

# **Texas Public Information Act Summary of Provisions**

This summary of the Texas Public Information Act (the Act), formerly known as the Open Records Act, abbreviates some provisions and excludes others. City of Dallas officials and employees should consult with the City Secretary's Office and/or the City Attorney's Office when deciding what information should be released or how to appropriately respond and charge for providing copies of information.

## **Philosophy of Open Records**

- The public's right to know is essential to accountability in government. Citizens have the right to know what occurs in government meetings, and what is contained in public records
- It's openness, mandated by state and federal law [*Texas Government Code Chapter 552*]

## **Public Information**

- Public information cannot be withheld except as expressly provided by the open records statute
- Includes all information collected, assembled or maintained under law or ordinance in connection with transaction of public business
- It can be paper, microfilm, video, audiotapes, e-mails, or computer data
- Just because it's not printed out on paper doesn't mean it's not public information

## **"Governmental Body" subject to the Public Information Act**

- Executive or legislative branches of state government
- County Commissioners Courts
- Municipalities
- School districts
- Non-governmental entity supported by public funds
- Judicial branch is **NOT** included

## **Public Information Request**

- Two requirements:
  - It has to be in writing
  - It must ask for information or records already in existence
- Does not have to be addressed to any particular person

## **Texas Public Information Act**

### **Production of Open Records**

- We must respond *promptly*
- We must respond within **10 business days** from the date the request is received by the City - notify the Requestor *in writing* if this deadline can not be met
- Treat all requestors the same

### **Inform the Requestor**

- Tell the Requestor immediately:
  - If there will be a delay and when to expect the records
  - If programming or data manipulation are required to provide the requested information
  - If information is not available in the format requested

### **Inform the Requestor of Costs**

- After determining costs - inform the Requestor:
  - What the charges will be – include costs for copies, personnel and overhead, postage, and retrieval of records from storage
  - Itemized list of costs is required if over \$40
  - What cheaper alternative is available
  - Requestor has 10 days to reply to the cost estimate

### **Charges**

- Texas Attorney General schedule of charges
- Cost of Copies - various types of media
- Programming / Labor and Overhead
- Inspection without Copies
- Actual charge can not be more than 20% higher than estimate, one updated estimate can be made

### **Requesting Attorney General opinion to withhold information**

- City departments must contact the City Attorney's Office, who will request an Attorney General opinion if we wish to withhold information
- The City Attorney's Office must ask the Attorney General's Office for an open records ruling within 10 business days from the date the request is received by the City
- Describe the exception to disclosure that applies to the information we wish to withhold
- Include a copy of the specific information requested, or a representative sample of the information

## **Texas Public Information Act**

### **Withholding information without seeking a ruling**

- The information is presumed to be open
- It must be released unless it is confidential by law

### **Rulings issued by the Texas Attorney General**

- The Attorney General has 45 business days to issue a ruling
- If the exception(s) applies, the governmental body will not release the information
- If no exception applies, then the governmental body must release the information

### **Criminal Violations**

- Destruction, removal, or alteration of public information
- Distribution or misuse of confidential information
- Failure or refusal to provide information
- Fines – up to \$4,000
- Jail time – up to 6 months
- Constitutes official misconduct

### **Public Information Resources**

- The Attorney General's Open Government Hotline: 1 – 877 – 673-6839
- The Attorney general's website: <http://www.oag.state.tx.us>
  - Open Records Law and Handbook
  - "Frequently Asked Questions"
  - "What Requestors Should know"



# ATTORNEY GENERAL OF TEXAS GREG ABBOTT

## Transcript of Video

Public Information Act Training Video Transcript

Centuries ago, our nation was founded like no other: free, democratic and open. Spelled out in the Declaration of Independence and the Bill of Rights, Government derives their just powers from the consent of the governed— powers entrusted to them by the populous.

GENERAL ABBOTT: The public's right to know is essential to accountability in government. We have the right to know what occurs in government meetings, and what is contained in public records.

It's openness, mandated by state and federal law.

It's only natural that elected officials and government leaders want recognition for their successes, but not their failures. But we as a healthy democracy need to know the good, the bad, and the ugly.

Today we carry on the ideals and sacrifice of our country's founders.

Openness and accountability, not secrecy and concealment, is what keeps our democracy strong and enduring.

That's what a free democratic government is all about, and you can't have one unless people know what is going on behind government doors.

The Texas Attorney General's Office presents, "Open Government Training: Open Records."

GENERAL ABBOTT: Hello, I'm Texas Attorney General, Greg Abbott. A democracy depends on fully informed citizens and they in turn depend upon a government that is open and accessible. In a state as large as Texas, that's a big job, both for citizens and for government. The public sometimes has to wade through the bureaucracy to find the information it needs and government representatives sometimes struggle to understand the law. We expect this video will help everyone. As Attorney General, I'm committed to protecting open government in Texas. To get that job done we have streamlined the way we issue open records rulings and we've added a team of prosecutors to help county and district attorneys enforce the law. Education also plays a big role by making sure that everyone understands the importance of open government. By watching this video you are helping us, help you keep government open for everyone and that's a job we all share. Thanks in advance for your attention.

NANCY:: Hello and welcome to the Open Records training video developed by the Texas Attorney General's Office. My name is Nancy Fuller, and I am the chair of the Opinion Committee at the Attorney General's Office. This training is going to cover the basics of the Public Information Act. We'll begin with some general background.

Announcer: Information is Presumed Open

Under the Public Information Act, all information of a governmental body is presumed to be open to the public unless there is a specific exception to disclosure.

NANCY: It's important to start with the presumption of openness, and if you want to withhold information from a requestor, it is imperative that you show how the information is confidential or excepted from disclosure. It doesn't work the other way around. It's not



Videos



Podcasts



Photos

that the information is closed and the public needs to demonstrate that it's open. You begin with the presumption that the information is open and that you need to show that it's closed if you want to withhold it from the public.

What is Public Information?

Public information under the Public Information Act applies to information that is collected, assembled or maintained under a law or ordinance or in connection with a transaction of official business by a governmental body that is subject to the Public Information Act.

NANCY: Public information can exist in virtually any format. It can be paper, microfilm, video, audiotapes, e-mails, computer data. Just because it's not printed out on paper doesn't mean it's not public information. If it's created by your government body; if you've obtained it from an outside source and now you have it at your agency, it is public info that is subject to the Public Information Act, and it can be requested through an Open Records request by the public.

QUESTION:

I sometimes work out of my house. Are e-mails and documents on my home computer public information, subject to the Public Information Act?

NANCY: That's a question we get asked quite frequently, and the answer is, potentially, yes. Information is generally considered "public information" when it relates to official business of a governmental body or is maintained by a public official or employee in the performance of official duties, even though it may only be in the possession of one person. In addition, the Public Information Act states that it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The characterization of information as "public information" doesn't rest with where the information is being stored or kept.

Who is a "governmental body" subject to the Public Information Act?

NANCY:: A governmental body subject to the Public Information Act includes and most often means, entities within the executive or legislative branches of state government, County Commissioners Courts, Municipalities, School districts, Counties, and non-governmental entity or a part of such an entity that is supported by public funds. It does not include the judicial branch of government.

QUESTION:

How can I request records of the judiciary?

NANCY: Records of the judiciary are not governed by the Public Information Act. Many court records are available for inspection or copying at the court clerk's office. To request records of the judiciary, the request must be in writing and must be addressed to the court's custodian of records.

What is a Public Information Request?

NANCY: Under the Public Information Act, there are really only two requirements for something to qualify as a Public Information request.

NANCY: First of all, it has to be in writing. A request that's made verbally, either over the telephone or in person, doesn't trigger the Public Information Act. The second requirement is that it asks for information or records already in existence. To help illustrate this point, let's take a look at a scenario similar to something that you may encounter.

Woman Bureaucrat: May I help you?

Man: Yeah, I think so. I'm actually looking for a few things

Woman Bureaucrat: Whatcha' need?

Man: Well first I'd like to get a copy of the arrest warrant for the guy the police picked up yesterday for the homicide, and then I'd like to get a copy of the autopsy report for the victim from last week.

Woman Bureaucrat: Okay, I need your request in writing, that way I know exactly what you're looking for and it clearly activates the protections of the Public Information Act.

Man: Actually I have that right here and I was also wondering if I could get the minutes from last weeks city council meeting and a copy of the certified agenda from the executive...

Male Requestor: You know what we want.

Woman Bureaucrat: Oh excuse me sir, just a moment, let me just take care of this real quick. These people are in here every day it seems like I just keep that file waiting for them.

Man: What's their story?

Woman Bureaucrat: They're determined to prove that Texasville is the true capitol of our great state. They think the answer is in the original city charter but they've been over it so many times I don't know what they possibly hope to find at this point.

You'll notice the clerk correctly asked for the requestor to make his request in writing. Under the Public Information Act, if a requestor does not put their request in writing, the Public Information Act and its protections are not triggered. However, there are some items you may have readily available in your offices. Customer service is always a best practice in responding to requests for information. There are some instances where you can choose to provide the information or requested items within a few minutes or hours. In other instances you will need more time to provide the documents to the requestor or seek a ruling from the Attorney General's office – you'll learn more about that process in a few moments.

NANCY: Go ahead.

QUESTION: If someone asks for public information during a conversation, can I answer that request?

NANCY: Yes, you may answer an oral request for information. It is important to point out though, that answering an oral request does not invoke the Public Information Act, but it can be a public service. It is important to remember that if your governmental body answers oral requests, it is the Attorney General's position that all requestors should get fair and equitable treatment. Generally speaking, a public information request does not need to be addressed to any particular person. If the request comes in by mail, a delivery service, or hand delivery, it doesn't have to be addressed to a specific person at the governmental body. It can be addressed to any employee at a governmental body, or to the governmental body itself. There are a few exceptions, though, that are very important. The law allows an agency to designate a specific person to be the recipient of fax or e-mail requests for public information, and in those cases, these requests must be addressed to that specific employee, who is responsible for fulfilling those requests for information. In addition, a governmental body typically designates a particular employee to receive public information requests, often known as the Public Information Coordinator. It is also important to note, that after receiving a public information request, a governmental body does not have to create new information, do legal research, or answer questions. A governmental body does, however, have to make a good faith effort to relate information it does have to a public information request that it receives.

What do you do or not do in responding to a request?

NANCY: Lets take a look at some examples of correspondence you might receive at your governmental body and talk about whether or not they qualify as public information requests that trigger the requirements of the Public Information Act. The first example here is a letter from a law firm and it says, "To whom it may concern: please be advised that we represent Bad Company, Inc. a defendant in an upcoming lawsuit. We are requesting all documents related to Bad Company, Inc. Please forward those documents to us as soon as possible, and we will, of course, be happy to reimburse you for any expenses associated with this request. Very truly yours, a named partner in the firm." So how many of you think that this is a Public Information request that triggers the requirements of the Public Information Act? Okay, its always best to start by asking yourself a few questions. Is it in writing? Yes, this one obviously is in writing. Second, does it ask for information in existence? Well let's assume that it does. So, in other words, it's not asking us to create new information; its not asking us to perform legal research; and its not asking us to answer specific questions. So yes, most of you were correct; this is a valid public information request. Well let's move on to our second example. Here we have a hand-written letter and it says, " I want all records involved in report #225436," and it's signed "Bob Scrawl." How many of your think that this is a public information request that triggers the Public Information Act? Hmm, I see a few of you aren't so sure this time. But again, let's ask ourselves the two important questions: Is it in writing, and does it ask for information that is already in existence? And the answer to both of those questions is yes. So it is a valid public information request. A public information request doesn't need to be typed up, it doesn't need to be on somebody's letterhead. It doesn't need any specific or magic words like "this is a request under the Public Information Act". It doesn't need to cite any particular laws. If it is in writing and it asks for information that is in existence, or may be in existence, then it is a public information request and it triggers the Public Information Act. Lets go on to our third example. It says, "To whom it may concern: please send me all documents you have regarding your receptionist Joan Crawford. Man is she a doll. Sincerely, Mel Gibson. So, how many of you think this is a Public Information Request that triggers the Public

Information Act? Ok, I see some of you with doubts. But again, it's in writing and it asks for information already in existence. It's really not your role to worry about what's being asked for. So don't be concerned whether it seems odd or strange, because what you need to focus on is whether this is a public information request and then, if it is, how do you need to respond accordingly. So those of you that raised your hands, you were correct. Yes, this is a legitimate open records request. But let's say that Mel Gibson had gotten it wrong, just a little bit wrong, and he had asked for information regarding your receptionist Joan Crawford but, actually, your receptionist's name is Jane Crawford. Again, you have to make a good faith effort to relate a request for information to information that you do have. Don't be hyper technical about how you interpret requests for information. So if you know you have a receptionist named Jane Crawford and that Mel Gibson probably just mistyped his request or got her name wrong then go ahead and relate that request to information that you do have about Jane Crawford.

Promptly produce public information

A governmental body must promptly produce Public Information to a requestor that can't be withheld by law. This means that information should be given as soon as possible without delay, which is a reasonable time under the circumstances.

QUESTION:

I work for a governmental body that is very small and is only open for business one day a week. If I take several weeks to respond to a request for information is that promptly?

NANCY: You must promptly produce Public Information in response to a public information request "Promptly" means that a governmental body may take a reasonable amount of time to produce the information. Now, your response will likely hinge on the availability of the information requested. In some instances, the amount of information that is being requested is very large and voluminous, and so it may depend on how much information is being requested, and it may depend on where the information is located. Do you have it in storage and do you need to pull it from the warehouse? No matter how much information is at play, and no matter where it's being stored, you're going to get the information to the requester as soon as reasonably possible under the circumstances. Something else that's very important and sometimes an issue: don't ask the requestor why they want this information. The law prohibits asking why a requestor wants the information or what the requestor intends to do with it. No matter how curious you are, never ask a requestor why they want Public Information.

Lets take a look at a scenario:

Man: Alright where was I? I need the minutes from last week's city council meeting and the certified agenda from the executive session, as well.

Woman Bureaucrat: What do you need with this stuff?

Man: Well, I don't think you can legally ask me that.

Female Requestor: That's right, its no concern of the government's what you want that information for.

Woman Bureaucrat: Sorry. You're absolutely right. Okay, I can get you the autopsy report, that should just take a second to find and I can get you the probably cause affidavit for the arrest but I can't give you the certified agenda.

Man: Why not?

Woman Bureaucrat: Well as I understand it, certified agendas are confidential under the Open Meeting's Act.. I would have to check with the Attorney General's office for a ruling on that before I could release those documents.

Man: If you're sure, why do you need to ask?

Woman Bureaucrat: Under the law, anytime I want to withhold information I have to get an AG's ruling.

Man: Well how long does that take?

Woman Bureaucrat: Generally speaking, the AG is supposed to respond within 45 business days.

Man: Ok, lets do that.

Woman Bureaucrat: Ok, I'll send you a copy of the letter we send to the AG's office asking for the ruling.

Man: How will I know when the AG has made a decision?

Woman Bureaucrat: They will send you a copy of their decision

Man: If I'm entitled to the documents when the AG's office send them to me?

Woman Bureaucrat: No only the governmental body in question can send out the documents.

You'll notice the requestor correctly pointed out to the woman that she CANNOT ask why he wanted the information. No matter how bad you want to know why the request was made, it is against the law to ask a requestor. Additionally, you are not liable for what the requestor does with the information once it is released.

NANCY:

You can, however, ask a requestor to clarify what they are asking for if you don't understand a request, or you can ask them to narrow their request if the amount of information might be voluminous. So if you're not sure what a requestor is asking for, or if you just have a lot of information and you think the requestor may just not understand that you have such a large amount of information, feel free to contact the requestor. We've found that the easiest way to do this is to simply pick up the phone and contact the requestor to talk about these issues. Most requesters are very willing to speak with you and discuss their requests because they understand that the easiest way to get a good response to their request, and to get it efficiently, is to make sure that you understand what their request is.

QUESTION:

Can a governmental body and a requestor come to an agreement to release more or less than what was originally requested?

NANCY:

Yes, a governmental body and a requestor can agree that what is to be released pursuant to a request is more or less than what was originally requested. However, the best practice is to document in writing any changes to the original request.

All requesters must be treated equally.

NANCY: Keep in mind that it is really vital to treat all requesters equally. Regardless of who the requestor is, you need to treat them the same as any other requestor. For example, in fairness, you're going to want to address requests in the order you receive them, and you're not going to want to show any preferential treatment to one requestor over another. Also remember, governmental bodies are not responsible under the law for a requestor's later use of information that you provided to them. That is simply not something you need to worry about and it's certainly not a reason to deny or delay your response to a public information request.

QUESTION: We have a great web page where I work, and the staff at my governmental body works hard to keep it up to date and keep the information current. If a requestor asks for something I know is on the web page can I just send the requestor to the web to answer the request?

NANCY:

Under the Act, a governmental body must either provide the information for inspection or duplication in its offices or send copies of the information by first class United States mail. The Attorney General has determined that a public information officer does not fulfill his or her duty under the law by simply referring a requestor to a governmental body's website for requested public information. A requestor may, however, agree to accept information on a governmental body's website in fulfillment of the request and, in that situation, the governmental body must inform the requestor of the Internet address of the requested information.

Can I charge for my time and documents?

NANCY: The answer to that question is yes. You can charge for the amount of time it takes for you to gather the information and you can charge for the copies you make for the requestor. But there are established rules you need to follow when you charge a requestor and those rules are available on the attorney general's website.

Let's return to our scenario for a look at a situation you may encounter.

Woman Bureaucrat: If you want to make copies you can use that machine right over there, it's only ten cents a copy.

Man: Thank you

Woman Bureaucrat: Lets see. You want copies of all the land contracts from Texasville for the last twenty years and all the minutes from every city council meeting since its conception. And what's this?

Female Requestor: Oh, every registered voter in the history of city and we'd like that by the ten business day deadline, thank you very much. And that means starting today you'll have about two weeks.

Woman Bureaucrat: I don't know...

Female Requestor: No, the law says you have ten days

Woman Bureaucrat: Actually, hon, the ten days starts the first business day after I receive your request and then they give me that much time to respond to you. With this kind of volume, the law does give me a little leeway.

Male Requestor: Is there a problem here?

Woman Bureaucrat: Listen, it takes time and money to locate the kind of information you're looking for, and this is going to get pretty costly for you.

Male Requestor: How's that?

Woman Bureaucrat: We can charge you, and besides, I think we're going to need an opinion from the Attorney General's on some of this stuff. That could take another 45 days. Now, if you want to narrow your focus clarify some of this request, that would save you additional delays or costs. If you don't want to, I will certify in writing, within the 10 business days, exactly when the information will be available to you.

Male Requestor: Give me that list. I'll see if I can get it down to specifics.

Man: You handled that really well.

Woman Bureaucrat: Well, I'm happy to give 'em whatever they want, but I do have to follow the law.

Man: I have everything I need, thanks.

Woman Bureaucrat: Okay, you have a nice day.

Nancy: Did you have a question?

QUESTION:

Can a requestor bring their own copying equipment to avoid charges?

NANCY:

In Texas Attorney General Opinion JM-757, from 1987, this office determined that members of the public have some degree of authority to copy public records themselves. However, this opinion also determined that a governmental body may refuse to allow members of the public to use their own equipment under some circumstances. These include, for example, when it is unreasonably disruptive of working conditions; when the records contain confidential information; when it would cause safety hazards; or when it would interfere with other persons' rights to inspect and copy records. The reasonableness and safety of each request should be assessed independently. It is important to remember that in assessing charges, the governmental body is required to follow the guidelines established by the Texas Attorney General's Office.

If you ever have any questions about those fees you can find that information on the attorney general's Web site at [www.oag.state.tx.us](http://www.oag.state.tx.us) or you can contact the Attorney General's Open Government Hotline at 1(877) OPEN-TEX.

Promptly Providing Information to the Requestor

In most cases, you will be providing the information to the requestor. This can be done in several different ways. A governmental body can send a letter detailing charges that need to be paid to receive the public information. Also, the governmental body can simply release the information or send a letter regarding additional time needed to compile information that's being released.

What should I do when I believe information should not be given to a requestor?  
Can I say no to a requestor?

NANCY: I see you have a question.

QUESTION:

If I'm sure information is confidential by law, can I just tell the requester that, and not ask

for a ruling?

NANCY: A governmental body, on its own, may not refuse a proper request for information. The law requires that you ask the Attorney General's Office for an open records ruling within 10 business days from having received the request. You have another option, you can speak to the requestor about the information you feel should be withheld, and ask them if they're interested in receiving that particular information, or that information with a few changes. You may be able to get an agreement from the requestor to narrow the request to exclude the information that you want to withhold and in that case you wouldn't need to seek a ruling from the Attorney General's Open Records Division. But if you can't get that agreement from the requestor, and the requestor is just adamant that they need that information; and if you have a good faith belief that the information is confidential or excluded from open records according to the Public Information Act, then you need to request a ruling from the Open Records Division that would allow you to withhold that information, and you need to do that within 10 business days.

How do you count 10-business days?

NANCY: Let's take a look at a calendar. You'll notice that the request for information was received on a Tuesday. You'll also notice that you do not start counting on Tuesday. You start counting on the next business day— that is day one. Any day of the week that you are open for business, is a business day and you count that toward your ten business days. When you get to the weekend, the weekends are not business days. As you get down towards – between day 8 and day 9 – you'll notice that we have holidays. Any holiday that your office is closed for business is not considered a business day under the Public Information Act. And finally, you get down here to January 2nd and that's your 10th business day deadline. That's the day by which you need to respond to the public information request or seek a ruling from the Open Records Division if you need to withhold information from the requestor.

Please remember, in counting 10 business days, you start counting the day AFTER the written request is received. Saturday's, Sundays and holidays DO NOT count towards the ten days: you skip over those days and resume your counting on the next business day. Also optional holidays, skeleton crew days, or days when your office is closed, and NOT open for business, do not count towards the 10 day total.

How do I request a ruling from the Texas Attorney General's Office?

You must send a letter to the Open Records Division asking for a ruling. The letter must detail what exceptions to disclosure apply.

NANCY: So the first step in the process is to send a letter to the Open Records Division seeking a ruling by the 10th business day after you've received the request for information.

The second thing you want to do by the 10th business day is to notify the requestor that you are seeking a ruling from the Attorney General's Open Records Division. You need to let the requestor know; you can't just keep them in the dark. The requestor needs to know that you're seeking a ruling from the OR division, and the easiest and most efficient way to do that is simply to send them a copy of the request for a ruling that you sent to the Open Records Division by the 10th business day.

Finally, you must notify any third parties who has a trade secret interest or a commercial financial interest in the information that's been requested.

NANCY: So those are the three things you need to do. Seek a ruling from the Open Records Division. Let the requestor know about it. And also let any interested third party know about your request for a ruling.

Once you've completed all those steps, you're still not finished. The bulk of the work that you're going to need to do is to seek a ruling from the OR Division; You'll need to do by the 15th business day after you've received the request for information. By that day, you need to provide the OR Division with arguments about why you think the information should be withheld from disclosure. You need to provide legal arguments showing why the exceptions you raised in your 10 business day letter apply to the information that you are wanting to withhold. By the 15th business day, you're also going to need to provide the OR Division with a copy of the request that you received from the requestor. The OR Division will need to see a copy of the actual request, and the best way to do that is to attach the letter to the arguments that you submit to the Attorney General's Office. You're also going to need to let the OR Division know the exact date that your office received the Public Information request. You can do that very easily by just putting a statement in the arguments that you received on the 10th business day, or the 15th business day, or if you have a copy of the public information request that is date stamped, that is also a good way to let the OR Division know the exact date you received the request.

By the 15th business day, you'll also need to provide the OR division with copies of the

documents that you want to withhold from the requestor. The Division will need to see these documents so they can determine whether or not the exceptions that you've raised, and the arguments that you've made apply to the information that you're seeking to withhold. If you have a large amount of information, and it's essentially the same information, you can provide the OR Division with a representative sample of those documents. You don't need to provide page after page, box after box of the same type of information. You can provide a representative sample under these circumstances.

**QUESTION:**

Can a governmental body always submit a representative sample of the information requested when requesting a ruling from the Attorney General?

**NANCY:** Not always. There are some instances, such as when third party proprietary information is at issue, where a mere sample cannot be submitted and the Open Records Division needs each and every document requested. If you ever have any questions about how much information to send, it's always a good idea to err on the side of caution, or contact us before you send the sample to us.

You also need to be sure to label the documents to show which exceptions apply to which documents or which sections of the documents. Please be sure that you mark them in such a way that the Open Records Division can still see the information you're wanting to withhold, rather than blacking them out, for example. You need to make sure you label it clearly and that there is no confusion between the labels you are making, and the markings on the documents.

So remember, if you think some of the information being requested should not be released under the Public Information Act, it is up to you to ask for a ruling. By the 10th business day you must ask – in writing – the Open Records Division of the Office of the Attorney General for a ruling and state the exceptions that you believe apply. You must also notify the requestor that you have asked for a ruling, supplying the requestor with a copy of the letter you've sent to the Attorney General's office. This is a very easy way to let them know. And finally, you must also notify any Third Parties with proprietary interest in the information concerned with the requested ruling.

By the 15th business day you must then submit to the Open Records Division of the Texas Attorney General's Office:

- a) Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
- b) A copy of the written request;
- c) By the 15th day, a signed statement as to the date on which the written request for information was received or evidence sufficient to establish that date; also,
- d) A copy of the specific information requested, or a representative sample of the information if a voluminous amount of information was requested needs to be sent into the Attorney General's Office by the 15th day..
- e) When submitting these items please label that copy of the specific information, or representative samples, to indicate which exception apply to which parts of the copy.
- f) You must also send a copy of written comments to requestor, redacted if necessary.

Withholding information without seeking a ruling

**NANCY:** Say you disregard the 10 day rule, what happens? If you don't request a ruling from the Attorney General's Office and just decide to withhold the information without seeking a ruling? The information that you're wanting to withhold is going to be presumed to open to the public and it's going to have to be realist unless it is confidential by law.

Let's now take a look at a scenario that we hope will assist you in reviewing the procedures for requesting an Attorney General's ruling.

Today's the day we need to put together our brief to send to the Attorney General's Office, so let's put it together and go back through what we have done and what we need to do so we can get it right.

Ok

Well, this is our 10th business day, and we've raised our exceptions in our 10th business day letter as well as sent them a copy of the original request with the date received on it.

Did we send a copy of this written communication and a copy of the original request back to the requestor?

Yeah, we did. We CC'd them.

So all we need to do today is put together our 15 day letter to the Attorney General's Office.

Correct. So we met our legal requirements for the 10 day and so today we're gonna put

the 15 day together to send it off to the Attorney General's Office. Our first part of the 15 day is our brief, so here's our letter and our brief to the Attorney General's Office explaining our exceptions, ok? Then what we're gonna have to add, is we're gonna have to add the original request.

Didn't we already send that on the 10th business day?

We did, but the law requires that we send the original request with the 15 day also. We also need to add the letter that we sent to the requestor showing that we did tell them about us asking for a ruling.

So essentially we're re-sending our 10 day letter and our 15 day to the Attorney General's Office.

Correct. That's what we're doing. So after all that, we're still not done. We need to send a representative sample or the actual documents to the Attorney General's Office. They need to be bracketed and labeled with the exception that we want to use to withhold that information.

So what you've done is make copies of the documents you've released to the requestor, but bracketed the information that you want to withhold and labeled next to the brackets the exceptions to disclosure that you've raised.

That is correct.

So we're gonna send this to the Attorney General's Office, and then we're also gonna send a copy to the requestor. We actually CC'd her with our brief that explains the exceptions we are using.

I noticed this says "without all enclosures."

That's right. We're not sending her a copy of the actually documents we want to withhold.

What if the brief itself reveals the information at issue?

Then we can black that information out.

So the requestor is going to get a CC of our correspondence to the Attorney General's Office of the brief without the enclosures.

That's correct.

When is a ruling issued by the Texas Attorney General?

NANCY: The Office of the Attorney General has 45 business days to issue a ruling in response to a request for a ruling. If the Attorney General needs more time, the Office can extend that once by 10 business days. And if that happens, you will be notified in writing. If the Office of the Attorney General rules that an exception applies, the governmental body will not release the information. If the Office of the Attorney General rules that no exception applies, then the governmental body, and not the Office of the Attorney General must release the information.

#### Enforcement and Penalties

What does the PIA provide for in the way of enforcement and penalties?

#### Informal dispute resolution

The Public Information Act authorizes the Attorney General to enforce certain provisions of the Act. Through education, investigation, and mediation, the Open Records Division seeks to resolve informally any disputes that arise between citizens and governmental bodies regarding access to public information. If a dispute cannot be resolved informally, the office will pursue legal action on the State's behalf when warranted and authorized.

#### Challenging a ruling

Requests to reconsider rulings issued by the Open Records Division are prohibited by law. However, if you believe that a factual mistake has been made by the Open Records Division in a ruling you have received then please contact the Hotline staff to discuss the situation. That number will again be displayed later in this video.

If a governmental body disagrees with the legal interpretation of a ruling then it must file suit against the Attorney General in Travis County challenging the ruling. This suit must be filed within thirty calendar days from the date the ruling is received. The procedures for filing such a lawsuit are found in section 552.324 of the Public Information Act.

The Texas Attorney General's office is committed to keeping government open and accessible to the public.... the Open Government Hotline is available to help you make informed decisions about Open Government issues. Sometimes, though, no matter how

much guidance is provided there continues to be people who are not doing what is required. When that happens there are remedies we can take to bring those who disobey the Public Information Act into compliance. Our Assistant Attorney General in charge of Open Government is responsible for prosecuting cases where a clear violation has occurred.

HARRY WHITE:

Hello I'm Harry White, Assistant Attorney General, if there is one thing we can all agree on, it's the importance of open government. Without transparent operations, our government will lose the faith of the public. We can all do our part by working hard to comply with the standards set by the public information laws.

My duties with the Attorney General's Office consist of both assisting Texas prosecutors in investigating and prosecuting Public Information Act criminal violations and, with consent, prosecuting those violations myself.

Formal Complaints about a violation of the Public Information Act

HARRY:

A person who alleges a violation of the Act may seek to have a civil suit for declaratory judgment or injunctive relief brought on their behalf. This person, otherwise known as the complainant, can file a formal civil or criminal complaint in writing with the district or county attorney of the county where the governmental body is located. If the governmental body is a state agency, the complaint may be filed with the Travis County District Attorney. If the governmental body is the district or county attorney, the complaint must then be filed with the Attorney General. These prosecutors or the Attorney General may initiate an action if it is deemed appropriate and warranted. The procedures for filing such a formal complaint are found in section 552.3215 of the Public Information Act.

A requestor or the Attorney General may also file a writ of mandamus to compel a governmental body's officials to make information available to the public. This can be done in three instances:

- 1) when a governmental body refuses to provide copies or access to information that is clearly public;
- 2) when a governmental body refuses to request an Attorney General's ruling; or
- 3) when a governmental body refuses to release information as required by an unchallenged Attorney General's ruling.

The requestor may file a written complaint with the Open Records Division if they are faced with any of the three situations we've described and they do not wish to file suit themselves. Please keep in mind that in taking complaints it is the Attorney General's role to ensuring that governmental bodies comply with the Public Information Act. We do not represent individuals as their attorney.

The requestor cannot be sued but may intervene

The Public Information Act specifically states that a governmental body or other person that sues to withhold information cannot file suit against the person requesting the information. The law also provides that the requestor may sue to intervene in any such suit against the Attorney General.

Criminal Penalties

HARRY:

Texas prosecutors have a range of statutory responsibilities under the Public Information Act and other laws governing access to public information, and can sometimes be in a difficult position when having to enforce them. The county attorney and the district attorney are governmental bodies themselves, and are subject to the Public Information Act. At the same time, many prosecutor's offices are the statutory attorney for the county and are responsible for advising other county officials on Public Information Act legal issues.

In my experience, many governmental bodies that have failed to comply with the requirements of the Act, do so because they simply don't know the law. However, as we all know, ignorance of the law is no excuse.

Failure or Refusal to Provide Access to Public Information

HARRY:

If an officer for public information, or the officer's agent with criminal negligence fails or refuses to give, or to permit, or provide copying of public information to a requestor as provided by the Public Information Act, an offense has been committed.

The punishment range for this charge is a fine of up to \$1,000, up to six months in the county jail or both. This crime is considered a misdemeanor.

A defense to this charge may exist if the officer reasonably believed that public access to

the information was not required AND the officer acted in reliance on a court order or an opinion of a court or an open records decision of the Attorney General.

It may also be possible that the officer has requested an open records decision of the Attorney General and no decision has been issued. Another defense may be that the public officer filed suit in Travis County district court seeking relief from the attorney general's ruling and the suit is still pending – but remember, that suit has to be filed no later than the 10th calendar day after the open records decision has been issued by the Attorney General declaring the information public.

An officer's agent has a defense if the agent reasonably relied upon the written instruction of the officer for public information.

Failing to provide information under this law is official misconduct. Possible ramifications of a conviction include removal from office for elected officials.

It's also important to remember another very serious issue relating to the Public Information Act. It is a crime under to destroy, remove or alter Public Information. To be guilty of this crime a person must wilfully destroy, mutilate, remove without permission or alter public information.

The punishment range for this charge is a fine from \$25 to \$4,000, from 3 days up to three months in the county jail or both. This crime is considered a misdemeanor.

The third criminal charge under the Public Information Act is Distribution or Misuse of Confidential Information. A person violates this statute if he distributes information considered to be confidential by the Public Information Act. Additionally, if confidential information is released to member, agency or committee of the legislature for legislative purposes, an officer or employee of that governmental body commits an offense if he knowingly:

- Uses the confidential information for a purpose other than the purpose for which the information was received

or

- Permits inspection of the confidential information by a person who is not authorized to inspect the information;

or

- Discloses the confidential information to a person who is not authorized to receive the information.

The punishment range for this charge is a fine of up to \$1,000, up to six months in the county jail or both. This crime is considered a misdemeanor.

Like Failure or Refusal to Provide Access to Public Information, this crime constitutes official misconduct.

Criminal sanctions serve as a reminder of how important it is to comply with not just the letter of the Public Information Act, but also its spirit.

A goal of every person who works for the State, a county, a city, school district or any other governmental entity should be to foster not only the appearance of openness, but of real openness.

An electorate educated in the goings on of our state's government is one of Texas's greatest assets. As public servants of this state, we should do all we can to keep the public well informed. At the Attorney General's office we appreciate all you do to effectively create an open and fair system of government.

What happens if a requestor or governmental body needs help with the process?

Open Government Hotline

The Texas Attorney General's office realizes there will be questions about the Public Information Act, and what information is deemed public —by law. ("Open Government Hotline...") The Attorney General Open Government Hotline provides a valuable service both to the public and to governmental entities. The Hotline is staffed by personnel trained in answering general questions pertaining to open government issues. The Hotline also operates to facilitate the resolution of disputes between governmental bodies and private citizens as controversies arise. They are not your personal attorney, but they can help educate you about the process.

For More Information about the Public Information Act or the Open Meetings Act, you can call the Open Government Hotline toll free at 1 877- OPEN TEX, that's 1-877-673-6839 or write the Attorney General directly at:

Office of the Attorney General  
Open Records Division  
P. O. Box 12548  
Austin, Texas 78711-2548

You can also get valuable information on the Attorney General's Website at [www.oag.state.tx.us](http://www.oag.state.tx.us)

From the homepage, go to the Left Navigation column and click on "Open Government".

Tab down to "Frequently Asked Questions," where you will find information about the Public Information Act and the Open Meetings Act.

Another helpful resource can be found on the Website under the heading "What Requestors Should know" .... there you'll find tips for successful Open Records Requests and some of the things Requesters expect after making such a request. While accessing the Texas Attorney General's Office's website at [www.oag.state.tx.us](http://www.oag.state.tx.us), you can also click on the "Open Government Resources" tab and find helpful resources that include: Open Records Letter Ruling; Open Record Decisions; Copies of both the Public Information handbook and Open meeting handbook; you can also find a sample of 3rd party notification letters.

**GENERAL ABBOTT:**

This video obviously doesn't include everything you need to know. The rules and regulations that govern Open Meetings and Open Records are lengthy and sometimes complicated . . . and the task of getting to know them can be intimidating. That's why my office also produces a handbook for each act, and those handbooks are available both in printed form and online

Thomas Jefferson said, "A public office is a public trust" . . . and in that spirit, the work of government must be open to the people. It is a principle written into Texas law . . . and upheld by the courts. The public's right to know is essential to accountability in government. We have the right to know what occurs in government meetings and what is contained in public records. We wouldn't have it any other way. I am pleased to make the resources of my office available to all who need them . . . so that public officials and private citizens can join me in my commitment to government in sunshine. Thank you for your time and more importantly, thank you for your service to the State of Texas.

You have now finished a certified training of the Public Information Act. To print a certificate saying that you have completed this Public Information Act training, please go to our website at [www.oag.state.tx.us](http://www.oag.state.tx.us). Once you're there, access the open Government training link, and type the code listed on the screen right now. (TXPIA921) If you are required to go through this training by law, a copy of the certificate must be on file with your governmental agency. A copy of this certificate will not be kept by the Attorney General's Office.



# ATTORNEY GENERAL OF TEXAS GREG ABBOTT

## Transcript of Video

### OPEN MEETINGS ACT VIDEO

INTRODUCTION: Centuries ago, our nation was founded as no other - free, democratic and open. Spelled out in the Declaration of Independence and the Bill of Rights, government derives their just powers from the consent of the governed. Powers intrusted to them by the populous. The public's right to know is essential to accountability in government. We have the right to know what occurs in government meetings and what is contained in public records. It's openness mandated by state and federal law. It's only natural that elected officials and government leaders want recognition for their successes but not their failures. But we as a healthy democracy need to know the good, the bad, and the ugly. Today we carry on the ideals and sacrifice of our countries founders. Openness and accountability, not secrecy and concealment, is what keeps our democracy strong and enduring. That's what a free democratic government is all about and you can't have one unless people know what is going on behind government doors. The Texas Attorney General's Office presents Open Government Training - Open Meetings.

GENERAL ABBOTT: Hello, I'm Texas Attorney General Greg Abbott. Thomas Jefferson once said that a public office is a public trust, and in that spirit the work of government must be open to all the people. It is a principle written into Texas law and upheld by the courts. The Sharpstown stock fraud scandal of the early 1970's serves as a reminder of the public trust and also of what happens when that trust is breached. Federal accusations and state charges were levied upon several elected officials. After the scandal new Texas open government laws were passed to ensure that a scandal of that magnitude never happened again. As public officials elected to office, we owe it to all Texans to protect the openness and freedom this state and this country were founded upon. I've found that in most cases where a governmental body does not comply with the Open Meetings Act, it is simply because public officials do not know what the law requires of them. This video is a good step towards understanding the Open Meetings Act and how it applies to your particular responsibility. And while this video will address issues such as quorums and closed or executive sessions, among other things you will no doubt have questions. Rest assured we will stand ready and willing to help you in any way we can. Thank you very much for your time and, more importantly, for your dedication to the people of Texas.

NANCY: Welcome to the Attorney General's Open Meetings Act training video. I'm Nancy Fuller, Chair of the Attorney General's Opinion Committee. The opinion committee is responsible for interpreting various provisions of the Open Meetings Act and the purpose of this video is to outline for you the basics of what the law requires in your everyday business as a public official concerning meetings. We'll begin with some background.

[GRAPHIC Introduction & Overview of the Open Meetings Act]

ANNOUNCER: An introduction and overview of the Open Meeting Act

NANCY: A member of a governmental body has a duty to comply with the Texas Open Meetings Act. The Act's requirements remind us that a public officer's governmental



Videos



Podcasts



Photos

authority is to be exercised for the benefit of the public. The Open Meetings Act requires all meetings of governmental bodies to be open to the public, except where the Act or another statute allows for a closed meeting. The public must be given notice of the time, place, and subject matter of each meeting, and records must be kept of open and closed meetings. The Act also provides civil remedies and criminal penalties for violations.

[Graphic: Purpose of the Open Meetings Act]

ANNOUNCER: Purpose of the Open Meetings Act

The Open Meetings Act was first adopted in 1967 on the premise "Our citizens are entitled . . . not only to know what government decides but also to observe how and why every decision is reached."

NANCY: As Attorney General Abbott mentioned earlier, the importance of open government laws became evident when the Sharpstown scandal came to light in 1971 and 1972. [VIDEO OR GFX Slide 2: Gfx of headlines of Sharpstown scandal/and or video montage with sweeps and pans.] This scandal involved a bank's effort to secure favorable legislation by bribing legislators, and it resulted in the conviction of the incumbent Texas Speaker of the House and two associates for stock fraud violations.

[video clip] - NEWSWOMAN: Sharpstown State Bank , the crux of the scandal that shook the faith of the people in the state government . . .

NANCY: After many legislators lost their offices in the next election, the legislature adopted laws favoring openness in government, and made substantial revisions to the Open Meetings Act to close loopholes and to extend the Act's requirements to more governmental meetings.

NANCY BACK ON CAM:

The Act has been amended numerous times since 1973 for various reasons, for example to deal with advances in communications technology, to close a loophole allowing for staff briefings, and on occasions to address concerns of specific governmental bodies. The Act was codified as Government Code 551 in 1993, and this is where you can locate the Act now.

NANCY CAM TURN TO NEFTY'S CAMERA:

ANNOUNCER: As the Open Meetings Act is discussed, it will be helpful for you to listen for the following information....

[GRAPHIC: LIST BELOW]

[SLIDE 3 showing following points with new voice-over]

Requirement of a governmental body to hold open meetings.

Definition of "governmental body."

Definition of "meeting."

Notice of time, date, place, and subject matter of meetings.

Open and closed meetings.

Record-keeping, and

Penalties and remedies for violations.

[GRAPHIC: The Open Meetings Act: Governmental Bodies, Quorums and Meetings]

ANNOUNCER: The Open Meetings Act: Governmental Bodies, Quorums and Meetings.

ANNOUNCER: Under the Act, all of a governmental body's meetings must be open to

the public, unless a law allows a closed meeting.

NANCY: The Act applies only to governmental bodies, and there are three types of governmental bodies that are subject to the Act. [GRAPHIC 5: ✓ governmental bodies; ✓ entities required by law or rule to comply with the Open Meetings Act; ✓ in certain circumstances, a committee or subcommittee]: First of all, entities that are within the Act's own definition of "governmental body"; entities that another statute or rule make subject to the Act; and sometimes a committee of a governmental body, if the committee makes final decisions for the governmental body.

When you think about an open meeting this is likely what you think of...

[ROLL OPEN GOVERNMENT VIDEO]

MAYOR: Good evening, I'd like to welcome everybody to this meeting of the city council. (Then skip to the following...) After our deliberation with the people here tonight we will briefly convene in executive session ..... (Then skip to.)

ATTENDEE: Why can't you all discuss it out here?

MAYOR: Settle down, settle down. In order to be fair to Mr. Linton and to determine his availability and ability to oversee the repairs it's appropriate, and lawful I might add, for us to discuss in private this matter." (Fade to black)

NANCY: That scenario was obviously the start of a city council meeting and a discussion about some of the business to be discussed. In some cases, meetings can become SPIRITED... our goal with the scenarios we present here are to provide you with an idea of how to handle some of the issues you may face. We'll also address the steps you need to take before calling a meeting and walk you through the process of making sure you are following the Open Meetings Act.

The clip you just saw was a city council meeting, but there are many more examples of governmental entities that – by law– have to abide by the Open Meetings Act.

Let's examine these categories of governmental bodies more closely.

NANCY CAM TURN FOR SIDE CG SET UP:

[SIDE CG: Defining "governmental body"; +State Agencies; +Counties; +Cities; +School Districts; +Some Non-Profit Corporations]

The Act defines the term "governmental body" to include, for example, state agencies, counties, cities, school districts and some types of private non-profit corporations. (Info below needs to go on a handout, not a slide):

ANNOUNCER: A more complete list of entities subject to the Open Meetings Act would include...

- a state board, commission, department, or agency that is within the executive or legislative branch of government and that is directed by at least one elected or appointed member;

Next

- a county commissioners court and a municipal governing body;

Also

- a department, agency, or subdivision of a county or municipality that has rulemaking or quasi-judicial power—that is, a department, agency, or subdivision of a county or municipality with authority to determine policy making rules or to decide contested cases;

- a school board of trustees, a county board of school trustees, and a county board of education;

Also

- the governing board of a special district created by law;

- a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that the state has authorized to serve a geographic area of the state; and

- finally, a nonprofit corporation that is organized under chapter 67 of the Water Code, that provides a water-supply or wastewater service, or both, and that is exempt from ad valorem taxation.

NANCY: The Act also applies to entities that are not governmental bodies but – by some other law or rule – are made subject to the Open Meetings Act. For example, the legislature has adopted statutes providing that economic development corporations and the governing bodies of open-enrollment charter schools are subject to the Open Meetings Act.

And finally, the Act applies to a committee of a governmental body IF the committee does more than simply advise the governmental body. If the committee's recommendations are routinely "rubber stamped" by a governmental body or if the committee has the power to make actual, final decisions for the governmental body, then the committee is subject to the Act. And this is true even if less than a quorum of the governmental body sits on the committee.

[GRAPHIC or SIDE CG: Entities NOT subject to the Open Meetings Act; the judiciary; an advisory committee; a private non-profit corporation that performs government business; a private entity]

Certain entities are not subject to the Act. They include:

- the judiciary;

- an advisory committee, whose actions are not simply rubber stamped by the parent

governmental body;

- a private nonprofit corporation that performs governmental business unless it is specifically made subject to the Open Meetings Act by statute or rule; and

- a private entity.

Now, merely because a private entity receives public funds does not mean that it's subject to the Open Meetings Act, although it might be subject to the Public Information Act. The Open Meetings Act and the Public Information Act are separate laws that are completely independent of each other.

For the purposes of this video, when we refer to a governmental body, we're referring to an entity that's subject to the Open Meetings Act.

[GRAPHIC: What is a quorum?]

ANNOUNCER: What is a quorum?

ANNOUNCER: The term "quorum" generally refers to "a majority of a governmental body."

The Open Meetings Act applies to a gathering of a quorum of a governmental body's members where public business is deliberated or discussed.

NANCY: Some entities have special requirements for what constitutes a quorum, but generally it's a simple majority of the members. Let's say, for example, that there are 8 members on the city council or school board – that means 5 have to be present to make a quorum. A quorum of a governmental body must be present for them to transact business and to take final action. In some situations, the Act applies even when there is not a quorum present. For example, committees that are not truly advisory such as we discussed earlier. Another example is when members knowingly meet in numbers less than a quorum in order to avoid having a public meeting. We will discuss this conspiracy provision later on in the presentation.

[GRAPHIC: So what constitutes a meeting?]

ANNOUNCER: What constitutes a meeting?

[GRAPHIC: A meeting occurs when: a quorum gathers; public business is discussed; and EITHER (1) a member of the governmental body speaks or (2) the governmental body called, conducts, and is (3) responsible for the meeting.]

ANNOUNCER: The Open Meetings Act defines the term “meeting” to include two types of gatherings. Both require the presence of a quorum and the discussion of the governmental body's public business. One type is when at least one member of the governmental body joins in the discussion of public business. Or, the other, occurs when the governmental body called the meeting, conducts the meeting, or is responsible for the meeting.

NANCY: Trying to figure out if a quorum is present and whether certain gatherings are meetings subject to the Open Meetings Act can be difficult to determine sometimes. Here are a few scenarios that will give you a better idea about situations that may arise and whether or not they're considered “meetings” under the Open Meetings Act.

The following are examples of various gatherings of a five-member governmental body – it could be a school board, special district, county commissioners court, or even a city council – the important thing to focus on is trying to determine whether the gatherings of the individuals are meetings subject to the Act. The first step is always to determine whether a quorum is present. Then look at whether the quorum is discussing public business over which the governmental body has authority, and if either a member is participating in a deliberation of the public business or the governmental body called, is conducting, and is responsible for the meeting.

(VIDEO - Example One)

ANNOUNCER: This is the most common scenario - a board or city council at a traditional meeting. You can see – a quorum is present – which means at least a simple majority of the council members are in attendance and, at least one member of the council is discussing the city's public business. The city council has called, is conducting, and is responsible for the meeting. This is clearly a meeting that is subject to the Open Meetings Act.

(VIDEO - Example Two)

ANNOUNCER: This second example again shows members of a board or city council at a regularly called and scheduled meeting. This time though, only one member of the city council is discussing the city's public business with a member of the audience. Because a quorum is present, one council member is participating in a deliberation of the city's public business, and the city council called, is conducting, and is responsible for the meeting, this is a meeting subject to the Open Meetings Act.

(VIDEO - Example Three)

ANNOUNCER: Our next example shows three city council members and the mayor discussing the city's public business in a social setting away from city hall and the council chambers. The three members constitute a majority of the five-member city council, so a quorum is present. The quorum is discussing the city's public business and at least one member is participating in the deliberations. Even though the governmental body probably didn't call this meeting, it's still a meeting under the Act because all of the other

elements of a meeting are present. Unfortunately, these members are having an illegal meeting.

NANCY: This next example is most certainly a situation that occurs in city halls, school administration buildings and other government offices regularly. Members of a governmental body have to be careful that they don't "drift" into an unplanned meeting like this one, especially when they are in social situations, or when they're at an administration building. If a member of the commissioners court, for example, is discussing county business with the county judge in the county judge's office and another county commissioner walks in and joins the discussion, suddenly a meeting subject to the Open Meetings Act is taking place.

The seriousness of this can be seen in a notorious 1990 case - in it, the Texas Supreme Court found that two members of a three-member water commission violated the Act because they discussed public business in the restroom during a break from the regular meeting. The Court said when a quorum of a governmental body is considering the governmental body's public business, "there can be no 'informal' discussion. There is either formal consideration of a matter in compliance with the . . . Act or it's an illegal meeting."

Cut to concerned looking audience member who is raising her hand.

NANCY: I see you have a question.

AUDIENCE MEMBER: Yes, I'm very concerned about this. I had no idea that the Act applied so broadly. I serve on a five-member city planning commission that is subject to the Act. Three of us are friends and our kids play on the same soccer team. We see each other all the time at parties, and at soccer games, and at practices. Should we avoid talking to each other except at commission meetings?

NANCY: That's really a good question and I'm glad you asked that question because we get it a lot, and it's a common misconception about the Open Meetings Act. And, no, it's not that you need to avoid talking to each other in social settings. Remember, the Act applies only to discussions about public business of the governmental body. The Act clearly states that social functions unrelated to public business do not apply. Now, if you avoid talking about the planning commission's public business when you are with other members socially, you really don't have to worry about violating the Act. .

DIFFERENT AUDIENCE MEMBER: So, what if another member comes up and starts talking about a matter of public business?

NANCY: Well, you should probably politely direct the other member to hold their comments for a future open meeting. If you continue the conversation, you run the risk of a walking quorum problem by knowingly discussing public business outside of a public meeting.

(VIDEO - Example Four)

ANNOUNCER: In this next example, the city council members are silently listening to members of the audience discuss the city's public business. This is reminiscent of a public hearing where someone other than the council is doing all of the talking. A quorum is present, the city's business is being discussed, and even though no city council member is participating in the deliberation, the city council called the meeting, is conducting the meeting, and is responsible for the meeting. This meeting is subject to the Act even though no members participate in the discussion.

(VIDEO - Example Five)

ANNOUNCER: This next example is similar to the first, except this time the city council is listening to a city staffer speak about the city's business. Once again, a quorum of the city council is present, and city business is being discussed. Even though no council member participates in the discussion, the city council called, is conducting, and is responsible for the meeting. This meeting is subject to the Act. The fact that this was a staff briefing makes no difference because the legislature specifically closed the "staff briefing exception" to the Open Meetings Act in 1999.

NANCY: But not all meetings are held in public chambers and in city, county and state buildings. So what happens if, let's say, the meeting was in the Mayor's office?

[VIDEO - Example Six]

ANNOUNCER: The change of location does not affect the result: a quorum of the city council is present, the city's public business is being discussed, and even though no council member is participating in the discussion, the city council called, is conducting, and is responsible for this meeting. This meeting is subject to the Open Meetings Act.

[VIDEO - Example Seven]

ANNOUNCER: This example is the same, but instead of being located in a mayor's office, this gathering occurs at a local park during a city council retreat. None of the city council members are participating in the discussions but the results are the same: a quorum of the city council is present, the city's public business is being discussed, and the city council called, conducts, and is responsible for the meeting, even though no council member is participating in the discussion of public business. This is a meeting subject to the Open Meetings Act.

[VIDEO - Example Eight]

ANNOUNCER: In this example, four members of the city council are attending a school board meeting to listen to a discussion of public business affecting the city as well as the school district. Although a quorum of the city council is present and the city's business is discussed, no council member participates in the discussion and the city council did not call this meeting. This is not a meeting of the city council subject to the Act.

[VIDEO - Example Nine]

ANNOUNCER: We have here the same scenario with one important difference: a city council member participates in the discussion of the city's public business. As in the previous example, a quorum of the city council is present and the city's public business is being discussed. Thus, even though the city council did not call this meeting, this is now a meeting of the city council subject to the Act because a city council member participated in the discussion. In this scenario the city, in addition to the school board, should have posted proper notice of the meeting.

NANCY: A meeting subject to the Open Meetings Act doesn't just apply to traditional meeting settings... it can also occur through a nonspoken exchange, such as written materials or email. \*\*\*FOOTAGE OF EMAIL EXCHANGE\*\*\* The Office of the Attorney General has determined, for example, that circulating an invoice among members of a commissioners court until a quorum agrees to approve a payment by signing the invoice, instead of considering that invoice at a public meeting, violates the Act. Written approval of the invoice was no different from the deliberation of any other county business that would normally be required to take place during an open meeting.

Because circulating written comments can constitute a meeting subject to the Act, the members of a governmental body should be very cautious about email or text-message interactions among themselves on a subject matter that is related to the public body's business. If you receive an email that you feel is questionable you SHOULD NOT REPLY to that email and you should immediately contact your legal counsel.

Generally, a governmental body cannot meet by telephone or video conference unless they are specifically authorized by state law to do so. Because the provisions authorizing meetings by telephone or video conference are so specific and detailed, you should consult with your legal counsel before holding or participating in a meeting by telephone conference call or video conferencing.

This has been a lengthy discussion of the Act's definition of a "meeting." Anytime you encounter discussion of public business outside the course of an open meeting, you should develop a habit of asking yourself whether the discussion might violate the Texas

Open Meetings Act. If you are unsure, you should always err on the side of caution and delay the discussion until the matter can be discussed in a formal meeting or have an opportunity to consult your attorney or the attorney general's open government hotline. The attorney general's hotline number will be provided at the end of this presentation.

[GRAPHIC: Notice Requirements for Open Meetings]

ANNOUNCER: Notice Requirements for Open Meetings

The Act requires a governmental body to provide to the public "written notice of the date, hour, place, and subject of each meeting held by the governmental body."

Before a public meeting covered under the act gets to this point...

[NATS FROM OPEN GOVERNMENT TAPE: Backtime from last sentence]

MAYOR: The only discussion will be to consider council action to authorize the appropriation of funds to immediately begin repairs on the water treatment facility."

ANNOUNCER:

There must first be a notice posted.

[VIDEO - someone typing out a notice or a screen shot of a prepared notice]

City of Texasville

Notice of Meeting of the City Council

January 4, 2006

7:00p.m.

Rm 100

City Administration Building

1. Personnel Matters

2. Consideration of appropriation to begin immediate repairs on the water treatment facility.

3. Consideration to appoint an interim manager to oversee the repairs of the water treatment facility.

4. Consideration of ordinance condemning property between blocks 1 and 2 of McMurtry Way between Lonesome Dove Drive and Hat Creek Cover, for construction of a city park.

5. Public Forum

Here's an example of a notice. Make sure you provide basic information including time, location and business that will be discussed. In the case of the Texasville City Council meeting you'll remember one of the issues they were considering was the authorization of immediate repairs to the water treatment facility. You'll notice that is clearly indicated on the agenda.

NANCY: In general, notice must be sufficient to inform the general public of the subjects to be considered during the meeting. Whether the notice is legally sufficient, however, can vary based on the facts. [NANCY HOLD UP NOTICE]

In our example here of notice for the January 4th, 2006, Texasville City Council meeting, we see that in item 1, the council has given notice that it intends to discuss personnel issues. Let's suppose that the council proposes to use only the word "personnel" to alert the public of the council's intention to select a new director. Do you think that is sufficient wording on the notice?

[SOME CROWD MEMBERS MUMBLE NO, SOME SHAKE THEIR HEADS YES]

Well, I see some yes's and some no's. In this case, if the notice item had only used the word "personnel", it would be insufficient to describe the selection of a new director because of the high level of public interest in the appointment. On the other hand, if the business at hand was to discuss hiring a new clerk – simply using the word "personnel" could be okay.

The Texas Supreme Court has held that notice of a closed meeting to discuss "personnel" was insufficient to describe the selection of a school superintendent because it was a subject in which the public had a great deal of interest. The court said that selecting a new school superintendent is not the same as ordinary personnel matters—and that a label like "personnel" fails to let the public know what the meeting is really about. Selecting a director or a city manager, for instance, is clearly on the same level as the selection of a school superintendent and it's probably of special interest to city residents. However-- absent special circumstances in some particular case-- the hiring of clerk to the city secretary is probably not a subject of special interest to city residents and therefore, in a case like that, "personnel" is likely a sufficient description of the intention to discuss the item. Again, err on the side of caution when making decisions or consult your legal counsel.

The Act requires notice to fully disclose the subject matter under consideration... but notice DOES NOT NEED TO outline all the consequences that might result from considering a matter. Our notice also describes a proposed condemnation by the city of land in a particular area. This type of meeting notice is adequate according to the Texas Supreme Court. It is not necessary to inform particular landowners that their land might be condemned in your meeting notice. The Act is designed to benefit the public, not individuals, so notice under the Act does not have to be specifically tailored to individuals whose interests are most likely to be affected by a proposed action.

[ROLL TEXASVILLE CITY COUNCIL MEETING]

(woman approaches the microphone)

ELMA: You've run the Paynes clear off their land for this precious sewage system, and now look what happens. I think you should revote and give the land back to the people it rightfully belongs to. Ha! This ain't progress, this is nothing but scandal and dirty politics and greed!

MAYOR: Elma, Elma, we've been over this. The city needed the land, and Josie and Randy were very handsomely compensated for it. Besides, I don't see them here complaining about it. Now we covered all of this at a city council meeting three months ago, and if I remember correctly you had plenty to say at the time. So unless you have a specific question or an opinion about this matter, I'm going to have to ask you to step aside.

ELMA: I just want you to know how the folks in this town feel.

NANCY: You'll notice in this video clip that members of the public showed up to discuss something that had already happened at a previous Texasville City Council meeting.

Generalized terms such as "old business" and "new business" are not proper terms to give notice of a meeting because they really do not inform the public of the subject matter to be considered. The terms "public forum" or "public comment," however, do provide sufficient notice of a public comment session. In a public comment session, members of the general public are allowed to address their governmental body about their concerns, and the governmental body does not comment on or discuss the concerns.

AUDIENCE MEMBER: Why are notice items like "old business" not okay, but general items like "public forum" are?

NANCY: That's a good question. The difference has to do with who's talking about the

agenda item. Let me explain. Let's say, for example, that somebody from the city zoning commission was giving a presentation at a public meeting. The council would be able to easily give advance notice of that subject matter because it knows in advance what specific items are going to be considered. On the other hand, if a member of the public comes in and talks about that same zoning issue that the governmental body couldn't have predicted then that subject matter is not going to be on the notice. They can talk about it in a public comments session, but they can't discuss it.

The Act also sets the minimum length of time a governmental body must post notice before each meeting and the location at which notice must be posted.

[GRAPHIC: [Slide 18] With certain exceptions, the notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting.

ANNOUNCER: With certain exceptions, the Act requires a governmental body to post notice "in a place readily accessible to the general public at all times for at least 72 hours" before the meeting is scheduled to start. This 72-hour requirement applies to most local governmental bodies. A governmental body with statewide jurisdiction, HOWEVER, must give even more notice. That statewide governmental body must file notice of a meeting with the Texas Secretary of State's Office. That notice will be posted on the Internet for at least seven days before the meeting day.

NANCY: Governmental bodies should post notice in their regular meeting place or administrative offices unless some other place is designated by law. For example, cities must post notice on bulletin boards in city hall, and school boards should post notice in the school district's central administrative office. There are also specific notice requirements for political subdivisions that extend into fewer than four counties and larger ones that extend into four or more counties. Notice must be accessible to the public for the full 72 hour period. If the notice posted indoors is not accessible for the full 72 hour period because the building is closed at night and on the weekends, local governmental bodies may post a copy of the notice on an outdoor kiosk or a bulletin board next to the building.

A new provision of law pertains to Internet posting of notices. If a city, county, school district, college board or district, or a development corporation maintains an Internet website, [screen shot of person typing in "Texasville.state.tx.us" and having a typical city-like "web page" appear with "city council meeting January 4, 2006" in obvious print - person clicks on that and we see the notice back on page \_\_\_\_] it must also post its notice on its' website as well as in its regular physical location. Where the Act requires or permits the notice to be posted online, as long as the governmental body makes a good-faith effort to attempt to continuously post notice on the Internet, the physically posted notice needs to be readily accessible to the general public only during business hours instead of "at all times."

ANNOUNCER- There may be additional posting requirements for these types of governmental bodies if they exceed a certain size. Please consult your legal counsel for guidance on specific requirements that may apply to your situation.

NANCY - There are some special rules for notice of emergency meetings and for providing supplemental notice of subjects added as an emergency matter to a meeting notice after the initial posting. The public notice of an emergency meeting must be posted for at least two hours before the meeting is scheduled to begin. A governmental body may decide to consider an emergency item during an already scheduled meeting. But in that case, the governmental body must post notice of the subject that is added to the agenda at least two hours before the meeting on that emergency topic. These special rules apply only in the case of an emergency meeting or urgent public necessity.

[GRAPHIC: What constitutes an "emergency?"

ANNOUNCER: What constitutes an "emergency?"

[SLIDE 19 - READ BY ANNOUNCER] ANNOUNCER: An emergency or urgent public necessity exists only if a governmental body is required to take immediate action because of

(1) an imminent threat to public health and safety; or

(2) a reasonably unforeseeable situation.

ANNOUNCER - And the notice of the meeting or the additional agenda item must clearly identify the emergency or urgent public necessity; if the notice doesn't do so, a court may invalidate it, and any actions that were taken at the meeting may be voided. To comply with the Open Meetings Act, any use of the emergency meeting provisions must be legitimate.

BACK ON CAM

NANCY - Over here.

AUDIENCE MEMBER: What do we do if we notice within 72 hours of the meeting that we forgot an agenda item off the notice?

NANCY: Well, you're going to need to save that agenda item for the next scheduled meeting or reschedule the meeting and repost notice. Only emergency items can be added to the agenda once you're within the 72 hour notice period before the meeting.

So what happens to your notice requirements if you recess a meeting?

A governmental body may recess an open meeting to the following regular business day without reposting notice of the continued meeting if the action is taken in good faith and not to circumvent the Act. For example, if your meeting goes until midnight and everyone's tired and wants to go home, the governmental body can recess for the night and take up the meeting again on the next business day without reposting notice of the meeting. If, however, a meeting is called at 4:55 p.m. on one day with the intent of immediately recessing that meeting and then reconvening on the next business day in hopes of concealing from the public what's actually taking place, then you're going to be in violation of the good faith requirement.

[GRAPHIC: Preparing and Keeping a Record of a Meeting]

ANNOUNCER: Preparing and Keeping a Record of a Meeting

[GRAPHIC: READ BY ANNOUNCER ]

ANNOUNCER: A governmental body must prepare and keep minutes or make a tape recording of each open meeting of the body.

The minutes must:

(1) state the subject of each deliberation; and

(2) indicate each vote, order, decision, or other action taken.

NANCY: You must comply with one of the two options. You can simply prepare written minutes or making a tape recording. If the governmental body chooses to prepare written minutes, the minutes must state the subject of each deliberation and must indicate each vote, order, decision, or other action taken. The minutes and tape recordings of an open meeting are public records and must be made available to the public. If minutes are kept instead of a tape recording, the minutes must record every action taken by the governmental body.

AUDIENCE MEMBER: The commissioners court I serve on tapes its open meeting to assist the county clerk in typing up the official minutes. We then adopt the minutes at the

next meeting. Are there any rules governing the maintenance of this tape?

NANCY: That's another question that we get asked a lot. Under the Records Retention Act, a governmental body must have a schedule for retaining and destroying all of various types of information that it holds – and that schedule has to be approved by the Texas State Library and Archives Commission. The tape can then be destroyed consistently with that schedule. In general, the Texas State Library and Archives Commission requires a tape of a county commissioners court's open meeting that is used to prepare written minutes - like the one you described - to be retained for 90 days after the commissioners court approves the minutes. You can check on the retention schedule for any particular kind of information with your records retention manager or online with the Texas State Library and Archives Commission's Website.

[GRAPHIC ] Procedures and Requirements for Holding an Open Meeting and  
Procedures and Requirements for Holding a Closed Meeting

ANNOUNCER: Procedures and Requirements for Holding an Open Meeting and  
Procedures and Requirements for Holding a Closed Meeting

A meeting may not be convened unless a quorum of the governmental body is present in the meeting room.

NANCY: It's important to note that this requirement applies even if the governmental body plans to go into a closed meeting immediately after convening. The Act requires a meeting of a governmental body to be held in a location accessible to the public. In addition, the Americans with Disabilities Act requires the room in which a public meeting is held to be physically accessible to individuals with disabilities.

NANCY CAMERA TURN TO NEFTY:

Let's watch a meeting of the Texasville City Council being called into session.

[film footage- mayor convening meeting first and part of second sentence only]-

MAYOR: Good evening, I'd like to welcome everybody to this meeting of the city council. I'm sure most of you are here having seen this article in the newspaper this morning. . .

(sound MUST fade out so that we hear NO MORE than "paper." However, footage continues, while Nancy voiceover uses video to illustrate talking points)

NANCY: (keep video up, fade down audio) Members of the public, including the news media, attending an open meeting have a right to record the open meeting by audiotape, videotape, or other comparable means of recording. The governmental body may make reasonable rules to maintain order at a meeting, including rules about the location of recording equipment.

A meeting that is open under the Open Meetings Act is one that the public is permitted to attend. The Act, however, does not entitle the public to choose the items to be discussed or to speak about items on the agenda. A fundamental purpose of the Act is to allow the public to see its government in action. A governmental body may choose to give members of the public an opportunity to speak at a public meeting. [film footage should end here with women getting up to speak at podium - fades and screen returns to trainer].

NANCY ON CAM:

If it does so, it may set reasonable limits on the number, frequency, and length of presentations, but it may not unfairly discriminate among speakers for or against a particular point of view.

[AUDIENCE MEMBER RAISES HAND... ]

NANCY: Yes.

AUDIENCE MEMBER: What if a member of the public asks a question about something that is not listed on the notice? How should the governmental body respond?

NANCY: Well, first of all the governmental body can't discuss it as a matter of public business because it wasn't posted on that notice and so the public doesn't have any notice that this was going to be discussed. But members of the governmental body can provide factual information and information about any existing policy.

ANNOUNCER - Closed Meetings

NANCY - A governmental body cannot discuss its public business in a closed meeting unless there is a specific statute that authorizes it to do so. A closed meeting must be specifically authorized by statute, whether that is contained in the Open Meetings Act itself or in another statute. For example, some governmental bodies are authorized by their governing law to hold closed meetings for reasons in addition to those permitted by the Open Meetings Act. A good example of some of the most common exceptions found in the Open Meetings Act allow for consultations with attorneys, deliberations about real property, deliberations about the implementation of security devices, and deliberations regarding economic development negotiations.

ANNOUNCER - Attorney Client Consultation

NANCY: One of the most common exceptions that allows for a closed meeting is the exception for attorney consultation.

A governmental body may consult with its attorney in a closed meeting to seek advice on legal matters. Implementing the attorney-client privilege, this exception allows a governmental body to seek advice of its legal counsel with respect to pending or contemplated litigation or settlement offers and on legal matters that are not related to litigation. However, a general discussion of policy that's unrelated to legal matters, is not permitted under this exception just because an attorney is present in the room. A governmental body may, for example, consult with its attorney in a closed meeting about legal issues raised in connection with awarding a contract, but it may not discuss the merits of that proposed contract, financial considerations, or other matters in a meeting that is closed under the attorney consultation exception.

[GRAPHIC: Real Property Exception]

ANNOUNCER: Real property exception.

A governmental body may deliberate in a closed meeting on certain matters concerning real property.

NANCY: This exception permits a governmental body to go into closed meeting only where public discussion of the subject would have a detrimental effect on the governmental body's negotiating position with respect to a third party.

[GRAPHIC(Fullscreen): Acceptable discussions in a closed meeting; implementing security personnel or security equipment; economic information from prospective business relocations]

NANCY: The Open Meetings Act permits a governmental body to discuss in a closed meeting deploying or implementing security personnel or devices. The Act also authorizes a governmental body to deliberate on commercial or financial information that it has received from business prospects that the governmental body seeks to have locate, stay, or expand in or near their territory and with which the governmental body is

conducting economic development negotiations. Neither of these two exceptions have been interpreted by the courts or the attorney general's office, but you need to be aware that they are out there.

**ANNOUNCER** - Another common closed meeting exception is the personnel exception. A governmental body may deliberate employment matters in a closed meeting, including the hiring, evaluations, reassignment, discipline, or dismissal of an employee.

**NANCY** - There are several other exceptions permitting closed meetings. You should check the Open Meetings Act and consult with legal counsel about their proper use.

[GRAPHIC: Who can attend a closed meeting]

**ANNOUNCER**: Who can attend a closed meeting?

Only the members of a governmental body have a right to attend a closed meeting, although a governmental body's attorney must be present when the governmental body closes a meeting using the attorney consultation exception.

**NANCY**: A governmental body has discretion to include the governmental body's officers and employees in a closed meeting if their participation is necessary to the matter under consideration. However, a body must not admit a person whose presence is against the interests of the governmental body that the closed meeting is designed to protect. For example, a person who is trying to sell real estate to a city may not attend a closed meeting held under the real property exception because the closed meeting exception is designed to protect the city's bargaining position in its negotiations with the seller.

**ANNOUNCER**: Let's take a closer look at closed meeting procedures . . .

[GRAPHIC]

To conduct a closed meeting that is permitted by law, the governmental body must: (1) have a quorum; (2) properly convene in an open meeting; (3) have announcement that a closed meeting will be held; and (4) identify in the open meeting the sections of the law that allows the closed meeting.

**ANNOUNCER**: Closed meetings must be specifically authorized by a provision of the Act or another statute. When a governmental body wishes to go into a closed meeting, the governmental body must first assemble in the meeting room and convene the meeting as an open meeting for which proper notice has been posted, even if the governmental body plans to proceed immediately to a closed meeting. After convening the meeting, the presiding officer must announce that a closed meeting will be held and must identify the statute that authorizes the closed meeting. Let's return to our Texasville example to see how they've handled this issue.

[ROLL VIDEO FOOTAGE]

[film footage- Mayor ends his opening of meeting -

**MAYOR**: After our deliberation with the people here tonight, we will briefly convene in executive session in compliance with Subchapter D, Subsection 551.074 of the Open Meetings Act, which allows us to deliberate the appointment, reassignment, duties, discipline, or dismissal of a public officer or employee. Afterward, we will reconvene here to vote on any action we may take toward the manager of the facility, Mr. Linton."]

**ANNOUNCER VOICEOVER**: Take note the Mayor cited both the section number authorizing the closed meeting and described the exception. Either one of those by themselves would've been sufficient. Although a meeting notice does not have to indicate which items will be discussed in a closed meeting – unless the governmental body has a

practice of doing so-- the notice must list all subjects that will be discussed, in both open or closed portions of that meeting. The public is entitled to know which members are present and whether there is a quorum. The public is also entitled to know which exceptions in the law authorize the closed meeting.

[BACKTIME VIDEO OF CLOSED TEXASVILLE SESSION]

MAYOR: Well?

JENNIFER: I think that a lot of those people had some important things to say. I think we should pay attention.

MAYOR: Hold on a second Jennifer, I've got to get this on tape for the certified agenda.

ANNOUNCER: A governmental body must make either a certified agenda or a tape recording of each closed meeting.

SHOW MAYOR: It's 7:30p.m. and we are in this closed meeting to discuss possible disciplinary action against . . .

[INCLUDE SHORT SNIPPETS OF THE TEXASVILLE TAPE INTERTWINED WITH THE FOLLOWING EXPLAINER]

An exception to the recording of the meeting – you don't have to record portions of a closed meeting during which the governmental body consults with its attorney under the attorney-consultation exception. Either a certified agenda or a tape must include an announcement by the presiding officer indicating the date and time at the beginning

MAYOR: November 30, 2000, it is 7:30 p.m.

and at the end of the closed meeting.

MAYOR: This concludes the closed meeting on the Linton issue. November 30, 2000, 10:07p.m..

A certified agenda also must include a statement of the subject of each deliberation and a record of any further action taken during the closed meeting.

NANCY ON CAM: Although the certified agenda or tape is confidential and not subject to the Public Information Act, a court may examine the certified agenda or tape in private to determine whether a violation of the Act occurred during the closed meeting. Also, a sitting member of the governmental body may review a certified agenda or tape, so long as the member is careful to preserve the agenda's or the tape's value as evidence in a possible lawsuit. The governmental body is obligated to keep the certified agenda for two years.

Again, let's go back to Texasville and check in on their city council meeting.

[ROLL VIDEO OF TEXASVILLE CITY COUNCIL - sound on only for mayor to open meeting with date and time and indication of tape recording.]

MAYOR: This is November 30, 2000, it is 7:30pm and we are in this closed meeting to discuss possible disciplinary action against, or the possible dismissal of Junius Linton, Director of the Water and Wastewater Services for the City of Texasville.

[FADE SOUND, KEEP VIDEO UP]

NANCY: A governmental body's final action, decision, or vote on any matter may be made only in an open meeting. The governmental body may not vote in an open meeting by secret written ballot, nor may it take action by written agreement without a meeting.

[VIDEO AND SOUND UP ON TEXASVILLE CLOSED MEETING ]

MAYOR: Not when a quorum is present. In the past the staff briefing exception has provided a loophole for some questionable voting tactics in certain governmental bodies.

COUNCILWOMAN: Then I think we should wait.

ANOTHER COUNCILWOMAN: We're going to look soft.

MAYOR: Looking soft is not the problem. The problem is there is too much information . . .

[Cut to end of meeting]

MAYOR- Okay, the vote in the open meeting will be for disciplinary action or further review of the situation. Dismissal would be too drastic of a move at this point. Everyone ready, or do we need more discussion? Alright, let's do it. This concludes the closed meeting on the Linton issue, November 30, 2000, 10:07 p.m.

[GRAPHIC] Penalties and Other Consequences

ANNOUNCER: Penalties and Other Consequences

[GRAPHIC] SPOKEN BY ANNOUNCER: The Act provides for civil remedies and criminal penalties for violating its provisions.

ANNOUNCER: The Open Meetings Act provides that an action taken by a governmental body in violation of the Act is voidable. A court can invalidate action found to violate the Act.

NANCY: If a governmental body took multiple actions at a meeting but only one of them violated the Act, then only that action may be voided. To remedy action taken in violation of the Open Meetings Act, a governmental body can re-take or re-do an action that has been voided at a later date, properly noticed open meeting, but the action is effective only from the time the corrective or "redone" action occurred. A governmental body cannot give retroactive effect to a prior action that was taken in violation of the Act. For example, in a 1991 case, the Austin Court of Appeals discussed the plight of the former executive director of the Texas Board of Chiropractic Examiners, whom the Board tried to fire not once, not twice, but three times. The Board first attempted to fire her at a meeting on July 9, 1988, but the meeting did not comply with the Act. Then the Board tried again at a meeting on February 25, 1989, but once again, the meeting did not comply with the Open Meetings Act. Finally, the Board terminated her at a lawful meeting held on December 1, 1989—nearly seventeen months after the first try! The court determined that the executive director was employed until the date of that third meeting and was entitled to receive back pay and all the benefits that she would have received from the time of the first meeting to the last meeting.

The civil penalty provision of the Open Meetings Act authorizes any interested person, including a member of the news media, to bring a civil lawsuit to force officials to follow the Act or to have illegal meeting actions voided. A court can award attorneys fees and litigation costs to a party who prevails in a lawsuit under the Open Meetings Act.

Certain violations of the requirements concerning certified agendas and tape recordings of closed meetings are punishable as misdemeanors. Although the Open Meetings laws do not prohibit public officials from talking about what occurred during a closed meeting, there are other practical and sometimes legal reasons for maintaining the confidentiality of these meetings.

It is an offense to knowingly circumvent the Open Meetings Act by meeting in numbers less than a quorum for the purpose of secret deliberations. This provision penalizes participants in what is sometimes called a "walking quorum" where members of a governmental body gather in numbers that do not physically constitute a quorum at any one time but who, through successive gatherings, secretly discuss a public matter with a quorum of the body with the objective of avoiding an open meeting. A governmental body may be subject to both civil and criminal liability for conducting business by a "walking quorum."

A member of a governmental body may also be penalized for conducting an illegal closed meeting. However, a member of a governmental body has an affirmative defense to prosecution if the member acted in reasonable reliance on a court order, a judicial opinion, the attorney general's office, or the governmental body's attorney. So, if you are in doubt about the legality of a closed meeting or actions taken in a closed meeting, always consult with your legal counsel.

AUDIENCE MEMBER: Under the criminal provision regarding members who knowingly conspire to circumvent the Act by meeting in numbers less than a quorum - what does 'knowingly' mean?

NANCY: A person acts "knowingly" under the law when he is aware that his conduct is reasonably certain to cause the result. So, for example, if you meet in numbers less than a quorum and you are aware that your conduct is reasonably certain to lead to deliberations about public business, it's possible that you could be found guilty of "knowingly" violating the Act.

AUDIENCE MEMBER: Who enforces the Open Meetings Act?

NANCY: The criminal penalty provisions are enforced by district attorneys, county attorneys, and criminal district attorneys. Contrary to what some people might think, the Attorney General is not directly authorized to enforce violations of the Open Meetings Act. However, the Attorney General can get involved on the request of a local prosecutor and may provide assistance in the prosecution of a criminal case.

[GRAPHIC] Open Meetings Act Resources

ANNOUNCER: Open Meetings Act Resources

NANCY: This video has covered several topics and issues that you may have to confront in complying with the Open Meetings Act. But you will, no doubt, certainly find yourself with more questions about the Open Meetings Act during your time in public service. When you have questions about how to comply with the Act, please seek advice from your staff attorney or from the attorney general's office. The Attorney General maintains an Open Government Hotline.

[GRAPHIC]

Open Government Hotline

(877) OPEN TEX (673-6839) (toll free)

NANCY: This service is available toll-free at 1-877-OPEN TEX...that's 1.877.673.6839.

[VIDEO OF HOTLINE STAFF]

There are also a number of resources available on the Attorney General's Website at [www.oag.state.tx.us](http://www.oag.state.tx.us). There you'll be able to find the current Open Meetings Handbook, the text of the Open Meetings Act, and frequently asked questions about both the Open Meetings and the Public Information Acts.

[VIDEO OF THE CONFERENCE]

Every December, the attorney general's office hosts an open government conference offering in-

depth coverage of both the Open Meetings Act and the Public Information Act. Other organizations

also host similar types of informational meetings and training that you may wish attend.

As officers of governmental bodies located throughout Texas, your service is invaluable.  
We

hope that, by providing you with this basic information about the Texas Open Meetings  
Act, we can

help you to better serve the public that you have been elected or appointed to represent.  
Thank you

for your service to the State of Texas.

**CLOSING REMARKS BY ANNOUNCER:**

You have now finished a certified training of the Open Meetings Act. To print a certificate saying you've completed this training, please go to our website at [www.oag.state.tx.us](http://www.oag.state.tx.us). Once you're there, access the open government training link and type in the code you see on the screen right now to get your certificate saying you've completed Open Meetings Act training. [For the visually impaired, the number is: TXOMA873] If you are required to go through this training by law, a copy of this certificate must be on file with your governmental agency. A copy of this certificate will not be kept by the Texas Attorney General's Office.



# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Frances M. Gonzalez**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 11th day of September, 2008.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 08-106537M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Frances M. Gonzalez**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 11th day of September, 2008.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 08-106536P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Lawrence S. Jones**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 17th day of November, 2009.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 09-121936M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Lawrence S. Jones**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 17th day of November, 2009.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 09-121937P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Lee M. Kleinman**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 1st day of May, 2008.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 08-100961M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Lee M. Kleinman**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 1st day of May, 2008.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 08-100960P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Jean F. Milligan**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 1st day of November, 2007.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 07-94919M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Jean F. Milligan**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 1st day of November, 2007.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 07-94913P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Michael Reagan**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 12th day of January, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-151491M

RECEIVED  
2012 JAN 13 AM 1:58  
CITY SECRETARY  
DALLAS, TEXAS

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Michael Reagan**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 12th day of January, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-151492P

RECEIVED  
2012 JAN 13 AM 1:58  
CITY SECRETARY  
DALLAS, TEXAS

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Rodney Schlosser**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 17th day of May, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-155659M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Rodney Schlosser**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 17th day of May, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-155660P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Wayne Smith**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 13th day of April, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19463M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Wayne Smith**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 13th day of April, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19345P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Gabriel Soto**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 27th day of March, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-21366M

# CERTIFICATE *of* COURSE COMPLETION

## **Public Information Act**

I, **Gabriel Soto**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 24th day of April, 2006.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-21378P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Gail Terrell**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 18th day of May, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-44100M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Gail Terrell**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 18th day of May, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-38668P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Joan Walne**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 13th day of April, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19462M

# CERTIFICATE *of* COURSE COMPLETION

## **Public Information Act**

I, **Joan Walne**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 13th day of April, 2006.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19344P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Max Wells**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 25th day of June, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-157340M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Max Wells**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 25th day of June, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-157338P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Max Wells**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 25th day of June, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-157340M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Max Wells**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 25th day of June, 2012.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 12-157338P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **C. W. Whitaker**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 13th day of April, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19452M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **C. W. Whitaker**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 13th day of April, 2006.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 06-19338P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Gerald Worrall III**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 23rd day of May, 2010.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 10-128629M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Gerald Worrall III**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 23rd day of May, 2010.



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 10-128630P

# CERTIFICATE *of* COURSE COMPLETION

## Open Meetings Act

I, **Tiffinni A. Young**, certify that I have completed a course of training on the Texas Open Meetings Act that satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 1st day of November, 2007.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 07-94918M

# CERTIFICATE *of* COURSE COMPLETION

## Public Information Act

I, **Tiffinni A. Young**, certify that I have completed a course of training on the Texas Public Information Act that satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 1st day of November, 2007.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

*NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Office of the Attorney General does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(e) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.*

Certificate No.: 07-94912P