

THE ATTORNEY GENERAL

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An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Opinions

Opinion No. KP-0474

The Honorable Jenny P. Dorsey

Nueces County Attorney

901 Leopard Street, Room 207

Corpus Christi, Texas 78401-3689

Re: Whether a member of the board of managers of the Nueces County Hospital District may simultaneously serve as a member of the board of directors of the Corpus Christi Regional Transit Authority (RQ-0534-KP)

S U M M A R Y

A court would likely conclude that the conflicting-loyalties aspect of common-law incompatibility precludes an individual from simultaneously serving as a member of the board of managers of the Nueces County Hospital District and a member of the board of directors of the Corpus Christi Regional Transit Authority.

Opinion No. KP-0475

The Honorable Matthew A. Mills

Hood County Attorney

1200 West Pearl Street

Granbury, Texas 76048

Re: Whether the Texas Open Meetings Act, Government Code section 551.071, authorizes discussion about hiring a law firm, and whether boilerplate language contained on a meeting notice or agenda is sufficient notice of an executive session (RQ-0537-KP)

S U M M A R Y

Government Code section 551.041 requires notice of each subject to be addressed at a meeting and applies to both open and closed meetings held under the Open Meetings Act. Boilerplate language in a notice that a closed meeting may commence pursuant to certain provisions of the Act is insufficient by itself to alert the general public of the subject to be considered at the closed meeting.

Government Code section 551.071 contains the attorney-consultation exception to the Open Meetings Act. Under subsection 551.071(2), a governmental body may conduct a closed meeting for the purpose of consulting an attorney about potentially retaining the attorney's law firm to perform professional legal services.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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