

Academic Component Institutions:
The University of Texas at Arlington
The University of Texas at Austin
The University of Texas at Brownsville
The University of Texas at Dallas
The University of Texas at El Paso
The University of Texas-Pan American
The University of Texas of the Permian Basin
The University of Texas at San Antonio
Institute of Texan Cultures
The University of Texas at Tyler



Health Co
The Unive. * Institutions:
The Unive. as Southwestern Medical Center at Dallas
The Unive. as Medical Branch at Galveston
The University of Texas Health Science Center at Houston
The University of Texas Health Science Center at San Antonio
The University of Texas M. D. Anderson Cancer Center
The University of Texas Health Center at Tyler

THE UNIVERSITY OF TEXAS SYSTEM
Office of General Counsel

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General Attorney and
Associate General Counsel

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OCT 10 2001
OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

RECEIVED
OCT 11 2001
OPINION COMMITTEE

October 10, 2001

Gusky

The Honorable John Cornyn
Attorney General of Texas
Price Daniel, Sr. Building
8th Floor
209 West 14th Street
Austin, Texas 78701

FILE # ML-42224-01
I.D. # 42224

ATTENTION: Opinions Committee
Expedited Consideration Requested

Dear General Cornyn:

The Chairman of the Board of Regents of The University of Texas System would like to schedule a meeting in Mexico between representatives of an institution of higher education in Mexico and representatives of the Board of Regents. It is anticipated that a quorum of the Board of Regents will attend the meeting. The purpose of the meeting will be to discuss the best practices related to distance education; to observe firsthand the technology and newest methods being used at institutions in Mexico; and to consider methods to enhance ongoing cooperative educational efforts between institutions in the U. T. System and institutions of higher education in Mexico. Such cooperative efforts have the potential for expanding the educational experiences available in Texas and in Mexico. These purposes can be best achieved if the meeting is held at an appropriate place in Mexico so that the members of the Board of Regents may evidence the Board's desire to enhance cross-Border relationships by scheduling the first meeting of this type in Mexico.

Neither the Texas Open Meetings Act nor the Texas Education Code requires that the U. T. System Board of Regents hold meetings at any specific location. Texas

Government Code Section 551.002 requires that every regular, special, or called meeting of a governmental body be open to the public, except as otherwise provided in Chapter 551. In Attorney General's Opinion No. JC-0053 (1999), your office determined that a meeting of a pricing committee appointed by the Texas Public Finance Authority Board of Directors held in the New York City offices of the underwriter for a bond issue of the Authority would not be in compliance with Texas Government Code Section 551.002 because the meeting would not be sufficiently accessible to the public.

To assure that a meeting attended by a quorum of the U. T. System Board of Regents at a location in Mexico meets the requirements of Texas Government Code Section 551.002, the following steps will be taken:

- The proposed meeting would be posted and held at a location open and accessible to the public.
- The meeting would be broadcast by two-way videoconferencing technology to an appropriate U. T. campus site in all geographic areas of Texas where component institutions of the U. T. System are located.
- If the selected meeting site in Mexico allows Internet broadcast of the meeting, it will be broadcast.
- The posted notice of the meeting will advise the public of the location of the broadcast site at each component institution and how to access the meeting via personal computer if Internet broadcast can be made.

The Board of Regents has always conducted its meetings in compliance with the provisions and the spirit of the Texas Open Meetings Act and the interpretations of that Act by the courts and your office. An expedited opinion is respectfully requested concurring that a meeting in Mexico, attended by leaders of one or more institutions of higher education in that nation and by a quorum of the U. T. System Board of Regents, under the circumstances and conditions and for the purpose described above, meets the requirements of Texas Government Code Section 551.002.

The Honorable John Cornyn
October 10, 2001
Page 3

We submit that a meeting with notices, access, and communication equipment described above will provide significant opportunity for public attendance and participation equal to, and arguably greater than, that afforded if the meeting were held at a location in Texas. If we can provide further information to assist in the consideration and response to this request or if, in your opinion, we should conduct the proposed meeting in a different manner, please let us know.

Very truly yours,


W. O. Shultz II

WOS:cf

xc: Board of Regents Chairman Charles Miller
Chancellor R. D. Burck
Vice Chancellor and General Counsel Mike Godfrey
Vice Chancellor Tom Scott
Counsel and Secretary to the Board Francie Frederick