



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

May 21, 1990

Honorable Richard Barajas  
District Attorney  
83rd Judicial District  
P. O. Box 639  
Fort Stockton, Texas 79735

LO-90-27

Dear Mr. Barajas:

You ask several questions about notice requirements for executive sessions under the Texas Open Meetings Act, article 6252-17, V.T.C.S.

You first ask whether an agenda must state that a certain subject will be discussed in executive session rather than in public. Executive sessions fall within the act's definition of "meetings" and are subject to the notice requirements of the act. Cox Enter., Inc. v. Board of Trustees of Austin Indep. School Dist., 706 S.W.2d 956, 958 (Tex. 1986); Attorney General Opinion H-1045 (1977); see V.T.C.S. art. 6252-17, § 3A (notice requirements). Before a governmental body may meet in executive session, a quorum of the governmental body must convene in open session for which notice has been given. V.T.C.S. art. 6252-17, § 2(a). The presiding officer must state that an executive session will be held and identify the section of the act authorizing such closed meeting. Id. Nothing in the act or the cases, however, requires that advance notice be given that a particular subject will be discussed in executive session rather than in an open meeting.

You also ask what constitutes full and adequate notice of subjects to be considered in executive session. The notice requirements for subjects discussed in an executive session are the same as for those discussed in an open meeting. The Open Meetings Act requires advance notice of the date, hour, place, and subject of each meeting held by a governmental body. V.T.C.S. art. 6252-17, § 3A(a). The notice must reasonably alert the public to the subject matter of the meeting. Attorney General Opinion JM-1112 (1989). Whether a governmental body has given sufficient notice of the subject of a meeting requires a factual

determination that is beyond the scope of the opinion process.<sup>1</sup>

Very truly yours,



Sarah Woelk, Chief  
Letter Opinion Section

RG/SW/lcd

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1. See generally Cox Enter., Inc. v. Board of Trustees of Austin. Indep. School Dist., 706 S.W.2d 956 (Tex. 1986); Texas Turnpike Auth. v. City of Fort Worth, 554 S.W.2d 675 (Tex. 1977); Lower Colo. River Auth. v. City of San Marcos, 523 S.W.2d 641 (Tex. 1975); Bay Ridge Util. Dist. v. 4M Laundry, 717 S.W.2d 92 (Tex. App. - Houston [1st Dist.] 1986) (court determinations of adequate notice under the Open Meetings Act).