

March 13, 2007

Office of the Attorney General
Open Records Division – Complaint Section
P.O. Box 12548
Austin, TX 78711-2548

Certified Mail #: 7006 0810 0001 5489 3796

RE: Complaint pertaining to the Woodlands Community Association's refusal to seek an Attorney General's ruling.

Dear Complaint Section:

On February 16, 2007, I sent a request (see "Enclosure A") to the Woodlands Community Association (WCA) for, *"a copy of all information pertaining to the franchise fee issue that was discussed during the executive session of the WCA board meeting that was held on February 13, 2007. Please include all documents, reports, communications, correspondence, memos, notes, etc. in relation to this matter. Also please include all correspondence between any WCA Board members and the [Woodlands Community Service Corporation] WCSC in regards to this matter."*

Responding to this request, Lisa Morris, Records Manager for the WCA, sent a letter dated March 2, 2007 (see "Enclosure B"), in which she states that, "The Woodlands Community Association, Inc. Board of Directors convened in Executive Session in accordance with the Texas Open Meetings Act, Section 551.071 to discuss legal matters with its attorney relating to franchise fees." Ms. Morris goes on to state, "Executive Sessions are closed meetings not subject to disclosure."

There is no argument that the WCA meets the requirements under section 552.0036 of the Texas Public Information Act (the "Act"). Therefore, the WCA is considered a governmental body for purposes of the Act. Thus, the WCA is subject to the Act.

The mere fact that a document was discussed in an executive session does not make it confidential under the Act. In light of this fact, I am asking the Office of the Attorney General to persuade the WCA to ask for a ruling on this matter.

Thanks,

Foster McNair

The Woodlands, TX 77381