

Mayor & Council - Emergency Meeting to fill board seats

- Aug 23, 2023: Mayor & Council convene a private “emergency meeting” and to fill 5 Library board seats
- Sep 13, 2023 Volunteers who applied for Library Board attended the Sep 13 City Council meeting. At the end of the meeting, they announced they had already chosen board members and citizen’s voices were ignored.
- Oct 16, 2024 County DA Jacob Putman sends letter to Mayor and City Council informing them they were in violation of Open Meetings Act. Nothing was ever done to punish these elected officials (it costs \$\$\$ to sue them).



Office of the Smith County Criminal District Attorney

Jacob Putman
DISTRICT ATTORNEY

Jacob Putman
Smith County Criminal District Attorney
100 N. Broadway, 4th Floor
Tyler, TX 75702

October 16, 2024

City of Tyler Mayor and City Council
P.O. Box 2039
Tyler, TX 75710

Re: August 23, 2023 "Emergency" City Council Meeting

Dear Mayor Warren and Tyler City Council:

The political action committee Grassroots America We the People requested my office look into alleged violations of the Texas Open Meetings Act concerning a Tyler City Council meeting that occurred on August 23, 2023, and a subsequent meeting September 13, 2023. One of the subject matters discussed at these meetings was appointments to the Library Board for the City of Tyler. After reviewing the materials provided, I identified several areas of concern.

First, it appears that an "emergency notice" was given for a "training session" scheduled on August 23, 2023, concerning board appoints. On its face, the "emergency notice" does not appear to comply with Section 551.045 of the Texas Government Code (*Exception to General Rule: Notice of Emergency Meeting or Emergency Addition to Agenda*). Namely, the "emergency notice" does not identify an emergency as required by §551.045 such as a fire, flood, earthquake, hurricane, etc.

Second, the "emergency notice" gives notice that the City Council Boards and Commission Training is "For Invited Guests." The language "For Invited Guests" could lead a member of the public to believe that the August 23rd training was not open to the public. As you should be aware, Section 551.144 of the Texas Government Code provides that a member of a governmental body commits an offense if the member knowingly participates in a closed meeting when the closed meeting is not permitted by law.

It does not appear from the materials provided that the August 23rd training session was a meeting the law would allow to be closed to the public. If the meeting was closed to the public, Tyler City Council members who knowingly participated could have violated §551.144 (*Closed Meeting; Offense; Penalty*). Violation of §551.144 carries a potential punishment of confinement in the county jail for not less than one month or more than six months, a fine of not less than \$100 or more than \$500, or both the fine and confinement. Additionally, conviction of a violation of §551.144 could result in a member being removed from office.



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Third, the improperly noticed "emergency meeting" that occurred on August 23, 2023, purportedly related to training for City Council members regarding appointments to various boards and commissions. At the following open meeting on September 13, 2023, the City Council voted to approve a slate of numerous board and commission positions. At that meeting, the slate was approved unanimously without discussion regarding the particular appointments. This raises concerns as to when the slate was prepared and by whom.

As you are aware, the Texas Open Meetings act exists to ensure transparency in government. It is vital that we all strive for constant vigilance when conducting public business. Therefore, it is my recommendation to you that you revisit the open meetings training mandated by Texas Government Code §551.005. Additionally, I would refrain from using the phrase "for invited guests" when posting meeting agendas. Finally, "emergency notices" should only be used in the very limited circumstances outlined by Texas Government Code §551.044.

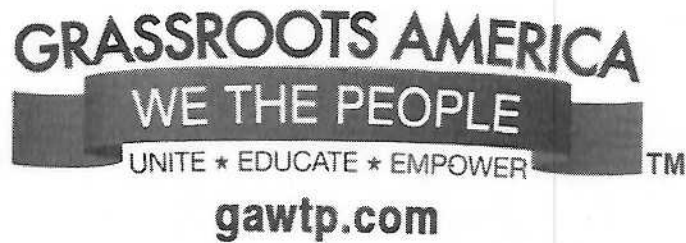
Thank you for your attention to this matter. In the event you should have any questions, please do not hesitate to contact my office.

Thank you,

Jacob Putman

Jacob Putman
Smith County Criminal District Attorney

Cc: Deborah Pullum
City of Tyler Attorney
dpullum@tylertexas.com



CITY OF TYLER – LIBRARY BOARD APPOINTMENTS Violations of Texas Open Meeting Act

December 10, 2024

Introduction – On September 13, 2023, the Tyler City Council voted to appoint members to eleven boards and commissions with fifty appointments and eight new chairs. **Among them was the Library Advisory Board with three new members and a new chair.** This entire agenda item and vote took – forty seconds. What happened before and after that vote is the predicate for this complaint filed with the Smith County District Attorney. After several months of research, we found numerous violations of the Texas Government Code and egregious breach of ethical standards and norms.

1. **On September 13, 2023, the regular city council agenda included the request that the council make appointments of members of the various city boards.**
 - a. The “Stop Porn in the Tyler Library” committee had planned for this and had a number of citizens submit applications for the three open positions. In addition to the application, several submitted CVs and had talked to their council members expressing their interest.
 - b. On the day of the meeting, the “Stop Porn in the Tyler Library” committee and volunteers assembled to pack the council meeting to show support for appointing library advisory board members that would reflect “community standards” in selecting materials for the library.
 - c. In addition, five members of the community volunteered to speak to the council on behalf of members that we knew had submitted applications for the board. The five speakers gave logical, thoughtful, and impassioned speeches to the council.
 - d. When the speakers had concluded, the mayor called for a motion and vote. Magically, all eleven boards, **50 members and 8 chairs were approved with zero discussion, debate or even a listing of the names.**
 - e. Following that vote, the mayor called for a motion on the consent agenda and then called for a vote to adjourn. **Following adjournment, the City Clerk distributed pre-printed handouts of all the selections.**
2. Following this outrageous Tyler City Council conduct, we began an intensive investigation of this “slap in the face” to citizens.
 - a. August 23rd “Emergency Meeting”
 - i. Public Information Act Requests (PIRs) revealed that there was an “emergency meeting” limited to council members and “invited guests.” The clerk sent an email to those invited guests.
 - ii. This was to follow the regular council meeting, but no mention of the emergency meeting was made during the regular council session.

- iii. The stated agenda item for the meeting was training on procedures for boards and commissions. **But minutes of the meeting showed that they actually reviewed all applicants and selected members and chairs that were to be later “voted on.”**
 - b. A PIR for Library Board applications was submitted.
 - i. There were 23 new applications and 2 incumbents listed. An analysis of appointees vs all other applicants showed no apparent correlation between experience, credentials or prior interest compared to the applications from our volunteers.
 - ii. **A second PIR showed that NO board applicants were invited to attend and/or be interviewed.**
 - iii. One appointee did NOT submit any paperwork *until two weeks after the “decisions” had been made.* Moreover, their application was not actually submitted and received until Sept 20th – one week after the Council voted and nearly a month after the “decisions” were made.
 - iv. Further PIRs showed emails with city staff actively recruiting this individual and repeatedly following up to get their application submitted.
- 3. **There were three specific violations of the Texas Government Code alleged and confirmed by the District Attorney.**
 - a. **The so-called “Emergency Meeting” of Aug 23rd is in violation of Section 551.045 of the Texas Government code. “Training” is not an emergency.**
 - i. Emergency meetings do NOT require three-day advance posting. **The Tyler City Council’s intent was purposefully hidden.**
 - b. **That same meeting is in violation of open meeting requirements in Section 551.114 by limiting attendance to “invited guests.”**
 - i. “Invited guests” implies the meeting is NOT open to the public. **The Tyler City Council’s intent was to avoid public scrutiny.**
 - c. **The city violated Section 551.045.(a-11) by engaging in items NOT included on the meeting agenda.**
 - i. Any citizen noticing the emergency meeting notice would NOT see the Tyler City Council was planning on vetting and selecting board appointments. **The intent was to avoid any chance of citizen participation.**
 - d. **The deliberations at the August 23rd meeting went way beyond discussion of process and procedure. Explicit decisions, whether through straw polls, proposed slates, or other means were made. This was done in private – in clear violation of sunshine rules and is evidenced by the fact the City Clerk had pre-printed, color handouts of all fifty appointments and chairs ready for distribution as soon as the vote was taken.**

4. Summary

The apparent violations of the Texas Government Code, circumvention of tradition and lack of transparency are serious problems which we believed should be investigated by competent authorities. The Smith County District Attorney was presented with the entire research document and recommendations. After review, the DA’s Office confirmed the GAWTP findings. According to the District Attorney:

Violation of §551.144 carries a potential punishment of confinement in the county jail for not less than one month or more than six months, a fine of not less than \$100 or

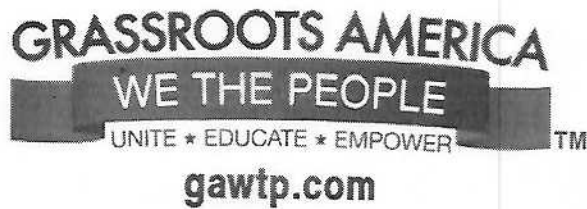
more than \$500, or both the fine and confinement. Additionally, conviction of a violation of §551.144 could result in a member being removed from office.

The careful orchestration of the sequence of private and public events, the deliberate use of misleading agenda descriptions (training, work session, workshop), and the guise of a training session that citizens would usually ignore demonstrates a premeditated intent to violate public trust. There is a clear public interest in witnessing the Council's deliberations on nominations to public boards. But most egregiously, is the shameful charade of elected officials orchestrating the agenda where citizens were allowed to address the council (Video [HERE](#) at 1:11:40) and to passionately petition these elected leaders to follow community standards when every one of those officials knew the decisions had been already been made and the list of appointees printed before the vote was taken.

The City of Tyler and every elected and appointed official who had a hand in this should be ashamed of their role in this backroom dealing. **If they do this on board and commission appointments, how can we believe they are not doing the same on financial deals and spending tax dollars? Their lack of integrity and ethical malfeasance should disqualify them from holding public office.**

Link to September 23, 2023, City Council video, see at 1:11:40

https://www.youtube.com/watch?v=hjVz022o6yk&list=PLEe78-hAOXXX_EH3_luaHfkfgNdRgM4FN&index=12



SEXUALLY EXPLICIT MATERIALS IN THE TYLER PUBLIC LIBRARY
Timeline of Grassroots America Efforts to Work Within the "System"

December 10, 2024

For two years, members of Grassroots America – We the People attempted to work with City of Tyler Councilmen Hene and Wynne, providing information and examples of offensive, obscene and inappropriate publications in the children and teen sections of the Tyler Public Library. The goal was to assemble FACTS and from those facts, develop POLICY INITIATIVES that would conform the library's policies and procedures with community standards. We believed that witnessing outraged parents and taxpayers attempting to petition the Library Advisory Board to hear and act on reasonable grievances, concerns, and requests to relocate particularly egregious examples of smut from the children and teen library sections should have compelled anyone in authority to act.

Now, after three years of trying to get these two Tyler city council members – and finally in March 2023 – asking the mayor and the entire council to simply put the matter on a city council agenda for public discussion and input, the public needs to understand how the Tyler City Council has failed to protect children.

The following timeline drives home the FACT that today's expose' is NOT a knee-jerk response, but a thoroughly researched and carefully documented study that was presented to the Tyler City Council. We spent hundreds of hours on research and draft policy development and had four workshops with Mr. Hene and Mr. Wynne.

- **December 12, 2021** – Presented an Executive Summary to Councilman Hene in person and later briefed Councilman Wynne, **outlining the scope of the problem with age-inappropriate materials in the library.** Examples were provided.
- **June 19, 2022** – Presented a **comprehensive seventy-five-page study** to Councilmen Hene and Wynne documenting the policy and operational problems contributing to the acquisition and display of age-inappropriate materials in publication lists.
- **August 13, 2022** – Presented an additional detailed study on Library Operations and Community Standards to Councilmen Hene and Wynne. Included was documentation on **purchasing procedures that bundle age-inappropriate materials without staff curation** and the pervasive influence of Marxist ideology permeating the American Library Association (ALA) and the Texas Library Association.
- **November 2, 2022** – A final report was presented to Councilmen Hene and Wynne summarizing a) the extensive documentation on age-inappropriate and biased content, b) a recommendation to replace ALA with the Texas State Library and Archive Commission certification, and c) several budget, operational, and management issues. **The report concluded with six specific action items we recommended the city implement.**

In the four months following the November meeting, no progress had been made. Outraged citizens continued to submit shocking reviews of books readily accessible to children. **These books contain blatant pornography, sexual deviancy, and pedophilia that rape the minds of children and normalize behavior that promotes utter degradation of our culture and reduces human sexuality to soul-eating animalistic acts. The bastardization of childhood innocence with smut purchased with tax dollars in a taxpayer-funded city facility must stop.** It was now time to move past any interaction with city staff and move on to where the buck stops – with the elected city officials.

March 8, 2023: A letter and complete set of above listed documentation was hand delivered to the Mayor and City Council members requesting a public hearing on the documented problems. No responses were received from any elected officials.

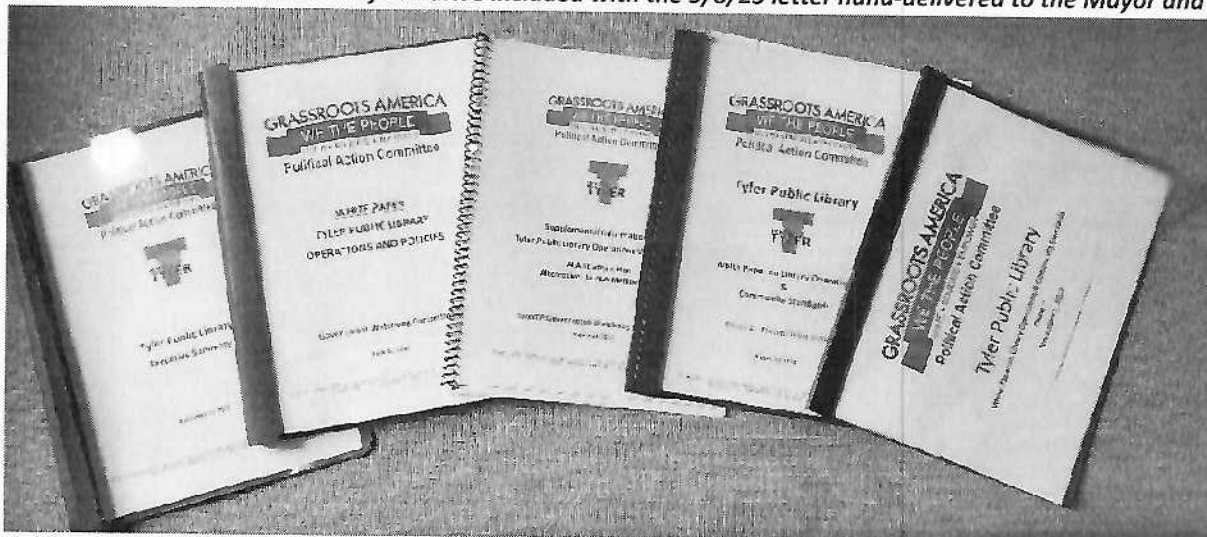
March 21, 2023: The Executive Director of GAWTP wrote to Mayor Don Warren asking for a response to our request for a public hearing. The mayor responded that same day with the following statement:

"I am satisfied with the responses for the Tyler Public Library Board and the work that City Councilmembers and staff have done to address your concerns and preserve the Tyler philosophy of limited government. I consider the matter handled appropriately."

August 2023: Following this complete abdication of moral leadership, GAWTP embarked on a public education campaign titled "Dirty Thirty." Over thirty days, elected officials, social and civic leaders, and community volunteers were emailed a daily example of the sexually explicit books available to children and teens in the public library. The response by elected leaders to this campaign was complete silence.

Remember, if any member of the Tyler City Council offered this smut to a child on the Tyler Downtown Square or in a city park, they could be arrested. If it were not for a state legislative loophole, everyone responsible for acquiring and distributing this smut in the library could be held culpable under the child decency laws. Squeaking by the law is one thing, but the Tyler City Council is still accountable to the voters and, most importantly, to our God for how they protect minor children.

This graphic provides a visual representation of the multiple fact-based reports presented to the City Councilmen in the four meetings listed above. Soft copies of these reports and presentations representing hundreds of pages of documentation were on a flash drive included with the 3/8/23 letter hand-delivered to the Mayor and Council.



JUNO Message Center

From: JoAnn Fleming <jafleming3@juno.com>

To: dwarren@tylertexas.com

Sent: Mon, Mar 20, 2023 02:34 PM

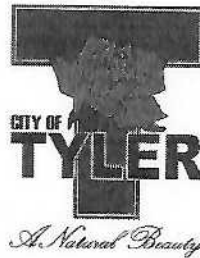
Subject: Request for Reply

Mayor Warren, as presiding Chair of the Tyler City Council, we ask you for a reply to our letter (in reference to the Tyler Public Library), which was hand-delivered with supporting documentation to the Council on Wednesday, March 8, 2023.

Thank you,

JoAnn Fleming
Executive Director
Grassroots America - We the People PAC

Donald P. Warren
Mayor



The City of Tyler
City Manager's Office
P.O. Box 2039
Tyler, Texas 75710-2039

Phone: (903) 531-1253
Fax: (903) 531-1166
www.cityoftyler.org

March 21, 2023

Dear Tom and JoAnn,

I have reviewed your letter and thank you for your interest in the Tyler Public Library. Councilmen Hene and Wynne, as well as City staff, have been responsive to the concerns brought forward by you in recent months. The questions and requests outlined in your letter were previously addressed with you by both Councilmembers, the Library Board, and staff. This resulted in updates to the Library application card to make it easier for parents to restrict access for their children.

Furthermore, the Tyler Public Library has an open and transparent process for book reconsideration. In fact, some of the book titles submitted for reconsideration request have been moved to the adult section of the Library.

These same issues continue to be brought forward by you with no acknowledgment of the aforementioned public processes or changes made. I am satisfied with the responses of the Tyler Public Library Board and the work that City Councilmembers and staff have done to address your concerns and preserve the Tyler philosophy of limited government. I consider this matter handled appropriately.

Kindest Regards,

Donald P. Warren
Mayor, Tyler

outrageous!

Christin Bentley, M.S.

State Republican Executive Committeewoman for Senate District 1

Substack @protectchildhood | ProtectChildhood.org

December 10, 2024

Sexually explicit and pervasively vulgar materials are still included in the collection of the Tyler Public Library's Young Adult Section, which is intended for use by minors and located on the first floor.

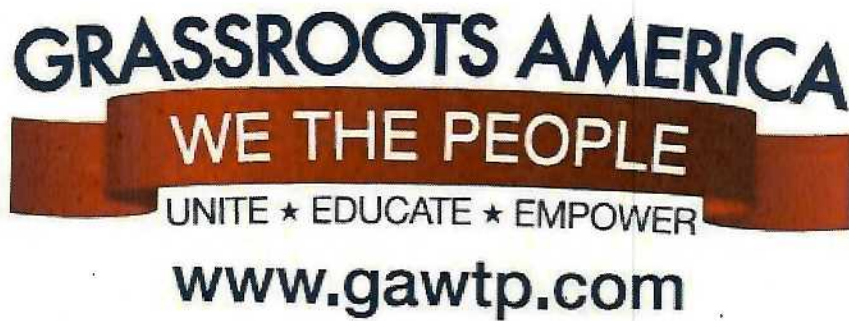
Exposure to sexually explicit and indecent content can have significant negative effects on children. Such exposure can lead to emotional, psychological, and behavioral consequences that can persist into adulthood. Some key impacts include:

- **Psychological Harm:** Children may experience confusion, anxiety, and distress when exposed to explicit content. This can interfere with their healthy development and understanding of relationships, sexuality, and boundaries.
- **Distorted Views on Sexuality:** Early exposure to explicit material can create unrealistic and harmful expectations about sexual behavior, relationships, and gender roles. Children may internalize unhealthy or abusive notions of intimacy and consent.
- **Desensitization:** Repeated exposure to explicit content can desensitize children to sexual violence or exploitation, leading them to view it as normal or acceptable behavior. This desensitization can make it harder for children to understand the serious consequences of such actions in real life.
- **Increased Risk of Exploitation:** Children who are exposed to explicit content are more vulnerable to grooming, manipulation, and exploitation by predators, as they may not be able to distinguish healthy from harmful interactions.
- **Behavioral Changes:** Children may begin to mimic the behavior they see in explicit material, including inappropriate sexualized behavior or aggression toward peers. This can disrupt their social development and relationships with both peers and adults.
- **Academic and Social Impact:** Exposure to inappropriate content can distract children from school, affect their ability to concentrate, and lead to withdrawal from peers or family. It can also increase feelings of shame and isolation.
- **Potential for Addiction:** Early exposure to explicit content can contribute to the development of unhealthy habits, such as compulsive viewing or pornography addiction, which can interfere with a child's ability to form healthy relationships in the future.

The state has a compelling interest to protect children from exposure to sexually explicit content, as it is critical to both their safety and their healthy development. Parents, educators, and communities should work together to create safer environments for children to grow and thrive, and that includes the Tyler Public Library.

The state's role in this involves balancing the rights to free speech and expression with the need to shield children from harm. Reasonable measures at the Tyler Public Library can be taken to protect free speech and expression, while upholding the community's interest in protecting children, including but not limited to moving sexually explicit, pervasively vulgar, and age-inappropriate materials to adult sections where children are unlikely to peruse.

I look forward to the City of Tyler taking the appropriate steps to ensure a safe and healthy environment for children to thrive in the Tyler Public Library.



**TYLER PUBLIC LIBRARY
COMMUNITY STANDARDS-BASED
REMEDATION PROGRAM TO PROTECT CHILDREN
December 10, 2024**

The implementation of a Community Standards-Based content policy for the library requires the City of Tyler to incorporate clear policies that a) define “Community Standards,” b) relocate all unsuitable for children “below community standards” materials from the Children/Teen section and c) prevent recidivism in “unsuitable for children” library content and operations.

Grassroots America – We the People has repeatedly recommended five specific, common-sense actions the Tyler City Council should debate and act upon in a public forum. We reassert these recommendations again today:

1. Update Library Policy Manual to **provide clear community standards-based** guidance on sexually explicit, pervasively vulgar materials, age-inappropriate materials.
2. Designate **Texas State Library and Archives Commission (TSLAC)** as the primary certification and accreditation organization and expunge all references to and association with American Library Association.
3. Implement procedures to **post and receive public comments** on books before issuing purchase orders and **eliminate “bundling” by publishers** to prevent infiltration of new violations of community standards.
4. **Audit the Children and Teen Sections** to identify and **relocate** to adult sections those materials that do not meet community standards.
5. Require **periodic (quarterly) public reports to the Tyler City Council** on the remediation status of known operational deficiencies and policy corrections.

