



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 6, 2017

Ms. JoAnn Fleming
Grassroots America
13128 Timber Creek Drive
Flint, Texas 75762-9718

RE: Public Information Request No. 17-46365

Dear Ms. Fleming:

This letter is in response to your clarified public information request to the Office of the Attorney General ("OAG"), received by the OAG on March 24, 2017. A copy of your request is enclosed.

The information responsive to category one of your request consists of the agendas and recordings of closed meetings of the Smith County Commissioner's Court. Section 551.104 of the Government Code provides in part "[t]he certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." Gov't Code § 551.104(c). Thus, such information cannot be released to a member of the public in response to an open records request. *See* Attorney General Opinion JM-995 at 5-6 (1988) (public disclosure of certified agenda of closed meeting may be accomplished only under procedures provided in Open Meetings Act). Section 551.104(b)(3) states in litigation involving an alleged violation of the Open Meetings Act, a court "may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or recording of any part of a meeting that was required to be open under this chapter." Gov't Code § 551.104(b)(3). In Open Records Decision No. 495 (1988), our office noted the Open Meetings Act provisions indicate the courts hold the exclusive authority to order releasing to the public the certified agenda or tape of any part of a meeting improperly held or closed under the Open Meetings Act.

The OAG has reviewed its files and has located the enclosed documents that are responsive to categories two and three of your request. Although the Public Information Act allows a governmental body to charge for copying documents, the enclosed documents are being provided to you at no charge.

Please note the OAG has redacted personal e-mail addresses from the enclosed documents pursuant to section 552.137 of the Government Code and the previous determination issued by

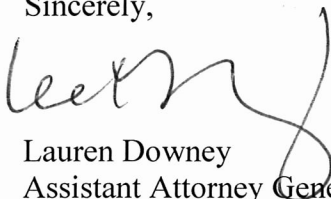
the Open Records Division. *See* Open Records Decision No. 684 (2009) (governmental bodies may withhold certain information without necessity of requesting decision from Open Records Division). The OAG has also redacted employee user IDs from the enclosed documents pursuant to section 552.139 of the Government Code and the previous determination issued to the OAG. *See* Open Records Letter No. 2011-18124 (2011) (OAG may redact employees' user IDs without requesting ruling from Open Records Division). And the OAG has also redacted dates of birth from the enclosed documents pursuant to the previous determination issued by the Open Records Division in Open Records Letter No. 2016-17399 (2016).

The OAG has also redacted social security numbers from the enclosed documents. The OAG may withhold social security numbers of living individuals without seeking a ruling from the Open Records Division. *See* Gov't Code § 552.147(b).

Finally, the OAG has redacted motor vehicle information, access device numbers, and personal information of certain individuals that is confidential under sections 552.1175, 552.130, and 552.136 of the Government Code. Because our office is prohibited by law from releasing this information to you, we have removed it from the enclosed documents. Normally, we must request a ruling from the Open Records Division of the OAG before we can withhold information. However, sections 552.1175, 552.130, and 552.136 allow us to withhold this specific information without requesting a ruling from the Open Records Division. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are enclosed. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under sections 552.1175, 552.130, and 552.136.

If you have any questions, please contact me at publicrecords@oag.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lauren Downey', with a long, sweeping flourish extending from the end of the signature.

Lauren Downey
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General