

CAUSE NO. 114-0839-16

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| THE STATE OF TEXAS | § | IN THE 114th JUDICIAL |
| | § | |
| VS. | § | DISTRICT COURT OF |
| | § | |
| JOEL PATRICK BAKER | § | SMITH COUNTY, TEXAS |

**ORDER REGARDING THE PUBLIC INFORMATION ACT AND
GOVERNMENT CODE SECTION 551.104, TEXAS OPEN MEETINGS ACT**

The State of Texas, acting by Assistant Attorney General Daniel Brody, acting District Attorney Pro Tem for Smith County, filed a motion for this court to determine whether certain portions of previously closed meetings of the Smith County Commissioners Court were improperly closed and should be deemed as an open meeting of that body.

Pursuant to that application, the Court has conducted an in camera inspection of the certified agendas and closed meeting recordings of the Smith County Commissioners Court dated July 8, 2014, July 29, 2014 and August 12, 2014. ✓

After a thorough review of such agendas and recordings the court finds that as it relates to deliberations about American Traffic Solutions conducted by Smith County Commissioners Court in closed meetings on July 8, July 29 and August 12, 2014, said portions of the closed meetings were conducted in violation of the Government Code Section 551, Texas Open Meetings Act. ✓

Upon a finding that there was a violation of the Texas Open Meeting Act, said portions of the closed meetings of Smith County Commissioners Court were required to be open to the public, and as enumerated in Government Code Section 551.104, the District Court may order that the certified agendas or recordings of the closed meetings be made available to the public.

Upon a finding that disclosure of the specified materials would be in the public interest and an appropriate exercise of this Court's discretion under Government Code Section 551.104 and in compliance with Government Code Section 552, The Texas Public Information Act; it is hereby ORDERED, that the certified agendas and recordings of closed meetings of the Smith County Commissioners Court, dated July 8, 2014, July

29, 2014 and August 12, 2014 related to deliberations about American Traffic Solutions be made available to the public. It is hereby ORDERED that Smith County, Texas will immediately make available for public inspection and copying the certified agendas and recordings of the July 8, July 29, and August 12, 2014 closed meetings of the Smith County Commissioners Court related only to deliberations about American Traffic Solutions by filing the same in the public records of the Smith County Clerk.

IT IS FURTHER ORDERED, that the State of Texas has lawful authority to provide to the public said portions of the closed meetings recordings pertaining to deliberations about American Traffic Solutions, if properly requested under the Public Information Act so that the State can be in compliance with the requirements and stated purpose of the Public Information Act without violating any other laws as stated in the Texas Government Code.

SIGNED this 17 day of April, 2017.

Jack Carter
assigned Judge
Sitting for 114th
District Court

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