

**From:** Ken Martin <ken@theaustinbulldog.org>  
**Subject:** Open Records Request  
**Date:** January 27, 2011 9:30:06 PM CST  
**To:** lee.leffingwell@ci.austin.tx.us  
**Cc:** doug.matthews@ci.austin.tx.us, David Matustik <david.matustik@ci.austin.tx.us>, "Mike [Council Member] Martinez" <mike.martinez@ci.austin.tx.us>, Chris Riley <chris.riley@ci.austin.tx.us>, Randi Shade <randi.shade@ci.austin.tx.us>, Laura Morrison <laura.morrison@ci.austin.tx.us>, bill.spelman@ci.austin.tx.us, Sheryl Cole <sheryl.cole@ci.austin.tx.us>  
**Bcc:** Bill Aleshire <Aleshire@R-ALaw.com>  
▶ 2 Attachments, 5.4 KB

Dear Mayor Leffingwell,

Please acknowledge receipt of this request by e-mailing me at [ken@theaustinbulldog.org](mailto:ken@theaustinbulldog.org)

Pursuant to the Texas Public Information Act (TPIA), Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of government agencies, I respectfully request that you promptly provide me with copies of the following records, either electronically via pdf e-mailed to me at [ken@theaustinbulldog.org](mailto:ken@theaustinbulldog.org) or on paper:

A copy of the letters, memoranda, and/or e-mails or any other written advice provided by the City of Austin's legal department, and/or any outside lawyers or law firms hired by the city attorney or city manager, to advise the mayor and council members as to the appropriateness and/or legality of holding a series of one-on-one and two-on-one meetings among the mayor, city council members, and city manager, regardless of when this advice may have been given.

While such legal advice would generally be exempt from disclosure under the attorney-client privilege, it appears that the mayor, in effect, waived the privilege by making public statements about that legal advice. For example, in the Austin American-Statesman article published yesterday, "Inquiring looks at private huddles," the mayor was quoted as saying, "We've been advised by the city attorney that meetings between individual council members do not violate the open meetings act...."

Regardless of the city's legal position about the advisability of waiving the attorney-client privilege in this matter, it is always the client's prerogative to waive the privilege and release material subject to the privilege. If you do indeed have legal advice that says these kinds of meetings were permitted, and are not a violation of the Open Meetings Act Section 553.143 and the Attorney General Opinion GA-0326, then I should think you would be eager to release these records in your own defense.

If you need clarification of this request, please e-mail me at [ken@theaustinbulldog.org](mailto:ken@theaustinbulldog.org)

If you believe that any of the above requested information is not subject to disclosure, please e-mail me at [ken@theaustinbulldog.org](mailto:ken@theaustinbulldog.org) or call me at 512-474-1022 so that we may avoid the City of Austin having to request an open records opinion or ruling from the Attorney General.

I agree to pay the reasonable cost of providing this public information as provided by the TPIA. However, considering that this information is requested by a member of the news media and disclosure of this information

Sheryl Cole <sheryl.cole@ci.austin.tx.us>  
**Bcc:** Bill Aleshire <Aleshire@R-ALaw.com>  
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Ken Martin  
Founder, Editor & Publisher  
The Austin Bulldog



Investigative journalism in the public interest  
An initiative of the Austin Investigative Reporting Project, a 501(c)(3) nonprofit

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