



Standing for Faith, Family, and Freedom in Texas

May 14, 2020

Mayor Jane Hughson, San Marcos City Council
630 E. Hopkins
San Marcos, TX 78666

Dear Mayor Hughson and City Council members:

On April 21st this body discussed and decided to amend the City's non-discrimination policy requiring all bids and proposals submitted to the City of San Marcos to acknowledge they do not discriminate in employment based on sexual orientation or gender identity. This discussion took place in executive session without opportunity for public comment.

This reckless and dangerous action may violate the Texas Open Meetings Act (TOMA) by discussion of general policy unrelated to legal matters in closed session. In addition, it forces private businesses, non-profits, and contractors with the City of San Marcos to violate their sincerely held religious beliefs on marriage and biological sex.

Ordinances and rules of this type are dangerous, and inaccurately rely on a short-lived interpretation of Federal law from the Obama Administration. The current U.S. Department of Justice has rejected this interpretation and instead concluded that protections against sex discrimination do not apply to claims on sexual orientation and gender identity.

Instead of discussions on this issue being shrouded in secrecy, we strongly urge the Council to hold a public hearing with a public comment period at a regularly scheduled meeting time to afford opportunity for citizens to comment as allowed by Gov't Code § 551.007. Further, we urge the Council to comply with the spirit of the public policy embodied in TOMA: The public business should be conducted in public. We urge the Council to delay implementation of this highly controversial policy until there is a public hearing.

Respectfully submitted,

Jonathan Saenz
Attorney and President of Texas Values