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STATE OF TEXAS  
HOUSE OF REPRESENTATIVES

**J.M. LOZANO**

*District 43*

ENVIRONMENTAL REGULATION, CHAIR • DEFENSE & VETERANS' AFFAIRS

14 December 2020

The Honorable Ken Paxton  
Attorney General, State of Texas  
Attention: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Attorney General Paxton:

On December 8, 2020 the Texas Windstorm Insurance Association (TWIA) Board of Directors met for their quarterly board meeting. Of concern is that the TWIA Board took action on an item despite the item not being explicitly posted as an action item. A member of the public who may have an interest in this item would not know that an action was contemplated under the language used in the posting.

The language in question is item number 8 and it stated: "Presentation and Review of TWIA Actuarial and Underwriting Committee Meeting Rate Recommendations – Debbie King\*"

However, the TWIA board took action by entertaining and then approving a rate increase, despite not having it listed as an action item on the agenda. Preceding items, such as Item number five, state "Consideration and Possible Action on the Following Financial Topics."

The question for the Opinion Committee is as follows: Does the following posting language provide sufficient notice to the members of the public that a reasonable person could conclude that an action would be taken and is this item in adherence to state open meetings law?

Secondly, if the posting is not sufficient under state open meeting law, is the action taken legal or is it null and void?

Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read "J.M. Lozano".

J.M. Lozano

