



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 16, 2016

Mr. J. Troupe Brewer
Counsel for the Middle Pecos Groundwater Conservation District
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

OR2016-21018

Dear Mr. Brewer:

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# 627110.

The Middle Pecos Groundwater Conservation District (the "district"), which you represent, received a request for (1) the minutes and audio recording of the January 2015 board meeting; (2) the minutes and audio recording of the "Pecos SS hearing" before the board on March 18, 2014; (3) the agenda for the November 19, 2013 proposed board meeting, and the notice of cancellation of that meeting; (4) the minutes and audio recording of the July 21, 2015 board meeting; and (5) the minutes and audio recording of the October 22, 2013 board meeting. The district claims the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception the district claims and reviewed the submitted information.

Initially, we note the district has not submitted the agenda specified in Item 3 of the request. Thus, to the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Next, we note the submitted information consists of a notice regarding a public meeting of the district as well as audio recordings and minutes of public meetings of the district. The notice of open meetings and minutes of a governmental body's public meetings are specifically made public under the Open Meetings Act (the "OMA"), chapter 551 of the Government Code. *See* Gov't Code §§ 551.022 (minutes and tape recordings of open meeting are public records and shall be available for public inspection), .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 the district raises section 552.103 of the Government Code, as a general rule, the exceptions to disclosure found in the Act, such as section 552.103, do not apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Thus, the district must release the submitted information pursuant to chapter 551 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, 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 627110

Enc. Submitted documents

c: Requestor
(w/o enclosures)