

**AGENDA**  
**Irving City Council Special Meeting**  
**Thursday, March 14, 2019 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 West Irving Boulevard, Irving, TX 75060**

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**INDIVIDUAL CONSIDERATION**

1. Resolution -- Authorizing the City Attorney's Office to File a Lawsuit Against the Texas Attorney General Relating to Open Records Letter Ruling OR2019-05797 Ordering the City of Irving to Disclose Certain Records Under the Public Information Act (Requested by Mayor Stopfer)

**EXECUTIVE SESSION**

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the Kiosk at the City Hall of the City of Irving, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Monday, March 11, 2019 at 5:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

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Shanae Jennings, City Secretary

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Date Notice Removed

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This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

## AGENDA ITEM SUMMARY

Meeting: 3/14/2019

DOC ID: 10055

Recommending Department: Irving City Council

LSR No:

### **Resolution -- Authorizing the City Attorney's Office to File a Lawsuit Against the Texas Attorney General Relating to Open Records Letter Ruling OR2019-05797 Ordering the City of Irving to Disclose Certain Records Under the Public Information Act (Requested by Mayor Stopfer)**

#### **Administrative Comments**

1. This item is requested by the Mayor.
2. **Impact:** This lawsuit will seek to withhold certain records from being released pursuant to the Public Information Act.
3. On December 11, 2018, the City of Irving received a Public Information Act request from Shawn Shinneman for all documents related to the expiration of the 2016 incentive agreement between McKesson and the City of Irving.
4. On December 21, 2018, the City of Irving timely requested an opinion from the Texas Attorney General seeking to withhold certain responsive records from disclosure pursuant to Section 552.131 of the Public Information Act.
5. On March 5, 2019, the City received a letter ruling from the Attorney General, which determined that the City must release the information at issue.
6. The Public Information Act authorizes the City to file a declaratory judgment action against the Attorney General to seek to withhold the information from being disclosed if it does not want to release the information pursuant to the Attorney General's ruling.

#### **Recommendation**

Take appropriate action based upon the direction of City Council.

#### **ADDITIONAL COMMENTS:**

**Contract Required:** No

**Review Completed By:** Janet Spugnardi

**Previous Action:** N/A

**Council Action:** N/A

**Discretionary Contract Disclosure Form Required:** N/A

**Certificate of Interested Parties (Form 1295) Required:** N/A

#### **CURRENT YEAR FINANCIAL IMPACT:**

To be determined.

#### **REVISION INFORMATION:**

Prepared: 3/11/2019 12:41 PM by Marivi Gambini



CITY OF IRVING

COUNCIL RESOLUTION NO. (ID # 10055)

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby authorizes the City Attorney's Office to file suit against the Texas Attorney General and take all legal action authorized by the Texas Public Information Act, Texas Government Code Chapter 552 (the "Act"), in connection with Open Records Letter Ruling OR2019-05797 to seek a declaratory judgment that certain information is exempted from disclosure under the Act.

SECTION II. THAT funding for this item is available in the General Fund.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on March 14, 2019.

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RICHARD H. STOPFER  
MAYOR

ATTEST:

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Shanae Jennings  
City Secretary

APPROVED AS TO FORM:

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Kuruvilla Oommen  
City Attorney