



Office of the Brazos County Auditor
Brazos County Courthouse

200 S. Texas Ave., Suite 218
Bryan, Texas 77803
(979) 361-4359
Fax (979) 361-4188

Email: kconner@co.brazos.tx.us

RECEIVED
MAR 30 2015
OPEN RECORDS DIVISION

March 24, 2015

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

FILE # ML-47720-15

I.D. # 47720

RQ-0019-KP

RECEIVED
MAR 31 2015
OPINION COMMITTEE

RE: *Whether Section 551.001(3), TEX. GOVT. CODE, applies to a group comprised solely of district and county court-at-law judges*

Dear Attorney General Paxton,

Section 551.002, TEX. GOVT. CODE, provides that a regular, special or called meeting of a "governmental body" are open to the public except as provided by law. Section 551.001, TEX. GOV. CODE, defines a "governmental body" as:

"(A) a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members:

- (B) a county commissioners court in the state;
- (C) a municipal governing body in the state;
- (D) a deliberative body that has rulemaking authority or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;
- (E) a school district board of trustees;
- (F) a county board of school trustees;
- (G) a county board of education;
- (H) the governing board of a special district created by law;
- (I) a local workforce development board created under Section 2308.253;
- (J) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and

(K) a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code."

The questions presented to the Attorney General are these:

1. Does a group comprised solely of district and county court-at-law judges constitute a “governmental body” as that term is defined in Section 551.001(3)?
2. If not, are judges required to post notices of judges’ meetings pursuant to Section 551.002 unless otherwise required by statute?
3. If so, are judges required to comply with the provisions of Section 551.002 for every meeting where judicial administration issues might be discussed, or only in those instances prescribed by statute?

By way of example, Section 84.003, LOCAL GOVT. CODE provides that “district judges shall appoint the county auditor at a special meeting.” If the judges meet for any purpose other than the actual appointment of the auditor (e.g. advertising for the position, conducting interviews, terminating a presently-serving auditor), are those meetings subject to Section 551.002?

By way of further example, Section 76.004, TEX. GOVT. CODE requires judges to “appoint a director of the Community Supervision and Corrections Department,” but does not specify that a “special meeting” is required. If the judges meet for the purpose of the appointment of, advertising for the position of, conducting interviews for, or terminating a presently-serving director of the CSCD, are any of those meetings subject to Section 551.002?

Thank you for your consideration of this issue. Please do not hesitate to contact me if you any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Katie Conner', written in black ink.

Katie Conner, CPA
Brazos County Auditor