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March 10, 2005

FILE # HL-44159-05

ID. # 044159

The Honorable Greg Abbott, Attorney General
Office of the Attorney General
Opinion Committee
209 West 14th St.
Austin, TX 78711

RQ-0326-GA

Dear Attorney General Greg Abbott:

I respectfully request an Attorney General's Opinion on the following issue(s):

Whether a person who has been elected to serve as a director of a water district board, but who has not yet been sworn in, qualifies as a director for the purpose of determining whether a quorum of the district board is present?

If so, whether a seven-member board violates the Open Meetings Act, when two such newly-elected but not yet sworn in directors meet together with two currently-serving directors to discuss district business in a meeting not open to the public?

As you may know, water districts are local governmental entities that vary greatly in size, scope, and types of services provided to customers and residents. Texas Government Code, ch. 551 requires that meetings of governmental bodies, including the governing board of a special law district, be open to the public. Bexar Metropolitan Water District ("Bexar Met") is a special law district created in 1945 that provides services to residents in Bexar, Comal, Atascosa, and Medina Counties.

For your information, I have attached a copy of a newspaper article discussing a private meeting held by certain members of the Bexar Met board purportedly not in violation of the Open Meetings Act.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Puente", written in a cursive style.

Robert R. Puente