



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

October 7, 2019

Ms. Linda Pemberton  
Paralegal  
City of Killeen  
P.O. Box 1329  
Killeen, Texas 76540

OR2019-27977

Dear Ms. Pemberton:

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# 789581 (Request ID #W029406).

The City of Killeen (the "city") received a request for transcripts and recordings of a particular hearing. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information consists of audio recordings and meeting minutes from a public civil service hearing conducted by a hearing examiner. *See* Local Gov't Code §§ 143.010(c) (providing each Fire Fighters' and Police Officers' Civil Service Commission (the "commission") proceeding shall be held in public), .057(f) (providing the hearing examiner has the same duties and powers as the commission); *see also Downs v. City of Fort Worth*, 692 S.W.2d 209 (Tex. App.—Fort Worth 1985, writ ref d n.r.e.) (equating appeals to independent third party hearing examiner with appeals to commission). Section 551.022 of the Open Meetings Act, chapter 551 of the Government Code, expressly provides that the "minutes and tape recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee." Gov't Code § 551.022. Accordingly, the submitted recordings and meeting minutes are public records subject to section 551.022 of the Government Code. As a general rule, the exceptions to disclosure found in the Act, such as sections 552.103 and 552.108, do not apply to information other statutes make

public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the city must release the submitted information pursuant to section 551.022 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Erin Groff

Assistant Attorney General  
Open Records Division

EMG/jxd

Ref: ID# 789581

Enc. Submitted documents

c: Requestor  
(w/o enclosures)