

August 4, 2026

Mayor Kelly Jones and Members of the City Council
City of Westworth Village
311 Burton Hill Road
Westworth Village, TX 76114

Via email to the Mayor, City Council, City Attorney, City Administrator, and City Secretary

Re: Demand to Cure the July 14, 2026 Planning & Zoning Commission Action Taken in Violation of the Texas Open Meetings Act

Dear Mayor Jones and Members of the City Council:

I write as a resident and taxpayer of Westworth Village to formally demand that the City Council cure the action taken at its July 14, 2026 meeting removing three sitting members of the Planning & Zoning Commission, because that action was taken in violation of the notice requirements of the Texas Open Meetings Act, Chapter 551 of the Government Code, and is therefore voidable under Section 551.141.

I send this letter with the express support of all three removed commissioners. Each of them has authorized me to state that they join in this demand; given the Commission's meeting scheduled for August 4, this letter is being sent without delay, and their written signatures will follow by supplement.

The facts are established by the City's own records. The posted agenda for the July 14 meeting contained no item concerning the removal of any commissioner. The only related items were an executive session entry under Section 551.074 to "discuss board, committee, and commission appointments" and open-session Item 7D to "appoint committee members" to various boards. Neither item used the word removal or anything like it. Yet upon reconvening, the council removed three sitting P&Z commissioners, including the chair, in the middle of their terms. In response to my public information request, the City Administrator confirmed in writing that "no notices were provided" to any sitting commissioner that removal would be discussed or acted upon. The City's own records show the removed commissioners learned of their removal from emails sent by the City Secretary the following afternoon, stating that the council had "voted to make additional changes" the night before.

This does not comply with the Open Meetings Act, for the following reasons.

First, Section 551.041 requires written notice of the subject of each meeting. The Texas Supreme Court held in *Cox Enterprises, Inc. v. Board of Trustees of Austin Independent School District*, 706 S.W.2d 956 (Tex. 1986), that notice must be sufficient to alert the general public to the subject to be considered, and that matters of special public interest require more specific disclosure than routine items. The mid-term removal of three members of the City's land-use commission, weeks after a contested municipal election and ahead of an anticipated rezoning of the largest undeveloped tract in the City, is squarely a matter of special public interest. An agenda that described only "appointments" did not merely under-describe this action; it described a different action.

Second, appointment and dismissal are distinct subjects under the Act's own text. Section 551.074(a)(1) separately enumerates "appointment, employment, evaluation, reassignment, duties, discipline, or dismissal" of a public officer. Under the Code Construction Act, Section 311.021(2), each of those terms must be given independent meaning. Notice of "appointments" is not, and cannot be, notice of dismissals. The City's own subsequent conduct confirms it understands the difference: the Secretary's July 15 emails to new appointees expressly distinguish between members being "selected to serve" and members being "removed."

Third, we do not believe this omission was an accident. The removal of sitting commissioners ahead of an anticipated and controversial rezoning is precisely the kind of action residents would attend a meeting to speak against. The word "removal" appears nowhere on an agenda prepared by staff who, the next day, wrote removal notices with no difficulty distinguishing removals from appointments. The same drafting pattern appeared on June 18, when an open-ended commitment of public funds was noticed only as a discussion of "legal representation." Based on these facts, we believe the subject was deliberately omitted from the agenda because the council knew residents would object if they were told what was actually being decided. That is the precise evil the Open Meetings Act exists to prevent.

Fourth, the Act prescribes the remedy when a subject is not on the posted agenda, and it is not action. Under Section 551.042, when a subject not included in the notice arises at a meeting, the governmental body may only respond with factual information, recite existing policy, or propose that the subject be placed on the agenda of a future meeting. Under Section 551.0415, even items of community interest received without notice may not be deliberated or acted upon. And under Section 551.102, any final action on a matter deliberated in closed session must be taken at an open meeting held in compliance with the notice provisions of the chapter. The catch-all recital that the council would "take any action necessary based upon Executive Session discussion" cannot substitute for notice of the subject; if it could, every agenda in Texas could consist of that sentence alone.

Fifth, the law gives the removed commissioners themselves the right to insist that deliberations about them occur in public, and they now exercise it. Section 551.074(b) provides that the personnel exception "does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing." The Legislature extended the identical right to appointed advisory-body members in Section 551.0745(b), confirming that this protection belongs to volunteer board members, not only employees. On July 14, the commissioners were deprived of any practical opportunity to exercise this right, because nothing told them, or anyone else, that their removal was on the table. Through this letter, each of the removed commissioners now formally requests, pursuant to Section 551.074(b), that any deliberation concerning their removal, replacement, or reinstatement be conducted in open session. As of this letter, the executive session exception is unavailable for this subject.

An action taken in violation of the Act is voidable under Section 551.141, and Section 551.142 authorizes any interested person, including the undersigned and the removed commissioners, to seek mandamus or injunctive relief to reverse a violation, with attorney's fees recoverable by a prevailing plaintiff.

The remedy we ask for is simple and costs the City nothing but candor. We demand that the City Council:

1. Rescind the July 14, 2026 action removing and replacing members of the Planning & Zoning Commission, at the earliest posted meeting;
2. If the Council still wishes to change the composition of the Commission, place that action on a properly posted agenda that accurately and specifically describes it as the removal of sitting Planning & Zoning commissioners, and conduct both the deliberation and the vote entirely in open session. Pursuant to the commissioners' Section 551.074(b) requests stated above, this subject may not be taken into executive session. Posting a removal item and then retiring behind closed doors to discuss it would not cure the violation; it would repeat it in a new form; and
3. Pending that cure, refrain from having the reconstituted Commission take up any substantive matter, including any matter related to rezoning, land use applications, or the comprehensive plan, beginning with the meeting scheduled for August 4, 2026. The Council and the Commission are on notice that any action taken by the Commission as presently constituted is subject to challenge as the product of a voidable act.

Please respond within ten (10) business days of the date of this letter confirming that items 1 and 2 will be placed on the next council agenda. If the City declines to cure, we intend to pursue the remedies provided by Section 551.142.

We would far prefer that this be resolved by the council itself, in the open, than by a court. Nothing in this letter asks the council to give up any power it lawfully holds. It asks only that the council exercise its powers the way the law requires: in front of the people it serves.

Respectfully,

Chris Vaughan

Resident, City of Westworth Village

[Contact information on file with the City]

Sent with the authorization and support of the three commissioners removed on July 14, 2026,
whose signatures will follow by written supplement.