



SMITH COUNTY COURTHOUSE  
100 N. BROADWAY 4<sup>th</sup> Floor  
TYLER, TEXAS 75702

**D. Matt Bingham**  
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**Smith County**

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April Allison Sikes, First Assistant

Jennifer Barfield, Office Manager

July 22, 2014

Re: Executive Session Agenda Item for July 29, 2014, Pursuant to §§ 551.071, 551.072, 551.0725 of the Texas Government Code

Please note that this memo serves as legal counsel's determination that a closed session is necessary for the above-referenced item because deliberation in an open meeting would have a detrimental effect on the position of the commissioners court with third parties with regard to on-going negotiations (or bidding procedures) related to legal matters and/or pending contract negotiations.<sup>1</sup>

Furthermore, a commissioners court may deliberate in closed session to “discuss the purchase . . . of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.”<sup>2</sup>

And closed session deliberation is authorized for consultation with attorneys when advice of counsel is requested regarding pending or contemplated litigation.<sup>3</sup>

Additionally, please note that additional personnel who may be considered by the Commissioners Court to be essential for this closed session may include but not limited to the Purchasing Director, Facilities Director, and other county officials, department heads or personnel as requested.

/s/

Phillip J. Smith  
Assistant District Attorney

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1 TEX. GOV. CODE § 551.0725

2 TEX. GOV. CODE § 551.072

3 TEX. GOV. CODE § 551.071