

August 21, 2026

Billie Wallace, Mayor-Waxahachie City Council
Patrick Souter, Waxahachie City Council
Chris Wright, Waxahachie City Council
Tres Atkins, Waxahachie City Council
Travis Smith, Waxahachie City Council
Ricky Boyd, City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary
City of Waxahachie, Texas

RE: FORMAL NOTICE OF POTENTIAL TEXAS OPEN MEETINGS ACT VIOLATIONS; DEMAND TO CEASE FURTHER ACTION AND MAINTAIN THE STATUS QUO REGARDING PROPOSED CHANGES TO AMBULANCE/EMS SERVICES; NOTICE OF ANTICIPATED LITIGATION AND DEMAND FOR PRESERVATION OF EVIDENCE

Mayor, Members of the City Council, City Manager, City Attorney and City Secretary:

The Waxahachie Sun hereby provides formal notice of serious concerns regarding the process by which the City of Waxahachie is reportedly considering a fundamental change in the provision of ambulance and emergency medical services to the citizens of Waxahachie.

The Sun has received information from a sitting member of the Waxahachie City Council, claiming firsthand knowledge as a participant in a July 20 executive session, indicating that the City Council and City management discussed a detailed proposal under which the Waxahachie Fire Department would assume ambulance services currently provided by Allegiance. According to those public statements, the matters discussed included substantial projected expenditures, staffing requirements, operational structure, financing, implementation and the possible use or reallocation of Waxahachie Community Development Corporation resources.

The council member further publicly stated that the discussion occurred without any apparent intention to provide citizens a meaningful opportunity to participate in the decision before the proposed course of action moved forward.

These allegations raise substantial questions under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Although Government Code §551.071 permits limited private consultation with legal counsel under circumstances authorized by law, the attorney-client exception does not permit a governmental body to conduct general governmental, financial, operational or policy deliberations in executive session merely because an attorney is present. Texas Attorney General Opinion JC-0233 specifically recognizes the distinction between receiving confidential legal advice regarding a proposed contract and engaging in closed-door deliberation concerning the nonlegal policy merits of governmental action.

Accordingly, and in light of the potential for a threatened or continuing violation of the Texas Open Meetings Act, **the Waxahachie Sun formally demands that the City immediately maintain the status quo and cease further action intended to commit the City to the proposed change in ambulance or**

EMS services until the legality of the process has been fully addressed and the matter has been properly presented to the public.

Specifically, the Sun demands that, pending proper public proceedings and legal review, the City refrain from:

1. executing or approving any agreement, contract, memorandum, resolution, ordinance or other instrument implementing a change in ambulance or EMS services;
2. issuing any notice of termination, cancellation or nonrenewal affecting the City's existing ambulance-service arrangement;
3. authorizing or making expenditures, purchases, vehicle acquisitions, equipment acquisitions or other financial commitments intended to implement a municipal ambulance operation;
4. authorizing additional firefighter, dispatcher or EMS positions specifically associated with the proposed ambulance-service change;
5. transferring, committing or directing Waxahachie Community Development Corporation funds or resources in furtherance of the proposed change;
6. directing City staff to take irreversible implementation actions arising from or based upon policy decisions allegedly reached or substantially deliberated in closed session; and
7. taking any other action intended to create a fait accompli before the citizens of Waxahachie have been given the transparency and participation required by law.

This demand does not seek to interfere with the City's ability to obtain legitimate confidential legal advice. It seeks to ensure that governmental policy decisions, financial decisions and final governmental action occur in the manner required by Texas law.

Government Code §551.102 provides that any final action, decision or vote concerning a matter deliberated in closed session may occur only in a properly noticed open meeting.

Government Code §551.141 further provides that governmental action taken in violation of the Texas Open Meetings Act is voidable.

Most importantly for purposes of this notice, Government Code §551.142 expressly authorizes an interested person, **including a member of the news media**, to bring an action for mandamus or injunctive relief to **stop, prevent or reverse a violation or threatened violation** of the Texas Open Meetings Act.

The Waxahachie Sun expressly reserves its right to invoke that provision and to seek immediate judicial relief, including temporary restraining, temporary injunctive, mandamus and other appropriate relief, should the City proceed with actions that may arise from or perpetuate an unlawful closed-meeting process.

The Sun likewise expressly reserves all rights associated with **Article VIII of the Waxahachie Home Rule Charter concerning initiative and referendum**, including the right to support or participate in lawful efforts by qualified citizens to challenge referable legislative action. Nothing should be done by the City

for the purpose or with the effect of defeating, frustrating or rendering meaningless any referendum rights that may exist under the Charter.

FORMAL PRESERVATION DEMAND

Because litigation is now reasonably foreseeable, this correspondence also constitutes a formal demand that the City and all persons acting on its behalf preserve potentially relevant evidence.

Effective immediately, please preserve all documents and electronically stored information concerning the existing or proposed provision of ambulance and EMS services, including, but not limited to:

- emails;
- text messages;
- messages transmitted through personal cellular phones or personal email accounts concerning City business;
- memoranda;
- presentations;
- PowerPoint files;
- spreadsheets;
- financial projections;
- staffing analyses;
- cost comparisons;
- ambulance and equipment proposals;
- communications concerning Allegiance;
- communications concerning other ambulance providers;
- procurement materials;
- draft contracts and agreements;
- WCDC communications and financial proposals;
- communications among council members;
- communications between individual council members and the City Manager;
- communications between the Mayor and members of the Council;
- communications with Fire Department personnel;
- notes and documents distributed or reviewed during executive sessions;
- any certified agenda, recording or other record of an executive session that exists;

- documents identifying the statutory authority asserted for entering closed session; and
- all documents or communications relating to the July 20 executive session and the proposed municipal ambulance operation.

This preservation obligation applies regardless of whether the City believes a particular document is ultimately subject to disclosure under the Texas Public Information Act. Preservation and public disclosure are separate issues, and a claim of privilege does not eliminate the obligation to preserve potentially relevant evidence.

REQUEST FOR IMMEDIATE WRITTEN ASSURANCE

The Waxahachie Sun requests written confirmation **before the close of business today, August 21, 2026**, that:

- 1. The City will take no final or irreversible action concerning the proposed change in ambulance services while these issues are reviewed;**
- 2. No contract, termination notice, purchase, staffing commitment, WCDC commitment or other implementation action will occur during that period;**
- 3. All potentially relevant records have been placed under preservation; and**
- 4. Any further consideration of the policy, financial and operational merits of changing Waxahachie's ambulance-service structure will occur at a properly posted open meeting, with the public provided the opportunity required by Texas law to address the Council concerning the matter.**

The Sun prefers that these issues be resolved through transparency rather than litigation. However, the importance of emergency medical services, the magnitude of the reported financial commitment, the potential long-term consequences to Waxahachie taxpayers and the fundamental public-interest questions presented here do not permit the process to continue without scrutiny.

The City should not make this decision first and explain it to the citizens afterward.

Please govern yourselves accordingly.

Respectfully,

A handwritten signature in black ink, appearing to be 'SB' or 'SH' in a stylized, cursive font.

Scott Brooks

Waxahachie Sun