



BAY CITY

MINUTES • OCTOBER 12, 2017

Council Chambers

Regular Meeting

7:00 PM

**1901 5TH STREET
BAY CITY, TX 77414**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Becca Sitz	Councilwoman	Present	
Jason Childers	Councilman	Present	
Mark A. Bricker	Mayor	Present	
Chrystal Folse	Councilwoman	Present	
William Cornman	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	

II. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILWOMAN, BECCA SITZ

Texas State Flag Pledge:

"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

III. CERTIFICATION OF QUORUM

Mayor Bricker certified that a quorum was present.

IV. APPROVAL OF AGENDA

The agenda was unanimously approved as written by motion. Councilwoman Chrystal Folse made the motion and Councilwoman Julie Estlinbaum seconded the motion.

V. CONSENT AGENDA ITEMS

1. Policy

~ DISCUSS, CONSIDER AND/OR APPROVE CHANGES OF REGULARLY SCHEDULED COUNCIL MEETINGS AS FOLLOWS: NOVEMBER 9, 2017 TO NOVEMBER 2, 2017, NOVEMBER 23, 2017 TO NOVEMBER 16, 2017, DECEMBER 14, 2017 TO DECEMBER 7, 2017, DECEMBER 28, 2017 TO DECEMBER 21, 2017.

Mayor Mark A. Bricker

The November and December 2017 Council Meeting dates were changed as written unanimously by motion. The motion was made by Councilman Jason Childers and seconded by Councilwoman Becca Sitz.

VI. REGULAR ITEMS

1. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENTS TO THE CITY OF BAY CITY HOUSING AUTHORITY BOARD.

Mayor Mark A. Bricker

The Mayor's appointment of Amelia Kemp and Vidala Leal to the Bay City Housing Authority board was approved unanimously by motion. The motion was made by Councilman Bill Cornman and seconded by Councilman Jason Childers.

2. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S APPOINTMENT OF RAIHAN K. KHONDKER TO THE PLANNING COMMISSION.

Mayor Mark A. Bricker

The Mayor's appointment of Raihan K. Khondker to the Bay City Planning Commission was approved unanimously by motion. The motion was made by Councilman Bill Cornman and seconded by Councilwoman Becca Sitz.

3. Appointment

~ DISCUSS, CONSIDER AND/OR APPROVE THE APPOINTMENT OF A CITY COUNCIL REPRESENTATIVE TO THE HOUSTON - GALVESTON AREA COUNCIL 2018 GENERAL ASSEMBLY.

Mayor Mark A. Bricker

Councilwoman Becca Sitz was appointed unanimously, by motion, to represent the City of Bay City at the Houston Galveston Area Council 2018 General Assembly and Councilman Jason Childers will serve as alternate. The motion was made by Councilwoman Julie Estlinbaum and seconded by Councilwoman Chrystal Folse.

4. Budget

~ DISCUSS, CONSIDER AND/OR APPROVE 2016-17 BAY CITY COMMUNITY DEVELOPMENT BUDGET AMENDMENT.

DC Dunham

Bay City Community Development Executive Director, DC Dunham presented the budget amendments for the Bay City Community Development Corporation that she is recommending to Council. The amendments were unanimously approved by motion. The motion was made by Councilman Bill Cornman and seconded by Councilman Jason Childers.

5. Bid

~ DISCUSS, CONSIDER, AND/OR APPROVE AWARDDING THE BID FOR THE FEDERAL AND STATE FUNDED AIRPORT IMPROVEMENT PROJECT, WHICH INVOLVES THE CONSTRUCTION OF A SECURITY FENCE AND GATES, TO BARRIER FENCE, LLC.

Airport Manager, James Mason

Airport manager, James Mason discussed the fencing project bid submitted by Barrier Fencing, LLC. The bid was unanimously approved by motion with the understanding that the Contractor, Barrier Fencing, be vetted successfully by TxDOT. The motion was made by Councilman Bill Cornman and seconded by Councilwoman Julie Estlinbaum.

6. Presentation

~ DISCUSS THE TEXAS OPEN MEETINGS ACT AND CONCERNS WITH PARKS ADVISORY BOARD MEETING OCTOBER 2, 2017.

Mayor Mark A. Bricker

Mayor Bricker reminded Council members to stay compliant with the Texas Open Meetings Act, Title 5, Subtitle A, Chapter 551. He requested that Council members notify the City Secretary (RSVP) should they plan on attending a meeting where a possible quorum would occur. Mayor Bricker stated that it was not appropriate for Council members to state that they would be attending all meetings because that was not the intent of the Open Meetings Act. He stated that this occurrence was not the fault of the Parks Director and that Council members know their responsibility. It falls on us as Mayor and Council.

Council Member Comments:

Councilman Childers - Assumed meeting was posted for the Parks Advisory Board meeting. Wants to abide by the rules. Felt the nature of the email indicated Council members were to be at the meeting. Questioned if the Assistant City Attorney was requested to attend tonight's meeting just for this topic.

Councilwoman Sitz - Felt an RSVP was not a possible solution. 72 hour window. Has a problem with the request.

Councilwoman Folse - Not in agreement with RSVP

Councilwoman Estlinbaum - Asking us to make sure we RSVP to every single meeting is a change in protocol. Seems to be the new protocol by which we are obligated to follow. Feel I am being set up for failure. "My Constituents want me out there listening to citizens."

Councilman Cornman - Apologizes. Probably make another mistake. Stated he should have left the meeting.

VII. ITEMS/COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Councilman Cornman:

Critique of the Hurricane Event. - Understands one meeting occurred. Questioned whether a follow up meeting is planned. He has not seen a report from the County. Would like to see report.

Texas theater update - Agenda request for next meeting.

Councilwoman Folse:

Reminded everyone of upcoming fundraising events for the Pilot Club and Public Library

Mayor Bricker:

During a recent meeting with state officials - Texas officials notified us and stated that they identified many areas of need from the information from Hurricane Harvey. State officials were impressed by Bay City. He will be attending a wedding the weekend of the Rice Festival Celebration.

Councilwoman Sitz - Fall Clean up Day - October 28, 2017.

Mayor - During the meeting with state officials - Texas officials notified us that they identified many areas of need from the information from Hurricane Harvey. Impressed by Bay City.

VIII. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

This is to certify that the above notice of a Workshop was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, October 9, 2017 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

David Holubec
City Secretary



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2864

AGENDA ITEM (ID # 2864)

**~ DISCUSS, CONSIDER AND/OR APPROVE CHANGES OF
REGULARLY SCHEDULED COUNCIL MEETINGS AS
FOLLOWS: NOVEMBER 9, 2017 TO NOVEMBER 2, 2017,
NOVEMBER 23, 2017 TO NOVEMBER 16, 2017, DECEMBER
14, 2017 TO DECEMBER 7, 2017, DECEMBER 28, 2017 TO
DECEMBER 21, 2017.**

COMMENTS - Current Meeting:

The November and December 2017 Council Meeting dates were changed as written unanimously by motion. The motion was made by Councilman Jason Childers and seconded by Councilwoman Becca Sitz.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 2869)

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2869

**~ DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S
APPOINTMENTS TO THE CITY OF BAY CITY HOUSING
AUTHORITY BOARD.**

COMMENTS - Current Meeting:

The Mayor's appointment of Amelia Kemp and Vidala Leal to the Bay City Housing Authority board was approved unanimously by motion. The motion was made by Councilman Bill Cornman and seconded by Councilman Jason Childers.



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

This form will let the City Council know of your interest and qualifications to serve on a City board or commission. You are encouraged to contact the Mayor concerning your nomination. You may also submit a resume or brief background information regarding your qualifications. This form will be kept on file for a period of two years in the City Secretary's office.

PLEASE TYPE OR PRINT:

Date: 10/10/17
 Name: Vidala Leal Home Address: 2001 Horn Rd #22
 City: BAY CITY State: TX Zip: 77414
 Home Phone: 979-330-8156 Business Phone: _____
 Employer: _____ Occupation: Educator/Case Management
 E-mail: vidalaz@gmail.com
 Resident of the Bay City Corporate City Limits: (circle one) ☒ Yes ☐ No
 Resident of City for 21 years

I am interested in serving on the following boards:

(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

- | | |
|--------------------------------|-----------|
| 1.) <u>Housing Authority</u> | 3.) _____ |
| 2.) <u>Planning Commission</u> | 4.) _____ |

Please list any involvement in civic groups or clubs, current or past service on city boards, or other information qualifying you for service:

1998 LULAC Youth Leadership Group, Our Lady of Guadalupe, BAY CITY 1989-86
 1999 Piton Foundation - Alma Lincoln Data Study - Community Dev., Denver, CO
 2000 Anne Casey Foundation - Community Leadership, Denver, CO
 2000 Metro State Univ - BA - Sociology / Minor - Public Adm., Denver
 2001-13 Graduate Work - Regis University - Non-Profit Mgmt
 2015-Current Troop 1073 - Boy Scouts of America, Assist Scoutmaster, BAY CITY, TX.

Vidala Leal
 Signature

Return completed form to the City Secretary's Office: 1901 5th Street, Bay City, Texas 77414

Attachment: Leal (2869 : Housing Authority Appointments)



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

This form will let the City Council know of your interest and qualifications to serve on a City board or commission. You are encouraged to contact the Mayor concerning your nomination. You may also submit a resume or brief background information regarding your qualifications. This form will be kept on file for a period of two years in the City Secretary's office.

PLEASE TYPE OR PRINT:

Date: 10/9/17
 Name: Amelia Kemp Home Address: 2300 Hamman Road
 City: Bay City State: Texas Zip: 77414
 Home Phone: 830-551-7108 Business Phone: 979-318-5380
 Employer: Money Management Group Occupation: Property Management
 E-mail: getmia@yahoo.com
 Resident of the Bay City Corporate City Limits: (circle one) ☒ Yes ☐ No
 Resident of City for 6 years

I am interested in serving on the following boards:

(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

- | | |
|--|------------------------|
| 1.) <u>Housing Authority</u>
2.) <u>Bay City Community Development Corp (BCCDC)</u> | 3.) _____
4.) _____ |
|--|------------------------|

Please list any involvement in civic groups or clubs, current or past service on city boards, or other information qualifying you for service:

I have over 20 years in property management and would like to become more active in the community. Those 20 years include various non-for profit and low income housing.

Signature _____

Return completed form to the City Secretary's Office: 1901 5th Street, Bay City, Texas 77414



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 2868)

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2868

**~ DISCUSS, CONSIDER AND/OR APPROVE THE MAYOR'S
APPOINTMENT OF RAIHAN K. KHONDKER TO THE
PLANNING COMMISSION.**

COMMENTS - Current Meeting:

The Mayor's appointment of Raihan K. Khondker to the Bay City Planning Commission was approved unanimously by motion. The motion was made by Councilman Bill Cornman and seconded by Councilwoman Becca Sitz.

Lillie Norris

From: SeamlessDocs <noreply@seamlessdocs.com>
Sent: Monday, October 02, 2017 2:36 PM
To: Lillie Norris
Subject: [City of Bay City] Volunteer Interest Form Submitted-Raihan K Khondker



This document has been sent on behalf of City of Bay City by SeamlessDocs.

Form Submission

Volunteer Interest Form Submitted-Raihan K Khondker

Volunteer Interest Form

Date

10/02/2017

Name

Raihan K Khondker

Attachment: Khondker (2868 : Planning Commission Appointments)

Home Address

3212 El Camino Street

City

Bay City

State

TX

Zip

77414

Home Phone

9795570444

Business Phone

7135172817

Employer

STP Nuclear Operating Company

Occupation

Consulting Engineer

Email

raihaan@live.ca

Resident of Bay City?

Yes

Resident of City for

3

Qualifications

I am spearheading the Bay City ISD S.T.E.M. Program to revamp it to a upper echelon ratings within the schools of Texas. This will ensure we have a top notch school science and technology program. I am chair of several industry groups committee such as Institute of Electrical and Electronics Engineers. I am an adviser for Electric Power Research Institute. I am also an adviser for Professional Engineers of Ontario. I have been on School and City boards for multiple Canadian Cities such as Ajax, Ontario.

Position One Selection

Planning Commission

Position Two Selection

Main Street Board

Position Three Selection

Housing Authority

Position Four Selection

Convention and Visitors Bureau (CVB)

Link to submission: <https://seam.ly/xvqqCAXg>

Powered by SeamlessDocs



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 2865)

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Appointment
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2865

**~ DISCUSS, CONSIDER AND/OR APPROVE THE
APPOINTMENT OF A CITY COUNCIL REPRESENTATIVE TO
THE HOUSTON - GALVESTON AREA COUNCIL 2018
GENERAL ASSEMBLY.**

COMMENTS - Current Meeting:

Councilwoman Becca Sitz was appointed unanimously, by motion, to represent the City of Bay City at the Houston Galveston Area Council 2018 General Assembly and Councilman Jason Childers will serve as alternate. The motion was made by Councilwoman Julie Estlinbaum and seconded by Councilwoman Chrystal Folse.



Houston-Galveston Area Council

Office of the Executive Director

September 20, 2017

Hon. Mark A. Bricker
Mayor
City of Bay City
1901 5th St
Bay City, TX 77414

Dear Mayor Bricker:

I am writing regarding the appointment of your city's representative to H-GAC's 2018 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2018.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by fax to 713-993-2414 or email cynthia.jones@h-gac.com.

A dinner meeting of Home Rule city representatives is scheduled for the evening of November 2. At that meeting, your 2017 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2018.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 20. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/cj

Enclosure
cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2018 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2018.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, is
_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

By: _____



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 10/12/17 07:00 PM
Department: Community Development
Category: Budget
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 2867

AGENDA ITEM (ID # 2867)

**~ DISCUSS, CONSIDER AND/OR APPROVE 2016-17 BAY CITY
COMMUNITY DEVELOPMENT BUDGET AMENDMENT.**

Discuss Consider and or Approve 2016 -17 Bay City Community Development Budget
Amendment

COMMENTS - Current Meeting:

Bay City Community Development Executive Director, DC Dunham presented the budget amendments for the Bay City Community Development Corporation that she is recommending to Council. The amendments were unanimously approved by motion. The motion was made by Councilman Bill Cornman and seconded by Councilman Jason Childers.

BCCDC Fiscal Year 2016-2017 Budget Amendments					
Classification	Adopted 2015-16 Budget	Actual FYE 2016	Adopted 2016-17 Budget	FY 2017 Estimate	Proposed 2016-17 Amendments
STP Lease Income	75,600	75,600	75,600	75,600	0
SMBG Lease Income				75,000	75,000
3225 · Sales Tax Collections	1,371,617	1,353,440	1,372,500	1,443,227	70,500
3300 · BDC Income	8,500	4,742	4,000	3,969	0
3300 · Main Street Income	31,091	31,106	43,091	43,091	0
3615 · Interest Income	2,500	10,784	5,000	6,482	0
Reduction in grant obligation		23,093		15,655	
Loan Proceeds	11,535,782	1,918,975	7,500,000	6,516,669	(980,000)
CamoFest		18,526	20,000	12,686	0
TIRZ #1 income				0	0
TIRZ #2 income					0
3699 · Other Income	0	25,020	0	15,655	0
Total Income	13,025,090	3,461,285	\$ 9,020,191	8,208,033	\$ (834,500)
<u>415-Administrative</u>					
4105 · Salaries and Wages	172,699	184,761	187,200	186,650	0
4106 · Other Compensation	2,250	2,223	2,350	2,052	0
4205 · Payroll Taxes	13,384	14,304	14,501	14,436	0
4206 · Unemployment Taxes	600	521	600	32	0
4210 · Retirement Expense	18,370	16,607	19,903	16,841	(3,000)
4215 · Workers Compensation	725	796	725	753	0
4225 · Employee Health Insurance	18,000	21,186	20,000	23,610	4,000
4230 · Travel & Training	2,500	343	2,500	1,493	(1,000)
4305 · Postage & Freight	300	371	300	180	-
4310 · General Supplies	2,400	2,180	2,400	2,762	-
4315 · Dues & Subscriptions	3,560	4,798	3,560	4,583	1,000
4330 · Vehicle Expense	4,000	2,559	4,000	4,296	-
4405 · General Insurance	600	12,713	9,000	9,456	-
4410 · Telephone	4,500	4,709	4,500	4,750	-
4415 · Utilities	4,500	4,435	4,500	3,389	-
4420 · Legal & Professional Fees	19,900	18,712	19,900	19,497	-
4425 · Cleaning & Maint	6,000	7,790	6,000	6,373	-
4427 · Equipment Rentals	0	0	0	2,069	2,500
4455 · Printed Materials	1,500	0	1,500	1,560	-
4460 · Advertising	2,800	0	2,800	66	(2,500)
4497 · Business Meals	1,900	2,841	1,900	1,784	-
4498 · Misc. Furniture & Equipment	1,000	113	1,000	0	(1,000)
4499 · Miscellaneous	1,500	154	1,500	75	-
4505 · Repairs & Maintenance	0	767	0	153	-
Refinancing costs	0	30,004	0	0	-
Principal Pmt	308,674	220,672	242,422	275,755	-
4810 · Interest Expense	49,133	56,783	158,350	235,859	-
Total Administrative	640,794	610,344	\$ 711,411	818,474	\$ -

Attachment: BCCDC proposed amended budget 16- 17 (2867 : Budget Amendment)

BCCDC Fiscal Year 2016-2017 Budget Amendments					
Classification	Adopted 2015-16 Budget	Actual FYE 2016	Adopted 2016-17 Budget	FY 2017 Estimate	Proposed 2016-17 Amendments
<u>420-Prospect Development</u>					
4230 · Travel & Training	6,180	5,718	6,180	4,794	-
4305 · Postage & Freight	900	0	400	216	-
4425 · Contracted Services	12,360	703	10,000	838	-
4450 · Promotional Items	1,030	411	1,000	930	-
4460 · Advertising	16,000	11,796	8,000	6,740	-
4497 · Business Meals	4,120	923	4,120	1,872	-
4499 · Miscellaneous	3,605	200	3,500	292	-
Total Prospect Development	44,195	19,751	\$ 33,200	15,682	\$ -
<u>485-Project Expenses</u>					
4001 · Mat Cty Economi Dev C	65,000	65,000	67,500	67,500	0
4011 · U of H - Coastal Plains	20,100	20,105	20,100	20,000	-
4012 · Main Street	25,000	23,986	25,000	25,214	-
4018 · Business Assistance Ce	10,000	1,600	10,000	1,707	(8,000)
4019 · Training Center Expense	0	3,254	0	0	-
4445 · Builders Incentive Progm	50,000	66,157	50,000	0	(50,000)
9 ER's Incentive	0	16,307	0	0	-
4446 · Job Incentives (Applebe	20,000	5,695	20,000	4,345	(15,000)
4447 · City Vision 2040 Plan	50,000	36,380	35,000	504	(34,000)
Parks & Recreation Project	70,000	0	70,000	0	(70,000)
CED Insurance and Maint.	100,000	112,852	100,000	73,118	(25,000)
Wellness Center	0	5,250	0	0	-
Holt Chiropractic		0	0	6,233	6,233
Family Entertainment Center	12,000,000	1,913,555	7,500,000	8,572,190	1,000,000
Total Project Expenses	\$ 12,410,100	\$ 2,270,142	\$ 7,897,600	\$ 8,770,812	\$ 804,233
Total Expenses	\$ 13,095,089	\$ 2,900,237	\$ 8,642,211	\$ 9,604,968	\$ 804,233

Attachment: BCCDC proposed amended budget 16- 17 (2867 : Budget Amendment)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Bid
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2866

AGENDA ITEM (ID # 2866)

**~ DISCUSS, CONSIDER, AND/OR APPROVE AWARDING THE
BID FOR THE FEDERAL AND STATE FUNDED AIRPORT
IMPROVEMENT PROJECT, WHICH INVOLVES THE
CONSTRUCTION OF A SECURITY FENCE AND GATES, TO
BARRIER FENCE, LLC.**

Four Seasons Consultants - Houston, TX - \$80,601.71
Barrier Fence, LLC - Mark Williams - Round Rock, TX - \$70,180.00
BLS Construction - El Campo, TX - \$127,981.68

COMMENTS - Current Meeting:

Airport manager, James Mason discussed the fencing project bid submitted by Barrier Fencing, LLC. The bid was unanimously approved by motion with the understanding that the Contractor, Barrier Fencing, be vetted successfully by TxDOT. The motion was made by Councilman Bill Cornman and seconded by Councilwoman Julie Estlinbaum.

BID FORM

TxDOT CSJ No. 1613BAYCY

Project Description: Removal of select airport perimeter fence and replacement and new installation of wildlife deterrent, perimeter security fencing and installation of new automatic and manually operated swing gates at select access points in the new fence.

Bid by: Name of Bidder BARRIER FENCE LLC

Address: 402A W. PAM VALLEY BLVD. #181

ROUND ROCK, TX 78664

Telephone: 512.709.8467 **FAX:** 512.310.8307

Email Address: MARK@BARRIERFENCE.COM

To the Texas Department of Transportation hereinafter called the Agent.

Pursuant to the foregoing Instruction to Bidders, the undersigned bidder having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all the conditions surrounding the construction of the project hereby proposes to furnish all necessary superintendence, labor, machinery, equipment, tools materials and supplies to complete all the work upon which is bid in accordance with the contract documents, within the time set forth and at the prices stated below.

BASE BID					
Item	Qty	Unit	Description Written & Numeric UNIT Price	Unit Price	Total Price
1	1	L.S.	SS-120-3.1 SITE PREPARATION <u>NINE THOUSAND</u> Dollars and <u>TEN</u> cents	<u>\$9,000.⁰⁰</u>	<u>\$9,000.⁰⁰</u>

BASE BID					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
2	70	L.F.	F-162-5.2 WOOD FENCE REMOVAL PARKING AREA <u>ONE</u> Dollars and <u>FIFTY</u> cents	\$ <u>1.50</u>	<u>105.00</u>
3	917	L.F.	F-162-5.3a 8' GALVANIZED CHAIN-LINK SECURITY FENCE <u>TWENTY FIVE</u> Dollars and <u>ZERO</u> cents	\$ <u>25.00</u>	\$ <u>22,925.00</u>
4	2	EA	F-162-5.4a 16' GALVANIZED DOUBLE LEAF SWING GATE <u>FOURTEEN HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>1,400.00</u>	\$ <u>2,800.00</u>
5	2	EA	F-162-5.5a 36" GALVANIZED PEDESTRIAN GATE WITH MECHANICAL KEYPAD LOCK AND CLOSER <u>FOURTEEN HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>1,400.00</u>	\$ <u>2,800.00</u>
6	1	L.S.	SS-300-5.1 LOCKOUT/TAGOUT PROCEDURES <u>FIFTEEN HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
7	2	EA	SS-350-5.1a 15' GALVANIZED AUTOMATIC SLIDING CANTILEVER GATE AND OPERATOR SYSTEM (1 FT/S), INSTALLED <u>THIRTEEN THOUSAND FIVE HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>13,500.00</u>	\$ <u>27,000.00</u>

8	81	S.Y.	TX-531-1 CONCRETE MOW STRIP FOR FENCE <u>FIFTY</u> Dollars	<u>\$ 50.⁰⁰</u>	<u>\$ 4,050.⁰⁰</u>
			and <u>ZERO</u> cents		

Total Base Bid

\$ 70,180.⁰⁰

ADDITIVE ALTERNATE 1					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	-1	EA	SS-350-5.1a 15' GALVANIZED AUTOMATIC SLIDING CANTILEVER GATE AND OPERATOR SYSTEM (1 FT/S), INSTALLED <u>Handled</u> <u>THIRTEEN THOUSAND FIVE</u> Dollars	<u>\$ 13,500.⁰⁰</u>	<u>\$ 13,500.⁰⁰</u>
			and <u>ZERO</u> cents		
2	1	EA	SS-350-5.2 15' AUTOMATIC SLIDING CANTILEVER GATE AND OPERATOR SYSTEM (2 FT/S), INSTALLED <u>Handled</u> <u>FOURTEEN THOUSAND FIVE</u> Dollars	<u>\$ 14,500.⁰⁰</u>	<u>\$ 14,500.⁰⁰</u>
			and <u>ZERO</u> cents		

Total Additive Alternate 1

\$ 1,000.⁰⁰

ADDITIVE ALTERNATE 2					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	913	L.F.	F-162-5.1 4' CHAIN-LINK FENCE REMOVAL <u>Two</u> Dollars and <u>FIFTY</u> cents	<u>\$ 2.50</u>	<u>\$ 2,282.50</u>
2	841	L.F.	F-162-5.3a 8' GALVANIZED CHAIN-LINK SECURITY FENCE <u>TWENTY FIVE</u> Dollars and <u>ZERO</u> cents	<u>\$ 25.00</u>	<u>\$ 21,025.00</u>

Total Additive Alternate 2

\$ 23,307.50

ADDITIVE ALTERNATE 3					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	1652	L.F.	F-162-5.1 4' CHAIN-LINK FENCE REMOVAL <u>Two</u> Dollars and <u>TWENTY FIVE</u> cents	<u>\$ 2.25</u>	<u>\$ 3,717.00</u>
2	1515	L.F.	F-162-5.3a 8' GALVANIZED CHAIN-LINK SECURITY FENCE <u>TWENTY THREE</u> Dollars and <u>FIFTY</u> cents	<u>\$ 23.50</u>	<u>\$ 35,602.50</u>
3	1	EA	F-162-5.4a 16' GALVANIZED DOUBLE LEAF SWING GATE <u>FOURTEEN HUNDRED</u> Dollars and <u>ZERO</u> cents	<u>\$ 1,400.00</u>	<u>\$ 1,400.00</u>

Total Additive Alternate 3

\$ 40,719.50

ADDITIVE ALTERNATE 4					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	50	L.F.	SS-140-5.1 FENCELINE CLEARING AND FENCE REMOVAL <u>FIVE</u> Dollars and <u>ZERO</u> cents	\$ <u>5.00</u>	\$ <u>250.00</u>
2	1	EA	SS-241-5.2 WILDLIFE FENCE DITCH CROSSING TYPE 2 <u>FIVE THOUSAND</u> Dollars and <u>ZERO</u> cents	\$ <u>5,000.00</u>	\$ <u>5,000.00</u>

Total Additive Alternate 4

\$ 5,250.00

ADDITIVE ALTERNATE 5					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	964	L.F.	SS-140-5.1 FENCELINE CLEARING AND FENCE REMOVAL <u>TWO</u> Dollars and <u>FIFTY</u> cents	\$ <u>2.50</u>	\$ <u>2,410.00</u>
2	1	EA	SS-241-5.2 WILDLIFE FENCE DITCH CROSSING TYPE 2 <u>FIVE THOUSAND</u> Dollars and <u>ZERO</u> cents	\$ <u>5,000.00</u>	\$ <u>5,000.00</u>
3	4	EA	L-119-5.1 L-810, SOLAR- POWERED AIRPORT OBSTRUCTION LIGHT, IN PLACE <u>FOUR THOUSAND</u> Dollars and <u>ZERO</u> cents	\$ <u>4,000.00</u>	\$ <u>16,000.00</u>

4	964	L.F.	F-164-5.1 WILDLIFE FENCE <u>TWELVE</u> Dollars and <u>FIFTY</u> cents	\$ <u>12.50</u>	\$ <u>12,050.⁰⁰</u>
---	-----	------	---	-----------------	--------------------------------

Total Additive Alternate 5

\$ 35,460.⁰⁰

ADDITIVE ALTERNATE 6					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	839	L.F.	SS-140-5.1 FENCELINE CLEARING AND FENCE REMOVAL <u>THREE</u> Dollars and <u>TWO</u> cents	\$ <u>3.⁰⁰</u>	\$ <u>2,517.⁰⁰</u>
2	1	EA	L-119-5.1 L-810, SOLAR- POWERED AIRPORT OBSTRUCTION LIGHT, IN PLACE <u>FOUR THOUSAND</u> Dollars and <u>ZERO</u> cents	\$ <u>4,000.⁰⁰</u>	\$ <u>4,000.⁰⁰</u>
3	841	L.F.	F-164-5.1 WILDLIFE FENCE <u>THIRTEEN</u> Dollars and <u>ZERO</u> cents	\$ <u>13.⁰⁰</u>	\$ <u>10,933.⁰⁰</u>

Total Additive Alternate 6

\$ 17,450.⁰⁰

ADDITIVE ALTERNATE 7					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	2034	L.F.	SS-140-5.1 FENCELINE CLEARING AND FENCE REMOVAL <u>ONE</u> Dollars and <u>FIFTY</u> cents	\$ <u>1.50</u>	\$ <u>3,051.⁰⁰</u>

2	1	EA	SS-241-5.1 WILDLIFE FENCE DITCH CROSSING TYPE 1 <u>FIVE THOUSAND</u> Dollars and <u>ZERO</u> cents	<u>\$5,000.⁰⁰</u>	<u>\$5,000.⁰⁰</u>
3	2034	L.F.	F-164-5.1 WILDLIFE FENCE <u>THIRTEEN</u> Dollars and <u>ZERO</u> cents	<u>\$13.⁰⁰</u>	<u>\$26,442.⁰⁰</u>

Total Additive Alternate 7

\$34,493.⁰⁰

ADDITIVE ALTERNATE 8					
Item	Qty	Unit	Description Written & Numeric Price	Unit Price	Total Price
1	-81	L.F.	F-162-5.3a 8' GALVANIZED CHAIN-LINK SECURITY FENCE <u>TWENTY FIVE</u> Dollars and <u>ZERO</u> cents	<u>\$25.⁰⁰</u>	<u>\$2,025.⁰⁰</u>
2	81	L.F.	F-162-5.3b 8' BLACK PVC COATED CHAIN-LINK SECURITY FENCE <u>FIFTY</u> Dollars and <u>ZERO</u> cents	<u>\$50.⁰⁰</u>	<u>\$4,050.⁰⁰</u>
3	-1	EA	F-162-5.5a 36" GALVANIZED PEDESTRIAN GATE WITH MECHANICAL KEYPAD LOCK AND CLOSER <u>FOURTEEN HUNDRED</u> Dollars and <u>ZERO</u> cents	<u>\$1,400.⁰⁰</u>	<u>\$1,400.⁰⁰</u>
4	1	EA	F-162-5.5b 36" BLACK PVC COATED PEDESTRIAN GATE WITH MECHANICAL KEYPAD LOCK AND CLOSER <u>EIGHTEEN HUNDRED</u> <u>FIFTY</u> Dollars	<u>\$1,850.⁰⁰</u>	<u>\$1,850.⁰⁰</u>

			and <u>ZERO</u> cents		
5	-1	EA	SS-350-5.1a 15' GALVANIZED AUTOMATIC SLIDING CANTILEVER GATE AND OPERATOR SYSTEM (1 FT/S), INSTALLED <u>FIFTEEN THOUSAND FIVE HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>13,500.⁰⁰</u>	\$ <u>13,500.⁰⁰</u>
6	1	EA	SS-350-5.1b 15' BLACK PVC COATED AUTOMATIC SLIDING CANTILEVER GATE AND OPERATOR SYSTEM (1 FT/S), INSTALLED <u>FIFTEEN THOUSAND FIVE HUNDRED</u> Dollars and <u>ZERO</u> cents	\$ <u>15,500.⁰⁰</u>	\$ <u>15,500.⁰⁰</u>

Total Additive Alternate 8\$ 4,475.⁰⁰

It is understood the quantities of work to be done at unit prices are approximate and are intended for bidding purposes only. Amounts are to be shown in both words and figures. In case of discrepancy the amount shown in words shall govern.

Bidders must bid on base bid and all alternates.

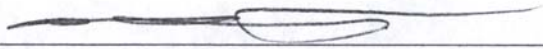
The contract award will be based on the lowest qualified bid for the base bid or the lowest qualified bid for the base bid plus any combination of alternate and additive bids that the Agent/Owner chooses, depending on the availability of funds.

Bidders understand the Agent reserves the right to reject any bid and the right to waive technicalities if such waiver is in the best interest of the Owner or Agent and conforms to State and local laws and ordinances pertaining to the letting of construction contracts. Funding availability will be considered in selecting the bid award. The bidder agrees this bid shall be honored and may not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Upon receipt of the written "Notice of Award", the bidder will execute the formal contract agreement within 14 days and deliver a surety bond or bonds as required under the contract documents. The bid security attached, two percent (2%) of the total bid price stated in the bid, in the sum of \$ 232,335.⁰⁰ is to become the property of the Agent in the event the contract is not executed as set forth in the contract documents as liquidated damages for the delay and additional expense caused thereby.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in a written "Notice to Proceed" and to fully complete the project within 60 calendar days thereafter. Bidder further agrees to pay as liquidated damages the sum of \$750.00 for each calendar day to complete the work beyond the allotted time or as extended by an approved Change Order or Supplemental Agreement.

By submission of a bid under this solicitation, bidder certifies the only persons or parties interested in this proposal are those named and the bidder has not directly or indirectly participated in collusion, entered into an agreement or otherwise taken any action in restraint of free competitive bidding in connection with the project.


 Signature

OWNER
 Title

MARK WILLIAMS
 Printed Name

512.709.8467
 Phone

402A W. FARM VALLEY BLVD. #181
 Mailing Address

Round Rock, TX 78664
 City, State, Zip Code

Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)

Qualification Acknowledgment:

The undersigned Bidder certifies they are a prequalified bidder with the Texas Department of Transportation (TxDOT) and is on the current TxDOT "Bidder's List" as indicated below:

_____ Full Prequalification
 _____ Bidder's Questionnaire

OR

The undersigned Bidder is not a pre-qualified TxDOT bidder and has enclosed the bidder's qualifications per General Provision 20-02, Prequalification of Bidders.



I have enclosed qualification statements.

Qualification Acknowledgment Signature:

 _____ Signature	OWNER _____ Title
402A W. PALM VALLEY BLVD. #181 _____ Mailing Address	ROUND ROCK, TX, 78664 _____ City, State, Zip Code

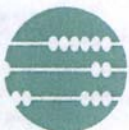
Note: The bidder may also submit an electronically printed bid. The bid must have pay items in the same order and with the exact information as on this bid form. If submitting an electronically printed bid, please submit qualification/signature page. The bidder is responsible for incorrect information and will be considered non-responsive if pay items are incorrect.

BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)

FINANCIAL STATEMENTS AND
INDEPENDENT ACCOUNTANTS'
COMPILATION REPORT

YEAR ENDED DECEMBER 31, 2016

* CONFIDENTIAL - FOR BIDDING *



CD BRADSHAW
& ASSOCIATES, P.C.

Certified Public Accountants
and Advisors

INDEPENDENT ACCOUNTANTS' COMPILATION REPORT

To the Member of
Barrier Fence LLC
dba Barrier Fence Systems
Austin, Texas

Management is responsible for the accompanying financial statements of Barrier Fence LLC (dba Barrier Fence Systems) (a limited liability company) (the Company), which comprise the balance sheet as of December 31, 2016, and the related statements of income and changes in member's equity, and cash flows for the year then ended, and the related notes to the financial statements in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or the completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The supplemental information in Schedule 1, Schedule of Selling, General, and Administrative Expenses, and Schedule 2, Contracts in Progress and Completed, are presented for purposes of additional analysis and are not a required part of the basic financial statements. The information is a representation of management. The information was subject to our compilation engagement; however, we have not audited or reviewed the information, and accordingly, do not express an opinion, a conclusion, nor provide any assurance on such information.

CD Bradshaw & Associates, P.C.

Georgetown, Texas
June 8, 2017

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
BALANCE SHEET
DECEMBER 31, 2016**

ASSETS

Current assets:	
Cash and cash equivalents	\$ 23,987
Receivables:	
Contracts (Note 2)	476,221
Member (Note 7)	54,630
Other	4,289
Costs and estimated earnings in excess of billings on uncompleted contracts (Note 3)	<u>66,803</u>
Total current assets	625,930
Property and equipment, net of accumulated depreciation (Notes 4 and 5)	<u>194,230</u>
Total assets	<u><u>\$ 820,160</u></u>

LIABILITIES AND MEMBER'S EQUITY

Current liabilities:	
Accounts payable	\$ 242,622
Accrued liabilities	12,570
Billings in excess of costs and estimated earnings on uncompleted contracts (Note 3)	309,879
Current maturities of long-term debt (Note 5)	<u>47,613</u>
Total current liabilities	612,684
Long-term debt, net of current maturities (Note 5)	<u>93,166</u>
Total liabilities	705,850
Member's equity	<u>114,310</u>
Total liabilities and member's equity	<u><u>\$ 820,160</u></u>

See independent accountants' compilation report.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
STATEMENT OF INCOME AND
CHANGES IN MEMBER'S EQUITY
YEAR ENDED DECEMBER 31, 2016**

Contract revenue earned	\$ 2,214,801
Cost of contract revenue earned	<u>1,718,695</u>
Gross profit	496,106
Selling, general, and administrative expenses	<u>453,212</u>
Income from operations	<u>42,894</u>
Other income (expense):	
Interest expense	(8,173)
Other income	<u>597</u>
Total other income (expense)	<u>(7,576)</u>
Net income	<u>35,318</u>
Member's equity:	
Beginning of year, as previously stated	61,311
Prior period adjustment (Note 8)	<u>190,825</u>
Beginning of year, as restated	252,136
Distributions	<u>(173,144)</u>
End of year	<u><u>\$ 114,310</u></u>

See independent accountants' compilation report.

BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
STATEMENT OF CASH FLOW
YEAR ENDED DECEMBER 31, 2016

Cash flows from operating activities:	
Net income	\$ 35,318
Adjustments to reconcile net income to net cash flows from operating activities:	
Depreciation	58,479
(Increase) decrease:	
Receivables:	
Contracts	(239,370)
Officers and employees	2,900
Other	5,627
Costs and estimated earnings in excess of billings on uncompleted contracts	(27,343)
Increase (decrease):	
Accounts payable	104,243
Accrued liabilities	4,564
Billings in excess of costs and estimated earnings on uncompleted contracts	<u>277,242</u>
Net cash flows from operating activities	<u>221,660</u>
Cash flows from investing activities:	
Acquisition of property and equipment	<u>(6,435)</u>
Cash flows from financing activities:	
Payments on long-term debt	(42,513)
Distributions to stockholders	<u>(173,144)</u>
Net cash flows from financing activities	<u>(215,657)</u>
Net decrease in cash and cash equivalents	(432)
Cash and cash equivalents:	
Beginning of year	<u>24,419</u>
End of year	<u><u>\$ 23,987</u></u>
Supplemental disclosures of cash flow information:	
Interest paid	<u><u>\$ 8,173</u></u>
Supplemental disclosures of non-cash transactions:	
Property and equipment purchased with long-term debt	<u><u>\$ 21,106</u></u>

See independent accountants' compilation report.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES

Company's activities and operating cycle:

Barrier Fence LLC (dba Barrier Fence Systems) (a limited liability company) (the Company) was formed under the laws of the State of Texas on January 5, 2009. The Company is primarily engaged in repair and installation of residential and commercial fences.

Revenue and cost recognition:

Contract revenues are recognized on the percentage-of-completion method of accounting, measured by the cost-to-cost method. This method is used because management considers total costs incurred to be the best available measure of progress on contracts. Because of the inherent uncertainties in estimating costs and revenues, it is at least reasonably possible that the estimates used will change within the near term.

Contract costs include all direct costs, and those indirect costs related to contract performance, such as vehicle expenses, supplies, and depreciation. Provisions for estimated losses on uncompleted contracts are made in the period in which such losses are determined. Changes in job performance, job conditions, and estimated profitability, including those arising from contract penalty provisions, and final contract settlements may result in revisions to costs and income and are recognized in the period in which the revisions are determined. Profit incentives are included in revenues when they are reasonably assured of being earned.

The asset, "Costs and estimated earnings in excess of billings on uncompleted contracts," represents revenues earned in excess of amounts billed. The liability, "Billings in excess of costs and estimated earnings on uncompleted contracts," represents billings in excess of amounts earned.

Cash and cash equivalents:

For purposes of the statement of cash flows, the Company considers all cash in operating accounts, cash on hand, and highly liquid debt instruments purchased with an original maturity of three months or less to be cash equivalents.

Contracts receivable:

The Company follows the direct write-off method of expensing contracts receivable when considered uncollectible. The effect of using this method (as compared to the allowance method) on the statement of income is immaterial.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

Estimates:

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

Shipping and handling fees:

The Company follows a policy of including shipping and handling fees in cost of contract revenue earned.

Property and equipment:

Property and equipment are recorded at cost. Repairs and maintenance are charged to cost of revenue earned or selling, general and administrative expenses. Renewals and betterments which add significantly to the utility or useful life of the asset are capitalized. Upon retirement or disposition of assets, related gains or losses are reflected in operations.

Depreciation of property and equipment is provided at rates intended to distribute the cost of the assets over their estimated useful lives using the straight-line method. Categories of assets and their estimated useful lives consist of the following:

Office equipment and fixtures	3 to 7 years
Machinery and equipment	5 to 7 years
Trucks, trailers and vehicles	5 years

Impairment of long-lived assets:

The Company reviews the carrying value of property, plant, and equipment for impairment whenever events and circumstances indicate that the carrying value of an asset may not be recoverable from the estimated future cash flows expected to result from its use and eventual disposition. In cases where undiscounted expected future cash flows are less than the carrying value, an impairment loss is recognized equal to an amount by which the carrying value exceeds the fair value of assets. The factors considered by management in performing this assessment include current operating results, trends, and prospects, as well as the effects of obsolescence, demand, competition, and other economic factors. Management determined that a provision for impairment losses was not required for the year ended December 31, 2016.

Advertising costs:

Advertising costs are expensed as incurred. Advertising expense totaled \$42,424 for the year ended December 31, 2016.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

Collection of Texas sales tax:

The Company follows a policy to present Texas sales tax on a net basis. Accordingly, sales tax collected is excluded from revenue. Any amounts collected and not remitted to the State of Texas is included in accrued liabilities on the accompanying balance sheet, and as of December 31, 2016, sales tax collections in the amount of \$4,369 had not been remitted by the end of the year.

Income tax positions:

The Company is taxed as an S Corporation for federal income tax purposes, whereby the member is taxed individually on the Company's income. As a result, no provision for current or deferred income tax liability is recognized in the accompanying financial statements. The Company is subject to Texas franchise tax. ASC 740, *Income Taxes*, requires extensive disclosures about uncertain income tax positions. The requirements under this standard are also applicable to S Corporations and other "pass-through" entities. The Company evaluates any uncertain tax positions using the provisions of ASC 450, *Contingencies*. Accordingly, a loss contingency is recognized when it is probable that a liability has been incurred as of the date of the financial statements and the amount of the loss can be reasonably estimated. The amount recognized is subject to estimate and the member's judgment with respect to the likely outcome of each uncertain tax position. The amount that is ultimately sustained for an individual uncertain tax position or for all uncertain tax positions in the aggregate could differ from the amount recognized. The Company does not believe that it has engaged in any situation that would result in an uncertain tax position. As a result, the Company does not believe that any uncertain tax positions currently exist and therefore, no loss contingency has been recognized in the accompanying financial statements. Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Company has no open examination with either the Internal Revenue Service or state taxing authorities.

The Company's policy is to record any income tax related penalties and interest incurred as an operating expense. There were no income tax related penalties or interest included in the accompanying financial statements.

Provisions for state franchise tax are included in accrued liabilities and selling, general and administrative expenses in the accompanying financial statements.

Date of management's evaluation of subsequent events:

Management has evaluated subsequent events through June 8, 2017, the date on which the financial statements were available to be issued.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 2 - CONTRACTS RECEIVABLE

Contracts receivable as of December 31, 2016 consists of the following:

Completed contracts	\$ 88,363
Contracts in progress	367,673
Unbilled receivables	8,104
Retention	<u>12,081</u>
Total	<u>\$ 476,221</u>

NOTE 3 - COSTS AND ESTIMATED EARNINGS ON UNCOMPLETED CONTRACTS

Costs and estimated earnings on uncompleted contracts as of December 31, 2016 consists of the following:

Costs incurred on uncompleted contracts	\$ 710,246
Estimated gross profit	<u>113,083</u>
Total revenue earned	823,329
Less: Billed to date	<u>(1,066,405)</u>
Net billings in excess of costs and estimated earnings on uncompleted contracts	<u>\$ (243,076)</u>

Included in the accompanying balance sheet under the captions:

Costs and estimated earnings in excess of billings on uncompleted contracts	\$ 66,803
Billings in excess of costs and estimated earnings on uncompleted contracts	<u>(309,879)</u>
Net billings in excess of costs and estimated earnings on uncompleted contracts	<u>\$ (243,076)</u>

Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 4 - PROPERTY AND EQUIPMENT

Property and equipment as of December 31, 2016 consists of the following:

Office equipment and fixtures	\$ 18,076
Machinery and equipment	132,272
Trucks, trailers and vehicles	<u>176,437</u>
Total property and equipment	326,785
Less: Accumulated depreciation	<u>(132,555)</u>
Property and equipment, net of accumulated depreciation	<u>\$ 194,230</u>

For the year ended December 31, 2016, depreciation expense in the amounts of \$54,859 and \$2,871 are included in cost of contract revenue earned and selling, general, and administrative expenses, respectively, in the accompanying statement of income and changes in retained earnings.

NOTE 5 - LONG-TERM DEBT

The following is a summary of long-term debt at December 31, 2016:

Note payable to a finance company payable in monthly installments of \$1,456, including interest at 6.9%, maturing June, 2020; secured by a certain vehicle.	\$ 54,199
Note payable to a finance company payable in monthly installments of \$1,156, including interest at 0%, maturing December, 2020; secured by a certain vehicle.	55,468
Note payable to a finance company payable in monthly installments of \$1,059, including interest at 0%, maturing December, 2017; secured by certain equipment.	12,710
Note payable to a finance company payable in monthly installments of \$480, bearing interest at 13%, maturing February, 2021; secured by certain equipment.	<u>18,402</u>
Total long-term debt	140,779
Less: Current maturities	<u>(47,613)</u>
Long-term debt, net of current maturities	<u>\$ 93,166</u>

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 5 - LONG-TERM DEBT - CONTINUED

The following are maturities of long-term debt for each of the next five years:

December, 31:		
2017	\$	47,613
2018		35,397
2019		35,959
2020		20,929
2021		<u>881</u>
Total	\$	<u><u>140,779</u></u>

Interest expense on long-term debt was \$8,173 for the year ended December 31, 2016 and is included in interest expense in the accompanying statement of income and changes in retained earnings.

NOTE 6 - CONCENTRATION

As of and for the year ended December 31, 2016, two customers accounted for approximately 80% of contracts receivable and two customers accounted for approximately 30% of revenue earned. A decision by a significant customer to decrease the amount purchased could have a material, adverse effect on the Company's financial position and results of operations.

NOTE 7 - RELATED PARTY

As of December 31, 2016, there were receivables from the member in the amount of \$54,630. The member is expected to pay back the outstanding amounts subsequent to the end of the year. The amount is included in receivables from members on the accompanying balance sheet.

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 2016**

NOTE 8 - PRIOR PERIOD ADJUSTMENTS

Errors were discovered subsequent to the issuance of the compiled financial statements for the year ended December 31, 2015. The predecessor accountant's compilation report was dated June 24, 2016. Contract revenues earned were not properly stated using the percentage-of-completion method of accounting which resulted in an understatement of net income in the amount of \$63,031. Property and equipment depreciation was not properly calculated using the straight-line method of estimating depreciation. Depreciation was calculated using the modified accelerated cost recovery system published in the Internal Revenue Code. This error resulted in an overstatement of accumulated depreciation in the amount of \$127,794 and understatement of 2015 net income in the amount of \$83,772. Accordingly, adjustments have been made to member's equity as of January 1, 2016 to correct the errors. The following table explains the over and understatements:

<u>Description of error</u>	<u>Over/Understated</u>	<u>Effect on member's equity</u>
Assets		
Costs and estimated earnings in excess of billings on uncompleted contracts	Understated	\$ 39,460
Contracts receivable	Understated	56,208
Accumulated depreciation	Overstated	127,794
Liabilities		
Billings in excess of costs and estimated earnings on uncompleted contracts	Understated	(32,637)
Total		\$ 190,825

**BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
SCHEDULE OF SELLING, GENERAL,
AND ADMINISTRATIVE EXPENSES
YEAR ENDED DECEMBER 31, 2016**

SCHEDULE 1

Advertising and promotional	\$ 42,424
Bank service charges	158
Computer and internet	13,344
Contributions	550
Depreciation expense	2,871
Dues and subscriptions	2,096
Entertainment and meals	19,527
Franchise and property taxes	8,784
Insurance expense	53,518
Medical expense	223
Office expense	8,427
Payroll taxes	17,664
Postage expense	1,456
Professional fees	8,872
Rent expense	1,317
Repairs and maintenance	4,364
Salaries and wages	229,185
Telephone and utilities	20,016
Travel expenses	15,788
Uniforms	2,628
Total selling, general, and administrative expenses	\$ <u><u>453,212</u></u>

See independent accountants' compilation report.

BARRIER FENCE LLC
(DBA BARRIER FENCE SYSTEMS)
CONTRACTS IN PROGRESS AND COMPLETED
YEAR ENDED DECEMBER 31, 2016

SCHEDULE 2

Contract #	Contract #	Total Contract	Billed to Date	Costs and Estimated Earnings in Excess of Billings	Billings in Excess of Costs and Earnings	From Inception to Current Year End			Current Year			Estimated Costs to Complete
						Revenue Earned	Cost	Gross Profit (Loss)	Revenue Earned	Cost	Gross Profit (Loss)	
In Progress	1-0515	\$ 308,559	\$ 289,807	\$ -	\$ 51,319	\$ 238,488	\$ 203,949	\$ 34,539	\$ 193,363	\$ 171,483	\$ 21,880	\$ 59,923
	1-0516	174,871	79,161	-	28,355	50,806	45,040	5,766	50,508	44,826	5,682	109,985
	1-0550	62,835	85,311	-	24,537	60,774	66,082	(5,308)	60,774	66,082	(5,308)	2,061
	1-0568	56,748	35,877	13,072	-	48,949	45,240	3,709	48,948	45,240	3,708	7,208
	1-0574	186,614	189,301	-	15,414	173,887	153,858	20,029	173,887	153,858	20,029	11,261
	1-0588	111,554	55,787	28,376	-	84,163	58,588	25,575	84,163	58,588	25,575	19,068
	1-0600	70,405	70,405	-	32,490	37,915	21,065	16,850	37,914	21,065	16,849	18,051
	1-0609	68,492	68,192	-	22,575	45,617	36,943	8,674	45,617	36,943	8,674	18,525
	1-0610	14,858	-	13,807	-	13,807	8,674	5,133	13,807	8,674	5,133	660
	1-0611	25,163	26,163	-	2,072	24,091	20,062	4,029	24,091	20,062	4,029	893
	1-0617	106,481	106,481	-	105,199	1,282	1,448	(166)	1,281	1,448	(167)	105,199
	10-0054	17,753	8,877	-	8,796	81	64	17	80	64	16	14,120
	10-0058	20,000	7,250	-	5,904	1,346	863	483	1,346	863	483	11,956
	Miscellaneous	68,244	43,793	11,548	13,218	42,123	48,370	(6,247)	42,123	48,370	(6,247)	26,121
		\$ 1,292,577	\$ 1,066,405	\$ 66,803	\$ 309,879	\$ 823,329	\$ 710,246	\$ 113,083				\$ 405,031
Completed	1-0387	\$ 17,599	\$ 17,599	\$ -	\$ -	\$ 17,599	\$ 3,001	\$ 14,598	\$ 17,599	\$ 3,001	\$ 14,598	
	1-0481	15,410	15,410	-	-	15,410	10,224	5,186	15,410	10,224	5,186	
	1-0488	233,288	233,288	-	-	233,288	193,926	39,362	9,573	9,717	(144)	
	1-0534	26,804	26,804	-	-	26,804	28,098	(1,294)	26,804	28,098	(1,294)	
	1-0548	17,079	17,079	-	-	17,079	15,604	1,475	17,079	15,604	1,475	
	1-0558	17,140	17,140	-	-	17,140	5,308	11,832	17,140	5,308	11,832	
	1-0559	145,700	145,700	-	-	145,700	77,706	67,994	145,700	77,706	67,994	
	1-0577	35,685	35,685	-	-	35,685	31,553	4,132	35,685	31,553	4,132	
	1-0584	36,300	36,300	-	-	36,300	32,877	3,423	36,300	32,877	3,423	
	1-0593	80,710	80,710	-	-	80,710	36,237	44,473	80,710	36,237	44,473	
	1-0595	22,721	22,721	-	-	22,721	685	22,036	22,721	685	22,036	
	1-0598	14,525	14,525	-	-	14,525	10,928	3,597	14,525	10,928	3,597	
	1-0601	49,400	49,400	-	-	49,400	49,111	289	49,400	49,111	289	
	2-0262	16,728	16,728	-	-	16,728	11,874	4,854	931	804	127	
	Miscellaneous	980,023	980,023	-	-	980,023	753,421	226,602	947,322	729,276	218,046	
		\$ 1,709,112	\$ 1,709,112	\$ -	\$ -	\$ 1,709,112	\$ 1,260,553	\$ 448,559	\$ 2,214,801	\$ 1,718,695	\$ 496,106	

See independent accountants' compilation report.

Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)



INSCO INSURANCE SERVICES, INC.
Underwriting Manager for:
Developers Surety and Indemnity Company
Indemnity Company of California
17771 Cowan, Suite 100 Irvine, California 92614 (949) 263-3300
www.InscoDico.com

Bond No. Bid Bond

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS.

That we, Barrier Fence, LLC
as Principal, and Developers Surety and Indemnity Company, a corporation
authorized to transact a general surety business in the State of Texas, as Surety, are held and firmly bound unto
TxDOT Aviation
(hereinafter called the Obligor)
in the full and just sum of Two percent of the amount bid

Dollars, (\$ 2%) for the payment whereof in lawful money of the United States.

we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said PRINCIPAL has submitted the accompanying bid for

Bay City Regional Airport - Terminal Fencing Improvements TxDOT CSJ No. 1613BAYCY

NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligor in accordance with the terms of such bid, or in the event of the failure of the Principal to enter such Contract, if the Principal shall pay to the Obligor the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligor may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and Sealed this 28th day of September, 2017 Year

Barrier Fence, LLC


Principal

Developers Surety and Indemnity Company
Surety

By: 
Attorney-in-fact

John W. Schuler

Authorized Representative (Name and Title)
By: 
Signature of Authorized Representative

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY**
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

Bond Number: Bid Bond

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint

John W. Schuler, Walter E. Benson Jr., Steven W. Dobson, jointly or severally

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this 6th day of February, 2017.

By: *Daniel Young*
Daniel Young, Senior Vice-President

By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On February 6, 2017 before me, _____
Date

Lucille Raymond, Notary Public
Here Insert Name and Title of the Officer

personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Lucille Raymond
Lucille Raymond, Notary Public



Place Notary Seal Above

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 28th day of September, 2017

By: *Cassie J. Barrisford*
Cassie J. Barrisford, Assistant Secretary

ATS-1004 (02/17)



Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467 Fax: 512.310.8307
 estimating@barrierfencesystems.com

SAFETY & HEALTH PROGRAM

Management Commitment

Safety Policy

Barrier Fence Systems places a high value on the safety of its employees.
 Barrier Fence Systems is committed to providing a safe work environment.

Safety and Health Responsibilities

Manager Responsibilities

1. Insure that a Company safety committee is formed and is carrying out its responsibilities as described in this program.
2. Insure that sufficient employee time, supervisor support, and funds are budgeted for safety equipment, training and to carry out the safety program.
3. Evaluate supervisors each year to make sure they are carrying out their responsibilities as described in this program.
4. Insure that incidents are fully investigated and corrective action taken to prevent the hazardous conditions or behaviors from happening again.
5. Insure that a record of injuries and illnesses is maintained and posted as described in this program.
6. Set a good example by following established safety rules and attending required training.
7. Report unsafe practices or conditions to the supervisor of the area where the hazard was observed.

Supervisor Responsibilities:

1. Insure that each employee you supervise has received an initial orientation *before* beginning work.
2. Insure that each employee you supervise is competent or receives training on safe operation of equipment or tasks *before* starting work on that equipment or project.
3. Insure that each employee receives required personal protective equipment (PPE) *before* starting work on a project requiring PPE.
4. Do a daily walk-around safety-check of the work area. Promptly correct any hazards you find.
5. Observe the employees you supervise working. Promptly correct any unsafe behavior. Provide training and take corrective action as necessary.

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467 Fax: 512.310.8307
 estimating@barrierfencesystems.com

6. Set a good example for employees by following safety rules and attending required training.
7. Investigate all incidents in your area and report your findings to management.
8. Talk to management about changes to work practices or equipment that will improve employee safety.

Employee/Independent Contractor Responsibilities

1. Follow safety rules described in this program, OSHA safety standards and training you receive.
2. Report unsafe conditions or actions to your supervisor or safety committee representative promptly.
3. Report all injuries to your supervisor promptly regardless of how serious.
4. Report all near-miss incidents to your supervisor promptly.
5. Always use personal protective equipment (PPE) in good working condition where it is required.
6. Do not remove or defeat any safety device or safeguard provided for employee protection.
7. Encourage co-workers by your words and example to use safe work practices on the job.
8. Make suggestions to your supervisor, safety committee representative or management about changes you believe will improve employee safety.

Safety Committee

We have formed a safety committee to help employees and management work together to identify safety problems, develop solutions, review incident reports and evaluate the effectiveness of our safety program. The committee is made up of management-designated representatives. In addition to the committee responsibilities explained above, duties of safety committee members include:

1. Communicating with the employees they represent on safety issues
2. Encouraging safe work practices among co-workers.

Employee Safety Meetings

All employees are required to attend a quarterly safety meeting. This meeting is to help identify safety problems, develop solutions, review incidents reports, provide training and evaluate the effectiveness of our safety program.

Injury Reporting

The employee must use an "Employee's Injury/Illness Report Form" to report serious injuries.

The supervisor will:

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181

Round Rock, Texas 78664

Ph: 512.709.8467 Fax: 512.310.8307

estimating@barrierfencesystems.com

1. Investigate a serious injury or illness using procedures in the "Incident Investigation" section below.
2. Complete an "Incident Investigation Report" form.
3. Give the "Employee's Report" and the "Incident Investigation Report" to the Owner or Operations Manager
4. Determine from the Employee's Report, Incident Investigation Report, and any claim form associated with the incident, whether it must be recorded on the OSHA 300 Injury and Illness Log and Summary according to the instructions for that form.
5. Enter a recordable incident within seven days after the company becomes aware of it.
6. If the injury is not recorded on the OSHA log, add it to a separate incident report log, which is used to record non-OSHA recordable injuries and near misses.
7. Before the scheduled safety committee meeting, make any new injury reports and investigations available to the safety committee for review, along with an updated OSHA and incident report log.

The safety committee will review the log for trends and may decide to conduct a separate investigation of any incident. The Owner or Operations Manager will post a signed copy of the OSHA log summary for the previous year. Any employee can view an OSHA log upon request at any time during the year.

Incident Investigation Procedure

If an employee dies while working or is not expected to survive, or when three or more employees are admitted to a hospital as a result of a work-related incident, The Owner or Operations Manager will contact the Texas Department of Labor within 8 hours after becoming aware of the incident. The Owner or Operations Manager must talk with a representative of the department. The Owner or Operations Manager must report:

1. the employer name,
2. location and time of the incident
3. number of employees involved
4. the extent of injuries or illness
5. A brief description of what happened and the name and phone number of a contact person.

DO NOT DISTURB the scene except to aid in rescue or make the scene safe.

Whenever there is an incident that results in death or serious injuries that have immediate symptoms, a preliminary investigation will be conducted by the immediate supervisor of the injured person(s), a person designated by management, an employee representative of the safety committee, and any other persons whose expertise would help the investigation.

The investigation team will take written statements from witnesses, photograph the incident scene and equipment involved. The team will also document as soon as possible after the incident, the condition of equipment and anything else in the work area that may be relevant. The team will make a written "Incident Investigation Report" of its findings. The report will include a sequence of events leading up to the incident, conclusions about the incident

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181

Round Rock, Texas 78664

Ph: 512.709.8467 Fax: 512.310.8307

estimating@barrierfencesystems.com

and any recommendations to prevent a similar incident in the future. The report will be reviewed by the safety committee at its next regularly scheduled meeting.

When a supervisor becomes aware of an employee injury where the injury was not serious enough to warrant a team investigation as described above, the supervisor will write an "Incident Investigation Report" to accompany the "Employee's Injury/Illness Report Form" and forward them to the Owner or Operations Manager.

Whenever there is an incident that did not but could have resulted in serious injury to an employee (a *near-miss*), the incident will be investigated by the supervisor or a team depending on the seriousness of the injury that would have occurred. The "Incident Investigation Report" form will be used to investigate the near-miss. The form will be clearly marked to indicate that it was a near miss and that no actual injury occurred.

Safety Inspection Procedures

Barrier Fence Systems is committed to aggressively identifying hazardous conditions and practices which are likely to result in injury or illness to employees. We will take prompt action to eliminate any hazards we find. In addition to reviewing injury records and investigating incidents for their causes, management and the safety committee will regularly check the workplace for hazards.

Job Hazard Analysis -- As a part of our on-going safety program, we will use a "Job Hazard Analysis" form to look at each type of job task our employees/Independent Contractors do. This analysis will be done by the supervisor of that job task or a member of the safety committee. We will change how the job is done as needed to eliminate or control any hazards. We will also check to see if the employees/Independent Contractors need to use personal protective equipment (PPE) while doing the job. Employees will be trained in the revised operation and to use any required PPE. The results will be reported to the safety committee.

Hazard Prevention and Control

Eliminating Workplace Hazards

Barrier Fence Systems is committed to eliminating or controlling workplace hazards that could cause injury or illness to our employees. We will meet the requirements of state safety standards where there are specific rules about a hazard or potential hazard in our workplace.

We will require employees to use personal protective equipment (PPE) such as safety glasses, hearing protection, foot protection etc.

Basic Safety Rules

The following basic safety rules have been established to help make our company a safe and efficient place to work. These rules are in addition to safety rules that must be followed when doing particular jobs

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181

Round Rock, Texas 78664

Ph: 512.709.8467 Fax: 512.310.8307

estimating@barrierfencesystems.com

or operating certain equipment. Those rules are listed elsewhere in this program. Failure to comply with these rules will result in disciplinary action.

1. Never do anything that is unsafe in order to get the job done. If a job is unsafe, report it to your supervisor or safety committee representative. We will find a safer way to do that job.
2. Do not remove or disable any safety device! Keep guards in place at all times on operating machinery.
3. Never operate a piece of equipment unless you have been trained and are authorized.
4. Use your personal protective equipment whenever it is required.
5. Obey all safety warning signs.
6. Loose clothing, jewelry and hair longer than shoulder length shall not be worn around moving machinery.
7. Working under the influence of alcohol or illegal drugs or using them at work is prohibited.
8. Do not bring firearms or explosives onto company property.
9. Smoking is only permitted outside the building away from any entry or ventilation intake.
10. Horseplay, running and fighting are prohibited
11. Clean up spills immediately. Replace all tools and supplies after use. Do not allow scraps to accumulate where they will become a hazard. Good housekeeping helps prevent injuries.

Job Related Safety Rules

We have established safety rules and personal protective equipment (PPE) requirements based upon a hazard assessments.

Required PPE:

1. Leather gloves – for sharp objects or surfaces (employer provided)
2. Steel toe safety shoes in shipping areas (to be supplied by the employee) must be in good condition.
3. Eye Protection for welding
4. Ear Protection for grinding

Work Rules:

1. Do not lift on slippery surfaces.
2. Test the load before doing the lift.
3. Get help if the load is too heavy or awkward to lift alone.
4. Break the load down into smaller components if possible to provide a comfortable lift.
5. Do not overexert!
6. Make sure you are always well hydrated in hot working conditions. When feeling hot or mildly dizzy, find shade and water immediately.
7. Make sure you have a good handhold on the load.
8. Do not jerk the load or speed up. Lift the load in a smooth and controlled manner.
9. Do not twist while lifting (especially with a heavy load). Turn and take a step.

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467 Fax: 512.310.8307
 estimating@barrierfencesystems.com

10. Keep the load close to the body. Walk as close as possible to the load. Pull the load towards you before lifting.
11. Avoid long forward reaches to lift over an obstruction.
12. Avoid bending your back backwards to loft or place items above your shoulder. Use a step stool or platform
13. Do not lift while in an awkward position.
14. Use a mechanical device such as a forklift, hoist, hand truck or elevatable table whenever possible to do the lift or to bring the load up between the knees and waist before you lift.
15. Back injury claims are painful for the worker and expensive for the company. Lift safely!

Disciplinary Policy

Employees are expected to use good judgment when doing their work and to follow established safety rules. We have established a disciplinary policy to provide appropriate consequences for failure to follow safety rules. This policy is designed not so much to punish as to bring acceptable behavior to the employee's attention in a way that the employee will be motivated to make corrections. The following consequences apply to the violation of the same/similar rule or the same/similar unacceptable behavior:

1. First Instance -- verbal warning, notation in employee file, and instruction on proper actions
2. Second Instance -- written reprimand, and instruction on proper actions
3. Third Instance -- 1-5 day suspension, written reprimand, and instruction on proper actions
4. Fourth Instance -- Termination of employment.

An employee may be subject to immediate termination when a safety violation places the employee or co-workers at risk of permanent disability or death.

If an injury occurs

Each company vehicle is equipped with a first aid kit located in the glove box or under the driver's seat. If you are injured, promptly report it to any supervisor.

In case of serious injury, do not move the injured person unless absolutely necessary. Only provide assistance to the level of your training and authorization. Call for help. If there is no response, call 911.

• Aids/HIV and Hepatitis B are the primary infectious diseases of concern in blood. *All blood should be assumed to be infectious.* These diseases can both be deadly. Employees are *not* required to perform first aid as part of their job duties. In the event of a bleeding injury where first aid is needed, use gloves if possible to prevent exposure to blood or other potentially infectious materials. The injured person can often help by applying pressure to the wound. Gloves and a mouth barrier for rescue breathing are available in the first aid kits. If you

are exposed to blood while giving first aid wash immediately with soap and water and report the incident to a supervisor. The appropriate follow-up procedures will be initiated.

Barrier Fence Systems

402A W. Palm Valley Blvd, Suite #181

Round Rock, Texas 78664

Ph: 512.709.8467 Fax: 512.310.8307

estimating@barrierfencesystems.com

Safety and Health Training and Education

Safety Training

Training is an essential part of our plan to provide a safe work place at **Barrier Fence Systems**. The coordinator will make sure that an outline and materials list is available for each training course we provide:

1. Course Who must attend
2. Basic Orientation All employees (given by the employee's supervisor)
3. Safe Lifting Any employee who lifts more than 20 pounds
4. Fire extinguisher safety All employees
5. Forklift Training Employees who operate a forklift
6. Welding Safety Employees who operate the arc welder
7. PPE Training Employees who use PPE (e.g, safety glasses, safety-toe shoes)
8. Confined Space (Awareness) All employees
9. Hearing Conservation (noise) Employees exposed to >85 decibels
10. Electrical Safe Work Practices Employees who work on energized (live) circuits/equipment
11. Ladder Safety Employees who use ladders
12. Fall Protection Employees exposed to falls >4' in general industry, >6' in construction work.

Barrier Fence Systems "Securing Your Future"

402A W. Palm Valley Blvd. Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467
 Cell: 512.573.6438
 Fax: 512.310.8307

TXDOT – Subcontractor Qualification

Barrier Fence is an S Corporation started in 2009 and is a family owned business specializing in all types of residential and commercial fencing, gates, and access control.

Mark Williams, Owner 512-573-6438	mark@barrierfence.com
Mariesha Williams, Vice President	mariesha@barrierfence.com
Melinda Lichtenwalter, Operations Manager	melinda@barrierfence.com

Website: barrierfence.com
DUNS No. 01449442
Cage Code 777H5

NAICS Codes
 238990 Fencing Contractors
 332618 Fencing, Gates
 332323 Railings, ornamental metals, gates, pipe guards, pipe railings

Wells Fargo Bank - Account No. 6684554436
 2000 E. Palm Valley Blvd
 Round Rock, TX 78665

Trade References:
Merchants Metals
 900 Ashwood Pky, Suite 600
 Atlanta, GA
 713-697-2981 (P)
 844-499-3556 (F)

Jamieson Manufacturing
 PO Box 769008
 Dallas, TX 75376
 214-339-8384 (P)
 214-339-3564 (F)

Stephens Pipe & Steel LLC
 10851 Miller Road
 Dallas, TX 75238
 214-348-2400 (P)
 978-244-8003 (F)

Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)

Barrier Fence Systems "Securing Your Future"

402A W. Palm Valley Blvd. Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467
 Cell: 512.573.6438
 Fax: 512.310.8307

Barrier Fence Completed Commercial Projects

Project Name: Cedar Park Research Center
General Contractor: Texas Department of Transportation
 125 East 11th Street
 Austin, TX 78701
Contact: Rick Greer 512-751-2107
Contract Amount: \$237,080.00
Date Completed: February 2016

Project Name: Temple VA Security Enhancements
General Contractor: Blackhawk Constructors
 427 W. Cevallos, Street, Suite B
 San Antonio, TX 78204
Contact: Silver Celedon 210-228-9023
Contract Amount: \$483,238.00
Date Completed: January 2015

Project Name: TX Dot Security Upgrade Seguin
General Contractor: Texas Department of Transportation
 150 E. Riverside Drive
 Austin, TX 78704
Contact: Rick Greer
Contract Amount: \$186,613.00
Date Completed: December 2016

Project Name: TX Dot Wichita Falls
General Contractor: Convergent Technologies
 One Commerce Drive
 Schaumburg, IL 60173-5323
Contact: Dave Dyehouse – 847-229-0222
Contract Amount: \$107,070.00
Date Completed: February 2017

Project Name: Dripping Springs ISD
General Contractor: Lee Lewis Construction
 17177 Preston Road # 160
 Dallas, TX 75248
Contact: Drew Gregston
Contract Amount: \$447,000.00
Date Completed: August 2017

Barrier Fence Systems "Securing Your Future"

402A W. Palm Valley Blvd. Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467
 Cell: 512.573.6438
 Fax: 512.310.8307

Barrier Fence Completed Commercial Projects

Project Name: TX Dot Security Upgrade Austin
General Contractor: Texas Department of Transportation
 150 E. Riverside Drive
 Austin, TX 78704
Contact: Rick Greer
Contract Amount: \$420,890.00
Date Completed August 2017

Project Name: Taylor Airport TXDOT
General Contractor: Jordan Foster
 15603 North IH-35
 Pflugerville, TX 78660
Contact: Cory Sharp
Contract Amount: \$140,434.00
Date Completed August 2017

Barrier Fence Systems Annual Gross Volume: \$2.6 Million

Insurance Company – Liberty Mutual Insurance Company, Account No. 501926850
Surety Insurance Agency – Time Insurance, Steve Dobson 512-637-9781
Insurance Agent – Higginbotham Insurance Agency Parker Holt 281-990-6051
Certified Public Accounting Agency - CD Bradshaw and Associates, P.C. 512-930-4090

Barrier Fence is independently owned, not part of a Union and is also not certified as a minority business.

Barrier Fence has not failed to complete a project as contracted.

Barrier Fence has reviewed the national subcontract agreement and does accept the terms.

Safety and Loss Control

YEAR	EMR RATE	State
2014	.9	Texas
2015	.9	Texas
2016	.9	Texas

As of 8/22/2017, Barrier Fence has had 0 OSHA citations.

Barrier Fence Systems "Securing Your Future"

402A W. Palm Valley Blvd. Suite #181
 Round Rock, Texas 78664
 Ph: 512.709.8467
 Cell: 512.573.6438
 Fax: 512.310.8307

Barrier Fence List of available Equipment

2017 Ford F-350 Crew Cab Flat Bed
 2015 Ford F-250 Crew Cab
 2008 Yamaha Rhino UTV
 2007 Yamaha Rhino UTV
 2013 John Deere 332D Skid Steer
 - Bucket
 - Forks
 - Drill Unit
 - T-Post Drill
 - Planner
 - Tree Shearers
 Other Misc Equipment

Barrier Fence Key Personnel

Mark Williams	Owner/Project Manager
John M. Sims	Head Superintendedent
Rudy Acrey	Crew Leader
Jimmy Luna	Crew Member
Joe Cortinas	Crew Member
Tomas Lopez	Crew Member
Thaddeus Florence	Crew Member

Attachments:

1. Safety Policy
2. Sample Insurance Certificate
3. Financial Statements

Submitted by: Mark Williams, Project Manager
 512-573-6438
mark@barrierfence.com
 August 22, 2017



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/1/2016

6.5.a

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Higginbotham Insurance Agency, Inc. 500 W. 13th Street Fort Worth TX 76102		CONTACT NAME: Alicia Berry PHONE (A/C, No, Ext): 817-347-6955 E-MAIL ADDRESS: aberry@higginbotham.net FAX (A/C, No): 817-347-6981	
INSURED Barrier Fence Systems MW Sollutions LLC dba 402 A. W. Palm Valley Rd. Round Rock TX 78664		INSURER(S) AFFORDING COVERAGE INSURER A: Liberty Mutual Insurance Company INSURER B: Ohio Security Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	
BARRI8		NAIC # 23043 24082	

COVERAGES

CERTIFICATE NUMBER: 1627160959

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ 10,000 GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER:		BKS57444660	8/30/2016	8/30/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$15,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS		BAS57444660	8/30/2016	8/30/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☒ RETENTION \$10,000	☐ OCCUR ☐ CLAIMS-MADE	USO57444660	8/30/2016	8/30/2017	EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000 \$
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y/N ☒ Y N/A	57444660XWS1Q1	8/30/2016	8/30/2017	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
B	☒ Scheduled Equipment Tools (Including Theft)		BKS57444660	8/30/2016	8/30/2017	Scheduled Equipment Limit \$50,389. Deductible \$5,000 \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The General Liability and Automobile policies includes a blanket automatic additional insured endorsement that provides additional insured status and includes a blanket waiver of subrogation endorsement to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status.

The General Liability policy includes ongoing and completed operations.
See Attached...

CERTIFICATE HOLDER

FOR INFORMATIONAL PURPOSES ONLY
NOT TO BE ALTERED

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved

AGENCY CUSTOMER ID: BARRI8

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY Higginbotham Insurance Agency, Inc.		NAMED INSURED Barrier Fence Systems MW Sollutions LLC dba 402 A. W. Palm Valley Rd. Round Rock TX 78664	
POLICY NUMBER			
CARRIER	NAIC CODE	EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

The General Liability policy has a blanket Primary & Non Contributory endorsement that affords that coverage to certificate holders only where there is a written contract between the Named Insured and the certificate holder that requires such status.

The Workers' Compensation policy includes a blanket automatic waiver of subrogation endorsement that provides this feature only when there is a written contract between the named insured and the certificate holder that requires it.

Individuals excluded on the Workers Comp policy: Mark Williams, Mariesha Williams

The Umbrella policy is follow form.

Attachment: Barrier Fence 10-12-17 (2866 : Airport Fence Project)



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

AGENDA ITEM (ID # 2870)

Meeting: 10/12/17 07:00 PM
Department: City Secretary
Category: Presentation
Prepared By: David Holubec
Initiator: David Holubec
Sponsors:
DOC ID: 2870

~ DISCUSS THE TEXAS OPEN MEETINGS ACT AND CONCERNS WITH PARKS ADVISORY BOARD MEETING OCTOBER 2, 2017.

COMMENTS - Current Meeting:

Mayor Bricker reminded Council members to stay compliant with the Texas Open Meetings Act, Title 5, Subtitle A, Chapter 551. He requested that Council members notify the City Secretary (RSVP) should they plan on attending a meeting where a possible quorum would occur. Mayor Bricker stated that it was not appropriate for Council members to state that they would be attending all meetings because that was not the intent of the Open Meetings Act. He stated that this occurrence was not the fault of the Parks Director and that Council members know their responsibility. It falls on us as Mayor and Council.

Council Member Comments:

Councilman Childers - Assumed meeting was posted for the Parks Advisory Board meeting. Wants to abide by the rules. Felt the nature of the email indicated Council members were to be at the meeting. Questioned if the Assistant City Attorney was requested to attend tonight's meeting just for this topic.

Councilwoman Sitz - Felt an RSVP was not a possible solution. 72 hour window. Has a problem with the request.

Councilwoman Folse - Not in agreement with RSVP

Councilwoman Estlinbaum - Asking us to make sure we RSVP to ever single meeting is a change in protocol. Seems to be the new protocol by which we are obligated to follow. Feel I am being set up for failure. "My Constitutes want me out there listening to citizens."

Councilman Cornman - Apologizes. Probably make another mistake. Stated he should have left the meeting.

GOVERNMENT CODE

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. OPEN GOVERNMENT

CHAPTER 551. OPEN MEETINGS

SUBCHAPTER A. GENERAL PROVISIONS

This section was amended by the 85th Legislature. Pending publication of the current statutes, see S.B. [1440](#), 85th Legislature, Regular Session, for amendments affecting this section.

Sec. 551.001. DEFINITIONS. In this chapter:

(1) "Closed meeting" means a meeting to which the public does not have access.

(2) "Deliberation" means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

(3) "Governmental body" means:

(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 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;

(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; and

(L) a joint board created under Section 22.074, Transportation Code.

(4) "Meeting" means:

(A) a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action; or

(B) except as otherwise provided by this subdivision, a gathering:

(i) that is conducted by the governmental body or for which the governmental body is responsible;

(ii) at which a quorum of members of the governmental body is present;

(iii) that has been called by the governmental body; and

(iv) at which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control.

The term does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business that is conducted by the body, or the attendance by a quorum of a governmental body at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.

The term includes a session of a governmental body.

(5) "Open" means open to the public.

(6) "Quorum" means a majority of a governmental body, unless defined differently by applicable law or rule or the charter of the governmental body.

(7) "Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed.

(8) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video

signals transmitted over a telephone network, a data network, or the Internet.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 62, Sec. 18.23, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 647, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 633, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1004, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 9.012, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 165 (S.B. 1306), Sec. 1, eff. May 22, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 1, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 1, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 115 (S.B. 679), Sec. 1, eff. May 23, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(26), eff. September 1, 2015.

Sec. 551.0015. CERTAIN PROPERTY OWNERS' ASSOCIATIONS SUBJECT TO LAW.

(a) A property owners' association is subject to this chapter in the same manner as a governmental body:

(1) if:

(A) membership in the property owners' association is mandatory for owners or for a defined class of owners of private real property in a defined geographic area in a county with a population of 2.8 million or more or in a county adjacent to a county with a population of 2.8 million or more;

(B) the property owners' association has the power to make mandatory special assessments for capital improvements or mandatory regular assessments; and

(C) the amount of the mandatory special or regular assessments is or has ever been based in whole or in part on the value at which the state or a local governmental body assesses the property for purposes of ad valorem taxation under Section 20, Article VIII, Texas Constitution; or

(2) if the property owners' association:

(A) provides maintenance, preservation, and architectural control of residential and commercial property within a defined geographic area in a county with a population of 2.8 million or more or in a county adjacent to a county with a population of 2.8 million or more; and

(B) is a corporation that:

(i) is governed by a board of trustees who may employ a general manager to execute the association's bylaws and administer the business of the corporation;

(ii) does not require membership in the corporation by the owners of the property within the defined area; and

(iii) was incorporated before January 1, 2006.

(b) The governing body of the association, a committee of the association, and members of the governing body or of a committee of the association are subject to this chapter in the same manner as the governing body of a governmental body, a committee of a governmental body, and members of the governing body or of a committee of the governmental body.

Added by Acts 1999, 76th Leg., ch. 1084, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1367 (H.B. 3674), Sec. 1, eff. September 1, 2007.

Sec. 551.002. OPEN MEETINGS REQUIREMENT. Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.003. LEGISLATURE. In this chapter, the legislature is exercising its powers to adopt rules to prohibit secret meetings of the legislature, committees of the legislature, and other bodies associated with the legislature, except as specifically permitted in the constitution.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0035. ATTENDANCE BY GOVERNMENTAL BODY AT LEGISLATIVE COMMITTEE OR AGENCY MEETING. (a) This section applies only to the attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature. This section does not apply to attendance at the meeting by members of the legislative committee or agency holding the meeting.

(b) The attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature is not considered to be a meeting of that governmental body if the deliberations at the meeting by the members of that governmental body consist only of publicly testifying at the meeting, publicly commenting at the meeting, and publicly responding at the meeting to a question asked by a member of the legislative committee or agency.

Added by Acts 2001, 77th Leg., ch. 447, Sec. 1, eff. June 4, 2001.

Sec. 551.004. OPEN MEETINGS REQUIRED BY CHARTER. This chapter does not authorize a governmental body to close a meeting that a charter of the governmental body:

- (1) prohibits from being closed; or
- (2) requires to be open.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.005. OPEN MEETINGS TRAINING. (a) Each elected or appointed public official who is a member of a governmental body subject to this chapter shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and its members under this chapter not later than the 90th day after the date the member:

(1) takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the governmental body; or

(2) otherwise assumes responsibilities as a member of the governmental body, if the member is not required to take an oath of office to assume the person's duties as a member of the governmental body.

(b) The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The attorney general shall ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. The training must include instruction in:

- (1) the general background of the legal requirements for open meetings;
- (2) the applicability of this chapter to governmental bodies;

(3) procedures and requirements regarding quorums, notice, and recordkeeping under this chapter;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this chapter; and

(5) penalties and other consequences for failure to comply with this chapter.

(c) The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A governmental body shall maintain and make available for public inspection the record of its members' completion of the training.

(d) Completing the required training as a member of the governmental body satisfies the requirements of this section with regard to the member's service on a committee or subcommittee of the governmental body and the member's ex officio service on any other governmental body.

(e) The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter or open meetings required by law for the members of a governmental body. The attorney general shall attempt to coordinate the training required by this section with training required by other law to the extent practicable.

(f) The failure of one or more members of a governmental body to complete the training required by this section does not affect the validity of an action taken by the governmental body.

(g) A certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. However, evidence that a defendant completed a course of training offered under this section is not prima facie evidence that the defendant knowingly violated this chapter.

Added by Acts 2005, 79th Leg., Ch. 105 (S.B. 286), Sec. 1, eff. January 1, 2006.

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC.

(a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in Subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no more than one click away from the governmental body's primary Internet web page.

(c) The online message board or similar Internet application described in Subsection (a) may only be used by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. In the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

(d) If a governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the governmental body shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Chapter 552.

(e) The governmental body may not vote or take any action that is required to be taken at a meeting under this chapter of the governmental body by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the governmental body.

Added by Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 3, eff. June 14, 2013.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1201 (S.B. 1297), Sec. 1, eff. September 1, 2013.

SUBCHAPTER B. RECORD OF OPEN MEETING

Sec. 551.021. MINUTES OR RECORDING OF OPEN MEETING REQUIRED. (a) A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.

(b) The minutes must:

(1) state the subject of each deliberation; and

(2) indicate each vote, order, decision, or other action taken.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 2, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 3, eff. May 18, 2013.

Sec. 551.022. MINUTES AND RECORDINGS OF OPEN MEETING: PUBLIC RECORD. The minutes and 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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 4, eff. May 18, 2013.

Sec. 551.023. RECORDING OF MEETING BY PERSON IN ATTENDANCE. (a) A person in attendance may record all or any part of an open meeting of a governmental body by means of a recorder, video camera, or other means of aural or visual reproduction.

(b) A governmental body may adopt reasonable rules to maintain order at a meeting, including rules relating to:

(1) the location of recording equipment; and

(2) the manner in which the recording is conducted.

(c) A rule adopted under Subsection (b) may not prevent or unreasonably impair a person from exercising a right granted under Subsection (a).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 5, eff. May 18, 2013.

SUBCHAPTER C. NOTICE OF MEETINGS

Sec. 551.041. NOTICE OF MEETING REQUIRED. A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0411. MEETING NOTICE REQUIREMENTS IN CERTAIN CIRCUMSTANCES.

(a) Section 551.041 does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

(b) A governmental body that is prevented from convening an open meeting that was otherwise properly posted under Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Section 551.045 if the action is taken in good faith and not to circumvent this chapter. If the governmental body is unable to convene the open meeting within those 72 hours, the governmental body may subsequently convene the meeting only if the governmental body gives written notice of the meeting as required by this subchapter.

(c) In this section, "catastrophe" means a condition or occurrence that interferes physically with the ability of a governmental body to conduct a meeting, including:

- (1) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
- (2) power failure, transportation failure, or interruption of communication facilities;
- (3) epidemic; or
- (4) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Added by Acts 2005, 79th Leg., Ch. 325 (S.B. 690), Sec. 1, eff. June 17, 2005.

Sec. 551.0415. GOVERNING BODY OF MUNICIPALITY OR COUNTY: REPORTS ABOUT ITEMS OF COMMUNITY INTEREST REGARDING WHICH NO ACTION WILL BE TAKEN.

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by

this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

Added by Acts 2009, 81st Leg., R.S., Ch. 1377 (S.B. 1182), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1007 (H.B. 2313), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1341 (S.B. 1233), Sec. 14, eff. June 17, 2011.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.013, eff. September 1, 2013.

Sec. 551.042. INQUIRY MADE AT MEETING. (a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

(1) a statement of specific factual information given in response to the inquiry; or

(2) a recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a

subsequent meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.043. TIME AND ACCESSIBILITY OF NOTICE; GENERAL RULE. (a) The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided by Sections 551.044-551.046.

(b) If this chapter specifically requires or allows a governmental body to post notice of a meeting on the Internet:

(1) the governmental body satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period;

(2) the governmental body must still comply with any duty imposed by this chapter to physically post the notice at a particular location; and

(3) if the governmental body makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the notice physically posted at the location prescribed by this chapter must be readily accessible to the general public during normal business hours.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2005, 79th Leg., Ch. 624 (H.B. 2381), Sec. 1, eff. September 1, 2005.

Sec. 551.044. EXCEPTION TO GENERAL RULE: GOVERNMENTAL BODY WITH STATEWIDE JURISDICTION. (a) The secretary of state must post notice on the Internet of a meeting of a state board, commission, department, or officer having statewide jurisdiction for at least seven days before the day of the meeting. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view notices of meetings posted by the secretary of state.

(b) Subsection (a) does not apply to:

(1) the Texas Department of Insurance, as regards proceedings and activities under Title 5, Labor Code, of the department, the commissioner of insurance, or the commissioner of workers' compensation; or

(2) the governing board of an institution of higher education.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 265 (H.B. 7), Sec. 6.006, eff. September 1, 2005.

Sec. 551.045. EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA. (a) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter is sufficient if it is posted for at least two hours before the meeting is convened.

(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:

- (1) an imminent threat to public health and safety; or
- (2) a reasonably unforeseeable situation.

(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.

(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.

(e) For purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 3.06, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1325 (S.B. 1499), Sec. 1, eff. June 15, 2007.

Sec. 551.046. EXCEPTION TO GENERAL RULE: COMMITTEE OF LEGISLATURE.

The notice of a legislative committee meeting shall be as provided by the rules of the house of representatives or of the senate.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.047. SPECIAL NOTICE TO NEWS MEDIA OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA. (a) The presiding officer of a governmental body, or the member of a governmental body who calls an emergency meeting of the governmental body or adds an emergency item to the agenda of a meeting of the governmental body, shall notify the news media of the emergency meeting or emergency item as required by this section.

(b) The presiding officer or member is required to notify only those members of the news media that have previously:

(1) filed at the headquarters of the governmental body a request containing all pertinent information for the special notice; and

(2) agreed to reimburse the governmental body for the cost of providing the special notice.

(c) The presiding officer or member shall give the notice by telephone, facsimile transmission, or electronic mail.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 380 (S.B. 592), Sec. 1, eff. June 15, 2007.

Sec. 551.048. STATE GOVERNMENTAL BODY: NOTICE TO SECRETARY OF STATE; PLACE OF POSTING NOTICE. (a) A state governmental body shall provide notice of each meeting to the secretary of state.

(b) The secretary of state shall post the notice on the Internet. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view the notice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 2, eff. Sept. 1, 1999.

Sec. 551.049. COUNTY GOVERNMENTAL BODY: PLACE OF POSTING NOTICE. A county governmental body shall post notice of each meeting on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.050. MUNICIPAL GOVERNMENTAL BODY: PLACE OF POSTING NOTICE.

(a) In this section, "electronic bulletin board" means an electronic communication system that includes a perpetually illuminated screen on which the governmental body can post messages or notices viewable without manipulation by the public.

(b) A municipal governmental body shall post notice of each meeting on a physical or electronic bulletin board at a place convenient to the public in the city hall.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1007 (H.B. [2313](#)), Sec. 2, eff. June 17, 2011.

Sec. 551.0501. JOINT BOARD: PLACE OF POSTING NOTICE. (a) In this section, "electronic bulletin board" means an electronic communication system that includes a perpetually illuminated screen on which the governmental body can post messages or notices viewable without manipulation by the public.

(b) A joint board created under Section [22.074](#), Transportation Code, shall post notice of each meeting on a physical or electronic bulletin board at a place convenient to the public in the board's administrative offices.

Added by Acts 2015, 84th Leg., R.S., Ch. 115 (S.B. [679](#)), Sec. 2, eff. May 23, 2015.

Sec. 551.051. SCHOOL DISTRICT: PLACE OF POSTING NOTICE. A school district shall post notice of each meeting on a bulletin board at a place convenient to the public in the central administrative office of the district.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.052. SCHOOL DISTRICT: SPECIAL NOTICE TO NEWS MEDIA. (a) A school district shall provide special notice of each meeting to any news media that has:

(1) requested special notice; and

(2) agreed to reimburse the district for the cost of providing the special notice.

(b) The notice shall be by telephone, facsimile transmission, or electronic mail.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 380 (S.B. 592), Sec. 2, eff. June 15, 2007.

Sec. 551.053. DISTRICT OR POLITICAL SUBDIVISION EXTENDING INTO FOUR OR MORE COUNTIES: NOTICE TO PUBLIC, SECRETARY OF STATE, AND COUNTY CLERK; PLACE OF POSTING NOTICE. (a) The governing body of a water district or other district or political subdivision that extends into four or more counties shall:

(1) post notice of each meeting at a place convenient to the public in the administrative office of the district or political subdivision;

(2) provide notice of each meeting to the secretary of state; and

(3) either provide notice of each meeting to the county clerk of the county in which the administrative office of the district or political subdivision is located or post notice of each meeting on the district's or political subdivision's Internet website.

(b) The secretary of state shall post the notice provided under Subsection (a)(2) on the Internet. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view the notice.

(c) A county clerk shall post a notice provided to the clerk under Subsection (a)(3) on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 622, Sec. 3, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 809 (H.B. 3357), Sec. 1, eff. September 1, 2015.

Sec. 551.054. DISTRICT OR POLITICAL SUBDIVISION EXTENDING INTO FEWER THAN FOUR COUNTIES: NOTICE TO PUBLIC AND COUNTY CLERKS; PLACE OF POSTING

NOTICE. (a) The governing body of a water district or other district or political subdivision that extends into fewer than four counties shall:

(1) post notice of each meeting at a place convenient to the public in the administrative office of the district or political subdivision; and

(2) either provide notice of each meeting to the county clerk of each county in which the district or political subdivision is located or post notice of each meeting on the district's or political subdivision's Internet website.

(b) A county clerk shall post a notice provided to the clerk under Subsection (a)(2) on a bulletin board at a place convenient to the public in the county courthouse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 809 (H.B. 3357), Sec. 2, eff. September 1, 2015.

Sec. 551.055. INSTITUTION OF HIGHER EDUCATION. In addition to providing any other notice required by this subchapter, the governing board of a single institution of higher education:

(1) shall post notice of each meeting at the county courthouse of the county in which the meeting will be held;

(2) shall publish notice of a meeting in a student newspaper of the institution if an issue of the newspaper is published between the time of the posting and the time of the meeting; and

(3) may post notice of a meeting at another place convenient to the public.

Added by Acts 1995, 74th Leg., ch. 209, Sec. 1, eff. May 23, 1995.

Sec. 551.056. ADDITIONAL POSTING REQUIREMENTS FOR CERTAIN MUNICIPALITIES, COUNTIES, SCHOOL DISTRICTS, JUNIOR COLLEGE DISTRICTS, DEVELOPMENT CORPORATIONS, AUTHORITIES, AND JOINT BOARDS. (a) This section applies only to a governmental body or economic development corporation that maintains an Internet website or for which an Internet website is maintained. This section does not apply to a governmental body described by Section 551.001(3)(D).

(b) In addition to the other place at which notice is required to be posted by this subchapter, the following governmental bodies and economic development corporations must also concurrently post notice of a meeting on

the Internet website of the governmental body or economic development corporation:

- (1) a municipality;
- (2) a county;
- (3) a school district;
- (4) the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Chapter 130, Education Code;
- (5) a development corporation organized under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code);
- (6) a regional mobility authority included within the meaning of an "authority" as defined by Section 370.003, Transportation Code; and
- (7) a joint board created under Section 22.074, Transportation Code.

(c) The following governmental bodies and economic development corporations must also concurrently post the agenda for the meeting on the Internet website of the governmental body or economic development corporation:

- (1) a municipality with a population of 48,000 or more;
- (2) a county with a population of 65,000 or more;
- (3) a school district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more;
- (4) the governing body of a junior college district, including a district that has changed its name in accordance with Chapter 130, Education Code, that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more;
- (5) a development corporation organized under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code) that was created by or for:
 - (A) a municipality with a population of 48,000 or more; or
 - (B) a county or district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more; and
- (6) a regional mobility authority included within the meaning of an "authority" as defined by Section 370.003, Transportation Code.

(d) The validity of a posted notice of a meeting or an agenda by a governmental body or economic development corporation subject to this section that made a good faith attempt to comply with the requirements of this section is not affected by a failure to comply with a requirement of

this section that is due to a technical problem beyond the control of the governmental body or economic development corporation.

Added by Acts 2005, 79th Leg., Ch. 340 (S.B. 1133), Sec. 1, eff. January 1, 2006.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 814 (S.B. 1548), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. 2278), Sec. 3.10, eff. April 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 115 (S.B. 679), Sec. 3, eff. May 23, 2015.

Acts 2015, 84th Leg., R.S., Ch. 115 (S.B. 679), Sec. 4, eff. May 23, 2015.

SUBCHAPTER D. EXCEPTIONS TO REQUIREMENT THAT MEETINGS BE OPEN

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:

(1) when the governmental body seeks the advice of its attorney about:

(A) pending or contemplated litigation; or

(B) a settlement offer; or

(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0725. COMMISSIONERS COURTS: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. (a) The commissioners court of a county may conduct a closed meeting to deliberate business and financial

issues relating to a contract being negotiated if, before conducting the closed meeting:

(1) the commissioners court votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person; and

(2) the attorney advising the commissioners court issues a written determination that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person.

(b) Notwithstanding Section 551.103(a), Government Code, the commissioners court must make a recording of the proceedings of a closed meeting to deliberate the information.

Added by Acts 2003, 78th Leg., ch. 1287, Sec. 1, eff. June 21, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 758 (H.B. 1500), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1341 (S.B. 1233), Sec. 15, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 6, eff. May 18, 2013.

Sec. 551.0726. TEXAS FACILITIES COMMISSION: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. (a) The Texas Facilities Commission may conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting:

(1) the commission votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person; and

(2) the attorney advising the commission issues a written determination finding that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person and setting forth that finding therein.

(b) Notwithstanding Section 551.103(a), the commission must make a recording of the proceedings of a closed meeting held under this section.

Added by Acts 2005, 79th Leg., Ch. 535 (H.B. 976), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. 3560), Sec. 3.05, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 11.011, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 7, eff. May 18, 2013.

Sec. 551.073. DELIBERATION REGARDING PROSPECTIVE GIFT; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0745. PERSONNEL MATTERS AFFECTING COUNTY ADVISORY BODY; CLOSED MEETING. (a) This chapter does not require the commissioners court of a county to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of an advisory body; or

(2) to hear a complaint or charge against a member of an advisory body.

(b) Subsection (a) does not apply if the individual who is the subject of the deliberation or hearing requests a public hearing.

Added by Acts 1997, 75th Leg., ch. 659, Sec. 1, eff. Sept. 1, 1997.

Sec. 551.075. CONFERENCE RELATING TO INVESTMENTS AND POTENTIAL INVESTMENTS ATTENDED BY BOARD OF TRUSTEES OF TEXAS GROWTH FUND; CLOSED MEETING. (a) This chapter does not require the board of trustees of the Texas growth fund to confer with one or more employees of the Texas growth fund or with a third party in an open meeting if the only purpose of the conference is to:

(1) receive information from the employees of the Texas growth fund or the third party relating to an investment or a potential investment by the Texas growth fund in:

(A) a private business entity, if disclosure of the information would give advantage to a competitor; or

(B) a business entity whose securities are publicly traded, if the investment or potential investment is not required to be registered under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), and its subsequent amendments, and if disclosure of the information would give advantage to a competitor; or

(2) question the employees of the Texas growth fund or the third party regarding an investment or potential investment described by Subdivision (1), if disclosure of the information contained in the questions or answers would give advantage to a competitor.

(b) During a conference under Subsection (a), members of the board of trustees of the Texas growth fund may not deliberate public business or agency policy that affects public business.

(c) In this section, "Texas growth fund" means the fund created by Section 70, Article XVI, Texas Constitution.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 647, Sec. 2, eff. Aug. 30, 1999.

Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING. This chapter does not require a governmental body to conduct an open meeting to deliberate:

(1) the deployment, or specific occasions for implementation, of security personnel or devices; or

(2) a security audit.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 3.07, eff. September 1, 2007.

Sec. 551.077. AGENCY FINANCED BY FEDERAL GOVERNMENT. This chapter does not require an agency financed entirely by federal money to conduct an open meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.078. MEDICAL BOARD OR MEDICAL COMMITTEE. This chapter does not require a medical board or medical committee to conduct an open meeting to deliberate the medical or psychiatric records of an individual applicant for a disability benefit from a public retirement system.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0785. DELIBERATIONS INVOLVING MEDICAL OR PSYCHIATRIC RECORDS OF INDIVIDUALS. This chapter does not require a benefits appeals committee for a public self-funded health plan or a governmental body that administers a public insurance, health, or retirement plan to conduct an open meeting to deliberate:

(1) the medical records or psychiatric records of an individual applicant for a benefit from the plan; or

(2) a matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan.

Added by Acts 2003, 78th Leg., ch. 158, Sec. 1, eff. May 27, 2003.

Sec. 551.079. TEXAS DEPARTMENT OF INSURANCE. (a) The requirements of this chapter do not apply to a meeting of the commissioner of insurance or the commissioner's designee with the board of directors of a guaranty association established under Chapter 2602, Insurance Code, or Article 21.28-C or 21.28-D, Insurance Code, in the discharge of the commissioner's duties and responsibilities to regulate and maintain the solvency of a person regulated by the Texas Department of Insurance.

(b) The commissioner of insurance may deliberate and determine the appropriate action to be taken concerning the solvency of a person regulated by the Texas Department of Insurance in a closed meeting with persons in one or more of the following categories:

- (1) staff of the Texas Department of Insurance;
- (2) a regulated person;
- (3) representatives of a regulated person; or

(4) members of the board of directors of a guaranty association established under Chapter 2602, Insurance Code, or Article 21.28-C or 21.28-D, Insurance Code.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2001, 77th Leg., ch. 628, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 11.120, eff. September 1, 2005.

Sec. 551.080. BOARD OF PARDONS AND PAROLES. This chapter does not require the Board of Pardons and Paroles to conduct an open meeting to interview or counsel an inmate of the Texas Department of Criminal Justice.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 25.071, eff. September 1, 2009.

Sec. 551.081. CREDIT UNION COMMISSION. This chapter does not require the Credit Union Commission to conduct an open meeting to deliberate a matter made confidential by law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0811. THE FINANCE COMMISSION OF TEXAS. This chapter does not require The Finance Commission of Texas to conduct an open meeting to deliberate a matter made confidential by law.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.01(a), eff. Sept. 1, 1995.

Sec. 551.082. SCHOOL CHILDREN; SCHOOL DISTRICT EMPLOYEES; DISCIPLINARY MATTER OR COMPLAINT. (a) This chapter does not require a school board to conduct an open meeting to deliberate in a case:

- (1) involving discipline of a public school child; or
- (2) in which a complaint or charge is brought against an employee of the school district by another employee and the complaint or charge directly results in a need for a hearing.

(b) Subsection (a) does not apply if an open hearing is requested in writing by a parent or guardian of the child or by the employee against whom the complaint or charge is brought.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.0821. SCHOOL BOARD: PERSONALLY IDENTIFIABLE INFORMATION ABOUT PUBLIC SCHOOL STUDENT. (a) This chapter does not require a school board to conduct an open meeting to deliberate a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation.

(b) Directory information about a public school student is considered to be personally identifiable information about the student for purposes of Subsection (a) only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed the school board, the school district, or a school in the school district that the directory information should not be released without prior consent. In this subsection, "directory information" has the meaning assigned by the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended.

(c) Subsection (a) does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age.

Added by Acts 2003, 78th Leg., ch. 190, Sec. 1, eff. June 2, 2003.

Sec. 551.083. CERTAIN SCHOOL BOARDS; CLOSED MEETING REGARDING CONSULTATION WITH REPRESENTATIVE OF EMPLOYEE GROUP. This chapter does not require a school board operating under a consultation agreement authorized by Section 13.901, Education Code, to conduct an open meeting to deliberate the standards, guidelines, terms, or conditions the board will follow, or instruct its representatives to follow, in a consultation with a representative of an employee group.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.084. INVESTIGATION; EXCLUSION OF WITNESS FROM HEARING. A governmental body that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.085. GOVERNING BOARD OF CERTAIN PROVIDERS OF HEALTH CARE SERVICES. (a) This chapter does not require the governing board of a

municipal hospital, municipal hospital authority, county hospital, county hospital authority, hospital district created under general or special law, or nonprofit health maintenance organization created under Section 534.101, Health and Safety Code, to conduct an open meeting to deliberate:

(1) pricing or financial planning information relating to a bid or negotiation for the arrangement or provision of services or product lines to another person if disclosure of the information would give advantage to competitors of the hospital, hospital district, or nonprofit health maintenance organization; or

(2) information relating to a proposed new service or product line of the hospital, hospital district, or nonprofit health maintenance organization before publicly announcing the service or product line.

(b) The governing board of a health maintenance organization created under Section 281.0515, Health and Safety Code, that is subject to this chapter is not required to conduct an open meeting to deliberate information described by Subsection (a).

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.02(a), eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 778, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1229, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 7, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 342 (H.B. 2978), Sec. 1, eff. September 1, 2011.

Sec. 551.086. CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.

(a) Notwithstanding anything in this chapter to the contrary, the rules provided by this section apply to competitive matters of a public power utility.

(b) In this section:

(1) "Public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

(2) "Public power utility governing body" means the board of trustees or other applicable governing body, including a city council, of a public power utility.

(3) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 925, Sec. 3, eff. June 17, 2011.

(c) This chapter does not require a public power utility governing body to conduct an open meeting to deliberate, vote, or take final action on any competitive matter, as that term is defined by Section 552.133.

This section does not limit the right of a public power utility governing body to hold a closed session under any other exception provided for in this chapter.

(d) For purposes of Section 551.041, the notice of the subject matter of an item that may be considered as a competitive matter under this section is required to contain no more than a general representation of the subject matter to be considered, such that the competitive activity of the public power utility with respect to the issue in question is not compromised or disclosed.

(e) With respect to municipally owned utilities subject to this section, this section shall apply whether or not the municipally owned utility has adopted customer choice or serves in a multiply certificated service area under the Utilities Code.

(f) Nothing in this section is intended to preclude the application of the enforcement and remedies provisions of Subchapter G.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 45, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 925 (S.B. 1613), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 925 (S.B. 1613), Sec. 3, eff. June 17, 2011.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING. This chapter does not require a governmental body to conduct an open meeting:

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Added by Acts 1999, 76th Leg., ch. 1319, Sec. 32, eff. Sept. 1, 1999.

Renumbered from Sec. 551.086 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(49), eff. Sept. 1, 2001.

Sec. 551.088. DELIBERATION REGARDING TEST ITEM. This chapter does not require a governmental body to conduct an open meeting to deliberate a test item or information related to a test item if the governmental body

believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity.

Added by Acts 1999, 76th Leg., ch. 312, Sec. 1, eff. Aug. 30, 1999.
Renumbered from Sec. 551.086 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(50), eff. Sept. 1, 2001.

This section was amended by the 85th Legislature. Pending publication of the current statutes, see H.B. 8 and S.B. 564, 85th Legislature, Regular Session, for amendments affecting this section.

Sec. 551.089. DEPARTMENT OF INFORMATION RESOURCES. This chapter does not require the governing board of the Department of Information Resources to conduct an open meeting to deliberate:

(1) security assessments or deployments relating to information resources technology;

(2) network security information as described by Section 2059.055(b); or

(3) the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

Added by Acts 2009, 81st Leg., R.S., Ch. 183 (H.B. 1830), Sec. 3, eff. September 1, 2009.

Sec. 551.090. ENFORCEMENT COMMITTEE APPOINTED BY TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. This chapter does not require an enforcement committee appointed by the Texas State Board of Public Accountancy to conduct an open meeting to investigate and deliberate a disciplinary action under Subchapter K, Chapter 901, Occupations Code, relating to the enforcement of Chapter 901 or the rules of the Texas State Board of Public Accountancy.

Added by Acts 2013, 83rd Leg., R.S., Ch. 36 (S.B. 228), Sec. 3, eff. September 1, 2013.

SUBCHAPTER E. PROCEDURES RELATING TO CLOSED MEETING

Sec. 551.101. REQUIREMENT TO FIRST CONVENE IN OPEN MEETING. If a closed meeting is allowed under this chapter, a governmental body may not conduct the closed meeting unless a quorum of the governmental body first

convenes in an open meeting for which notice has been given as provided by this chapter and during which the presiding officer publicly:

- (1) announces that a closed meeting will be held; and
- (2) identifies the section or sections of this chapter under which the closed meeting is held.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.102. REQUIREMENT TO VOTE OR TAKE FINAL ACTION IN OPEN MEETING. A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.103. CERTIFIED AGENDA OR RECORDING REQUIRED. (a) A governmental body shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for a private consultation permitted under Section 551.071.

(b) The presiding officer shall certify that an agenda kept under Subsection (a) is a true and correct record of the proceedings.

(c) The certified agenda must include:

- (1) a statement of the subject matter of each deliberation;
- (2) a record of any further action taken; and
- (3) an announcement by the presiding officer at the beginning and the end of the meeting indicating the date and time.

(d) A recording made under Subsection (a) must include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 8, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 9, eff. May 18, 2013.

Sec. 551.104. CERTIFIED AGENDA OR RECORDING; PRESERVATION; DISCLOSURE. (a) A governmental body shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that

period, the governmental body shall preserve the certified agenda or recording while the action is pending.

(b) In litigation in a district court involving an alleged violation of this chapter, the court:

- (1) is entitled to make an in camera inspection of the certified agenda or recording;
- (2) may admit all or part of the certified agenda or recording as evidence, on entry of a final judgment; and
- (3) may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or recording of any part of a meeting that was required to be open under this chapter.

(c) The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b) (3).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 10, eff. May 18, 2013.

SUBCHAPTER F. MEETINGS USING TELEPHONE, VIDEOCONFERENCE, OR INTERNET

Sec. 551.121. GOVERNING BOARD OF INSTITUTION OF HIGHER EDUCATION; BOARD FOR LEASE OF UNIVERSITY LANDS; TEXAS HIGHER EDUCATION COORDINATING BOARD: SPECIAL MEETING FOR IMMEDIATE ACTION. (a) In this section, "governing board," "institution of higher education," and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) This chapter does not prohibit the governing board of an institution of higher education, the Board for Lease of University Lands, or the Texas Higher Education Coordinating Board from holding an open or closed meeting by telephone conference call.

(c) A meeting held by telephone conference call authorized by this section may be held only if:

- (1) the meeting is a special called meeting and immediate action is required; and
 - (2) the convening at one location of a quorum of the governing board, the Board for Lease of University Lands, or the Texas Higher Education Coordinating Board, as applicable, is difficult or impossible.
- (d) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(e) The notice of a telephone conference call meeting of a governing board must specify as the location of the meeting the location where meetings of the governing board are usually held. For a meeting of the governing board of a university system, the notice must specify as the location of the meeting the board's conference room at the university system office. For a meeting of the Board for Lease of University Lands, the notice must specify as the location of the meeting a suitable conference or meeting room at The University of Texas System office. For a meeting of the Texas Higher Education Coordinating Board, the notice must specify as the location of the meeting a suitable conference or meeting room at the offices of the Texas Higher Education Coordinating Board or at an institution of higher education.

(f) Each part of the telephone conference call meeting that is required to be open to the public must be:

(1) audible to the public at the location specified in the notice of the meeting as the location of the meeting;

(2) broadcast over the Internet in the manner prescribed by Section 551.128; and

(3) recorded and made available to the public in an online archive located on the Internet website of the entity holding the meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 1266, Sec. 4.05, 4.06, eff. June 20, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 538 (S.B. 1046), Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 538 (S.B. 1046), Sec. 3, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 778 (H.B. 3827), Sec. 2, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 778 (H.B. 3827), Sec. 3, eff. June 15, 2007.

Reenacted by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 11.013, eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 11.014, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 11, eff. May 18, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1127 (S.B. 27), Sec. 1, eff. September 1, 2015.

Sec. 551.122. GOVERNING BOARD OF JUNIOR COLLEGE DISTRICT: QUORUM PRESENT AT ONE LOCATION. (a) This chapter does not prohibit the governing board of a junior college district from holding an open or closed meeting by telephone conference call.

(b) A meeting held by telephone conference call authorized by this section may be held only if a quorum of the governing board is physically present at the location where meetings of the board are usually held.

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(d) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location where the quorum is present and shall be recorded. The recording shall be made available to the public.

(e) The location of the meeting shall provide two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference shall be clearly stated before the party speaks.

(f) The authority provided by this section is in addition to the authority provided by Section 551.121.

(g) A member of a governing board of a junior college district who participates in a board meeting by telephone conference call but is not physically present at the location of the meeting is considered to be absent from the meeting for purposes of Section 130.0845, Education Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 778 (H.B. 3827), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 12, eff. May 18, 2013.

Sec. 551.123. TEXAS BOARD OF CRIMINAL JUSTICE. (a) The Texas Board of Criminal Justice may hold an open or closed emergency meeting by telephone conference call.

(b) The portion of the telephone conference call meeting that is open shall be recorded. The recording shall be made available to be heard by the public at one or more places designated by the board.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.124. BOARD OF PARDONS AND PAROLES. At the call of the presiding officer of the Board of Pardons and Paroles, the board may hold a hearing on clemency matters by telephone conference call.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 12.16, eff. Sept. 1, 1997.

Sec. 551.125. OTHER GOVERNMENTAL BODY. (a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting by telephone conference call.

(b) A meeting held by telephone conference call may be held only if:

(1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and

(2) the convening at one location of a quorum of the governmental body is difficult or impossible; or

(3) the meeting is held by an advisory board.

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(d) The notice of the telephone conference call meeting must specify as the location of the meeting the location where meetings of the governmental body are usually held.

(e) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

(f) The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Added by Acts 1995, 74th Leg., ch. 1046, Sec. 1, eff. Aug. 28, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 13, eff. May 18, 2013.

Sec. 551.126. HIGHER EDUCATION COORDINATING BOARD. (a) In this section, "board" means the Texas Higher Education Coordinating Board.

(b) The board may hold an open meeting by telephone conference call or video conference call in order to consider a higher education impact statement if the preparation of a higher education impact statement by the board is to be provided under the rules of either the house of representatives or the senate.

(c) A meeting held by telephone conference call must comply with the procedures described in Section 551.125.

(d) A meeting held by video conference call is subject to the notice requirements applicable to other meetings. In addition, a meeting held by video conference call shall:

- (1) be visible and audible to the public at the location specified in the notice of the meeting as the location of the meeting;
- (2) be recorded by audio and video; and
- (3) have two-way audio and video communications with each participant in the meeting during the entire meeting.

Added by Acts 1997, 75th Leg., ch. 944, Sec. 1, eff. June 18, 1997.

This section was amended by the 85th Legislature. Pending publication of the current statutes, see H.B. 3047, 85th Legislature, Regular Session, for amendments affecting this section.

Sec. 551.127. VIDEOCONFERENCE CALL. (a) Except as otherwise provided by this section, this chapter does not prohibit a governmental body from holding an open or closed meeting by videoconference call.

(a-1) A member or employee of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

(b) A meeting may be held by videoconference call only if a quorum of the governmental body is physically present at one location of the meeting, except as provided by Subsection (c).

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 2

(c) A meeting of a governmental body may be held by videoconference call only if:

(1) the governmental body makes available to the public at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, of the governmental body that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;

(2) the member of the governmental body presiding over the meeting is present at that physical space; and

(3) any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 159 (S.B. 984), Sec. 1

(c) A meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call only if the member of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

(d) A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements prescribed by this section.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 2

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location of the physical space described by Subsection (c) (1).

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 159 (S.B. 984), Sec. 1

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (c) must specify as a location of the meeting the location where the member of the governmental body presiding over the meeting will be physically present and specify the intent to have the member of the governmental body presiding over the meeting present at that location. The location where the member of the governmental body presiding over the meeting is physically present shall be open to the public during the open portions of the meeting.

(f) Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified under Subsection (e). If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

(g) The governmental body shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 2

(h) The physical location specified under Subsection (e) shall have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by Subsection (e) and at any other location of the meeting that is open to the public.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 159 (S.B. 984), Sec. 1

(h) The location specified under Subsection (e), and each remote location from which a member of the governmental body participates, shall have two-way communication with each other location during the entire

meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

(i) The Department of Information Resources by rule shall specify minimum standards for audio and video signals at a meeting held by videoconference call. The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed those standards.

(j) The audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

(k) Without regard to whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a member of the public to testify at a meeting from a remote location by videoconference call.

Added by Acts 1997, 75th Leg., ch. 1038, Sec. 2, eff. Sept. 1, 1997.

Renumbered from Sec. 551.126 by Acts 1999, 76th Leg., ch. 62, Sec.

19.01(50), eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 630, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 159 (S.B. 984), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 685 (H.B. 2414), Sec. 2, eff. June 14, 2013.

This section was amended by the 85th Legislature. Pending publication of the current statutes, see H.B. 523, 85th Legislature, Regular Session, for amendments affecting this section.

Sec. 551.128. INTERNET BROADCAST OF OPEN MEETING. (a) In this section, "Internet" means the largest nonproprietary cooperative public computer network, popularly known as the Internet.

(b) Except as provided by Subsection (b-1) and subject to the requirements of this section, a governmental body may broadcast an open meeting over the Internet.

(b-1) A transit authority or department subject to Chapter 451, 452, 453, or 460, Transportation Code, an elected school district board of trustees for a school district that has a student enrollment of 10,000 or more, an elected governing body of a home-rule municipality that has a population of 50,000 or more, or a county commissioners court for a county that has a population of 125,000 or more shall:

(1) make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting; and

(2) make available an archived copy of the video and audio recording of each meeting described by Subdivision (1) on the Internet.

(b-2) A governmental body described by Subsection (b-1) may make available the archived recording of a meeting required by Subsection (b-1) on an existing Internet site, including a publicly accessible video-sharing or social networking site. The governmental body is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

(b-3) A governmental body described by Subsection (b-1) that maintains an Internet site shall make available on that site, in a conspicuous manner:

(1) the archived recording of each meeting to which Subsection (b-1) applies; or

(2) an accessible link to the archived recording of each such meeting.

(b-4) A governmental body described by Subsection (b-1) shall:

(1) make the archived recording of each meeting to which Subsection (b-1) applies available on the Internet not later than seven days after the date the recording was made; and

(2) maintain the archived recording on the Internet for not less than two years after the date the recording was first made available.

(b-5) A governmental body described by Subsection (b-1) is exempt from the requirements of Subsections (b-2) and (b-4) if the governmental body's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Section 551.0411, or a technical breakdown. Following a catastrophe or breakdown, a governmental body must make all reasonable efforts to make the required recording available in a timely manner.

(b-6) A governmental body described by Subsection (b-1) may broadcast a regularly scheduled open meeting of the body on television.

(c) Except as provided by Subsection (b-2), a governmental body that broadcasts a meeting over the Internet shall establish an Internet site and provide access to the broadcast from that site. The governmental body shall provide on the Internet site the same notice of the meeting that the governmental body is required to post under Subchapter C. The notice on the Internet must be posted within the time required for posting notice under Subchapter C.

Added by Acts 1999, 76th Leg., ch. 100, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 681 (H.B. 283), Sec. 1, eff. January 1, 2016.

Sec. 551.1281. GOVERNING BOARD OF GENERAL ACADEMIC TEACHING INSTITUTION OR UNIVERSITY SYSTEM: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) In this section, "general academic teaching institution" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) The governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled meeting of the governing board for which notice is required under this chapter, shall:

(1) post as early as practicable in advance of the meeting on the Internet website of the institution or university system, as applicable, any written agenda and related supplemental written materials provided to the governing board members in advance of the meeting by the institution or system for the members' use during the meeting;

(2) broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by Section 551.128; and

(3) record the broadcast and make that recording publicly available in an online archive located on the institution's or university system's Internet website.

(c) Subsection (b)(1) does not apply to written materials that the general counsel or other appropriate attorney for the institution or university system certifies are confidential or may be withheld from public disclosure under Chapter 552.

(d) The governing board of a general academic teaching institution or of a university system is not required to comply with the requirements of this section if that compliance is not possible because of an act of God,

force majeure, or a similar cause not reasonably within the governing board's control.

Added by Acts 2013, 83rd Leg., R.S., Ch. 842 (H.B. 31), Sec. 1, eff. June 14, 2013.

Sec. 551.1282. GOVERNING BOARD OF JUNIOR COLLEGE DISTRICT: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) This section applies only to the governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year.

(b) A governing board to which this section applies, for any regularly scheduled meeting of the governing board for which notice is required under this chapter, shall:

(1) post as early as practicable in advance of the meeting on the Internet website of the district any written agenda and related supplemental written materials provided by the district to the board members for the members' use during the meeting;

(2) broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by Section 551.128; and

(3) record the broadcast and make that recording publicly available in an online archive located on the district's Internet website.

(c) Subsection (b)(1) does not apply to written materials that the general counsel or other appropriate attorney for the district certifies are confidential or may be withheld from public disclosure under Chapter 552.

(d) The governing board of a junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

Added by Acts 2013, 83rd Leg., R.S., Ch. 690 (H.B. 2668), Sec. 1, eff. June 14, 2013.

Sec. 551.129. CONSULTATIONS BETWEEN GOVERNMENTAL BODY AND ITS ATTORNEY. (a) A governmental body may use a telephone conference call, video conference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body.

(b) Each part of a public consultation by a governmental body with its attorney in an open meeting of the governmental body under Subsection (a) must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

(c) Subsection (a) does not:

(1) authorize the members of a governmental body to conduct a meeting of the governmental body by telephone conference call, video conference call, or communications over the Internet; or

(2) create an exception to the application of this subchapter.

(d) Subsection (a) does not apply to a consultation with an attorney who is an employee of the governmental body.

(e) For purposes of Subsection (d), an attorney who receives compensation for legal services performed, from which employment taxes are deducted by the governmental body, is an employee of the governmental body.

(f) Subsection (d) does not apply to:

(1) the governing board of an institution of higher education as defined by Section 61.003, Education Code; or

(2) the Texas Higher Education Coordinating Board.

Added by Acts 2001, 77th Leg., ch. 50, Sec. 1, eff. May 7, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 538 (S.B. 1046), Sec. 4, eff. September 1, 2007.

Sec. 551.130. BOARD OF TRUSTEES OF TEACHER RETIREMENT SYSTEM OF TEXAS: QUORUM PRESENT AT ONE LOCATION. (a) In this section, "board" means the board of trustees of the Teacher Retirement System of Texas.

(b) This chapter does not prohibit the board or a board committee from holding an open or closed meeting by telephone conference call.

(c) The board or a board committee may hold a meeting by telephone conference call only if a quorum of the applicable board or board committee is physically present at one location of the meeting.

(d) A telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must also specify:

(1) the location of the meeting where a quorum of the board or board committee, as applicable, will be physically present; and

(2) the intent to have a quorum present at that location.

(e) The location where a quorum is physically present must be open to the public during the open portions of a telephone conference call meeting. The open portions of the meeting must be audible to the public at the

location where the quorum is present and be recorded at that location. The recording shall be made available to the public.

(f) The location of the meeting shall provide two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference call must be clearly stated before the party speaks.

(g) The authority provided by this section is in addition to the authority provided by Section 551.125.

(h) A member of the board who participates in a board or board committee meeting by telephone conference call but is not physically present at the location of the meeting is not considered to be absent from the meeting for any purpose. The vote of a member of the board who participates in a board or board committee meeting by telephone conference call is counted for the purpose of determining the number of votes cast on a motion or other proposition before the board or board committee.

(i) A member of the board may participate remotely by telephone conference call instead of by being physically present at the location of a board meeting for not more than one board meeting per calendar year. A board member who participates remotely in any portion of a board meeting by telephone conference call is considered to have participated in the entire board meeting by telephone conference call. For purposes of the limit provided by this subsection, remote participation by telephone conference call in a meeting of a board committee does not count as remote participation by telephone conference call in a meeting of the board, even if:

(1) a quorum of the full board attends the board committee meeting; or

(2) notice of the board committee meeting is also posted as notice of a board meeting.

(j) A person who is not a member of the board may speak at the meeting from a remote location by telephone conference call.

Added by Acts 2011, 82nd Leg., R.S., Ch. 455 (S.B. 1667), Sec. 3, eff. September 1, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 14, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1078 (H.B. 3357), Sec. 1, eff. June 14, 2013.

Sec. 551.131. WATER DISTRICTS. (a) In this section, "water district" means a river authority, groundwater conservation district, water control and improvement district, or other district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) This section applies only to a water district whose territory includes land in three or more counties.

(c) A meeting held by telephone conference call or video conference call authorized by this section may be held only if:

(1) the meeting is a special called meeting and immediate action is required; and

(2) the convening at one location of a quorum of the governing body of the applicable water district is difficult or impossible.

(d) A meeting held by telephone conference call must otherwise comply with the procedures under Sections 551.125(c), (d), (e), and (f).

(e) A meeting held by video conference call is subject to the notice requirements applicable to other meetings. In addition, a meeting held by video conference call shall:

(1) be visible and audible to the public at the location specified in the notice of the meeting as the location of the meeting;

(2) be recorded by audio and video; and

(3) have two-way audio and video communications with each participant in the meeting during the entire meeting.

Added by Acts 2013, 83rd Leg., R.S., Ch. 20 (S.B. 293), Sec. 1, eff. May 10, 2013.

SUBCHAPTER G. ENFORCEMENT AND REMEDIES; CRIMINAL VIOLATIONS

Sec. 551.141. ACTION VOIDABLE. An action taken by a governmental body in violation of this chapter is voidable.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.142. MANDAMUS; INJUNCTION. (a) An interested person, including a member of the news media, may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of this chapter by members of a governmental body.

(b) The court may assess costs of litigation and reasonable attorney fees incurred by a plaintiff or defendant who substantially prevails in an action under Subsection (a). In exercising its discretion, the court shall

consider whether the action was brought in good faith and whether the conduct of the governmental body had a reasonable basis in law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.143. CONSPIRACY TO CIRCUMVENT CHAPTER; OFFENSE; PENALTY.

(a) A member or group of members of a governmental body commits an offense if the member or group of members knowingly conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if a closed meeting is not permitted under this chapter and the member knowingly:

- (1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;
- (2) closes or aids in closing the meeting to the public, if it is a regular meeting; or
- (3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

(c) It is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 647, Sec. 3, eff. Aug. 30, 1999.

Sec. 551.145. CLOSED MEETING WITHOUT CERTIFIED AGENDA OR RECORDING; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 15, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 16, eff. May 18, 2013.

Sec. 551.146. DISCLOSURE OF CERTIFIED AGENDA OR RECORDING OF CLOSED MEETING; OFFENSE; PENALTY; CIVIL LIABILITY. (a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public under this chapter:

- (1) commits an offense; and
- (2) is liable to a person injured or damaged by the disclosure

for:

- (A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;
- (B) reasonable attorney fees and court costs; and
- (C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

- (1) the defendant had good reason to believe the disclosure was lawful; or
- (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or recording.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 17, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 18, eff. May 18, 2013.

