



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 1, 2016

Ms. Karen MacLeod  
County Auditor  
Kaufman County Auditor's Office  
3003 South Washington  
Kaufman, Texas 75142

OR2016-12418

Dear Ms. MacLeod:

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# 612719.

The Kaufman County Auditor's Office (the "county auditor's office") received a request for 1) all interlocal agreements between towns, cities, and other municipal entities; 2) all project agreements since a specified date for work to be performed pertaining to those agreements and any approvals for such work from the Kaufman County Commissioners Court; and 3) any records showing the county was paid for the specified work projects. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information contains notices, agendas, and minutes from public meetings. Notices of a governmental body's public meetings and the minutes from public meetings are specifically made public under provisions of the Open Meetings Act, chapter 551 of the Government Code. *See* Gov't Code §§ 551.022 (minutes of open meeting are public records and shall be available for public inspection and copying upon request), .041 (governmental body shall give written notice of date, hour, place, and subject of each meeting), .043 (notice of meeting of governmental body must be posted in place readily accessible to general public for at least 72 hours before scheduled time of meeting). Although you seek to withhold this information under section 552.108 of the Government Code, the exceptions to disclosure found in the Act generally do not apply to information

other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Accordingly, the notices, agendas, and minutes of public meetings, which we have marked, must be released pursuant to section 551.022 of the Government Code.

Next, we note the remaining information is subject to section 552.022 of the Government Code. Section 552.022 provides, in relevant part, the following:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body[.]

Gov't Code § 552.022(a)(3). The remaining information includes information in an account, voucher, or contract relating to the receipt or expenditure of funds by a governmental body that is subject to section 552.022(a)(3). The county must release this information pursuant to section 552.022(a)(3), unless it is made confidential under the Act or other law. Although the county auditor's office raises section 552.108 of the Government Code for this information, section 552.108 is discretionary in nature and does not make information confidential under the Act. *See* Open Record Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 at (1977) (statutory predecessor to Gov't Code § 552.108 subject to waiver). Therefore, the county auditor's office may not withhold any of the information subject to section 552.022(a)(3) under section 552.108.

In summary, the notices, agendas, and minutes of public meetings, which we have marked, must be released pursuant to section 551.022 of the Government Code. The county auditor's office must release the remaining information pursuant to section 552.022(a)(3) of the Government Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal line extending to the right.

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/bw

Ref: ID# 612719

Enc. Submitted documents

c: Requestor  
(w/o enclosures)