirm that rules for public participation must be adopted through transparent processes, implying a formal vote in a noticed, open meeting to ensure accountability. Tex. Att'y Gen. Op. No. KP-0300 (2020) (authorizing reasonable time limits but emphasizing openness); Tex. Att'y Gen. Op. No. JC-0169 (2000) (notice sufficiency for public comment sessions); Tex. Att'y Gen. Op. No. LO-96-111 (1996) (prohibiting discriminatory rules).

Here, the rules were developed in secret, without public scrutiny or input, and added to the agenda without prior notice of any intent to revise procedures. No prior meeting agenda referenced discussion or action on public comment rules. This deprives the public of participation in the decision-making process, contravening TOMA's core purpose. Actions violating TOMA are voidable (Tex. Gov't Code § 551.141), and continued enforcement may warrant injunction (Tex. Gov't Code § 551.142).

Moreover, the rules' time constraints—capping the forum at 15 minutes and permitting reductions below five minutes—are unreasonable, as they may preclude meaningful participation with multiple speakers, effectively silencing voices preemptively. Tex. Gov't Code § 551.007(c) (requiring reasonableness); Tex. Att'y Gen. Op. No. KP-0300 (2020). Such limits constitute prior restraint under the First Amendment, disfavored when restrictions preempt speech based on anticipated volume without viewpoint neutrality and reasonableness suited to the forum. *Freedom From Religion Found., Inc. v. Abbott*, 955 F.3d 417, 426-27 (5th Cir. 2020) (adopting prior restraint

standards in public forum context). Had these rules been proposed in an open forum, our clients would likely have been informed and provided meaningful input, averting overreach lacking public scrutiny.

Additionally, while we agree that all speakers should ideally be polite and respectful, Texas statutes and the First Amendment provide otherwise by protecting robust public discourse, even if it is critical or impassioned. Specifically, the requirement that comments be "polite and respectful" is impermissibly vague and viewpoint-discriminatory, violating Tex. Gov't Code § 551.007(e), which states: "A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law." Such subjective standards enable selective enforcement against critical speech, contravening First Amendment principles of viewpoint neutrality. See *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995); Tex. Att'y Gen. Op. No. LO-96-111 (1996). Courts have invalidated similar decorum rules when they allow discretion to suppress disfavored views. E.g., *Biggers v. Massingill*, No. 23-11023 (5th Cir. Feb. 7, 2025).

DEMANDS

Within 14 days of receipt of this letter:

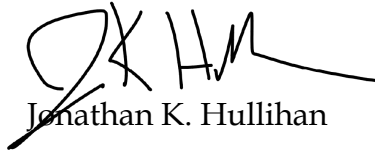
1. Immediately cease enforcement of the new public comment rules introduced in the December 1, 2025, agenda;
2. If not already posted, include a specific agenda item on the notice for the December 22, 2025, meeting to discuss and possibly adopt public comment rules (e.g., "Discussion and Possible Action on Adoption of Rules for Public Forum"), ensuring the notice is posted at least 72 hours before the meeting as required by Tex. Gov't Code § 551.041; or, if the agenda has already been posted without this item, promptly notice a special meeting for this purpose; and
3. Conduct a formal vote on the proposed rules in an open session at that meeting, permitting public input as required by TOMA.

Failure to comply will result in litigation against their enforcement, mandamus relief to compel TOMA compliance, and attorneys' fees under Tex. Gov't Code § 551.142.

We encourage the board to govern themselves accordingly so we may reach an amicable resolution to uphold the principles of transparent governance.

Please contact us promptly to confirm your compliance.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'J. K. Hullihan', with a long horizontal stroke extending to the right.

Jonathan K. Hullihan

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