



COUNTY of GALVESTON

Criminal District Attorney

JACK ROADY

Donna W. Cameron
First Assistant

Johnny Freeze
Chief Investigator

Zonia Wilturner-Smith
Chief Executive Officer

OPEN MEETINGS COMPLAINT CHECKLIST

1. **Texas Law** provides for criminal sanctions for certain conduct that violates the openness requirements of the Government Code. *See* Chapter 551 of the Government Code:

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.

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.

Felony Section
Off: 409-766-2355

Family Law Section
409-766-2364

Grand Jury Section
409-766-2379

Worthless Check Section
409-766-2429

Felony Victim's Asst.
409-770-5124

Houston Line
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(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.

Sec. 551.145. CLOSED MEETING WITHOUT CERTIFIED AGENDA OR TAPE 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 tape recording of the closed meeting is not being made.

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

Sec. 551.146. DISCLOSURE OF CERTIFIED AGENDA OR TAPE 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 tape 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 tape recording.

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2. **If the governmental body is unable to resolve your complaint and you wish to have this office open a criminal complaint, please provide this office with all of the necessary documentation.**

3. If you have:

- A) Lodged a **written complaint to the governmental body**, and
- B) **Contacted the civil attorney representing the governmental body** expressing your complaint and received no satisfactory explanations, and
- C) **Provided this office with a copy of any and all responses** or opinions received from the governmental body and their attorney, and
- D) **Completed the “Checklist FOR SUBMITTING A CRIMINAL COMPLAINT”** with all relevant information and proof of any criminal violation, then
- E) This Office will review the merits of your complaint and respond in a timely manner.

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