



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 25, 2012

Mr. James McKibben  
Counsel for the City of Sinton  
McKibben, Woolsey & Villarreal, L.L.P.  
555 North Carancahua  
Corpus Christi, Texas 78478

OR2012-08075

Dear Mr. McKibben:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 455043.

The City of Sinton (the "city"), which you represent, received a request for the names and addresses for service of process for the members of the city's City Council, Planning and Zoning Commission, and Board of Adjustments, the city attorney, and city manager; and the minutes of meetings for the city's Planning and Zoning Commission and the city's Board of Adjustments that took place on a specified date, including any minutes taken in closed session. You state that some of the information is being provided to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 551.104 of the Open Meetings Act, chapter 551 of the Government Code. Section 551.104 provides in part that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." *Id.* § 551.104(c). We note the city is not required to submit a certified agenda or tape recording of a closed meeting to this office for review. *See* Open Records

Decision No. 495 at 4 (1988) (attorney general lacks authority to review certified agendas or tapes of executive sessions to determine whether a governmental body may withhold such information from disclosure under statutory predecessor to section 552.101). 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 551.146 of the Open Meetings Act makes it a criminal offense to disclose a certified agenda or tape recording of a lawfully closed meeting to a member of the public. *See* Gov't Code § 551.146(a)-(b); *see also* ORD 495 at 4. You indicate the submitted information constitutes the certified agendas of closed meetings.<sup>1</sup> Based on your representation and our review, we conclude the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.<sup>2</sup>

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kathleen J. Santos  
Assistant Attorney General  
Open Records Division

KJS/eb

---

<sup>1</sup>The city states there are no responsive minutes for the requested meetings, only certified agendas. A governmental body is required to make a good faith effort to relate a request to information it maintains. *See* Open Records Decision No. 561 at 8 (1990). Upon review, we find the city has done so.

<sup>2</sup>We note this office issued Open Record Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a certified agenda of a closed meeting under section 552.101 in conjunction with section 551.104 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 455043

Enc. Submitted documents

c: Requestor  
(w/o enclosures)