



CITY OF HOUSTON

Legal Department

John Whitmire

Mayor

Arturo G. Michel
City Attorney
Legal Department
P.O. Box 368
Houston, Texas 77001-0368
City Hall Annex
900 Bagby, 4th Floor

T. 832.393.6491
F. 832.393.6259
www.houstontx.gov

April 8, 2025

The Honorable Giovanni Capriglione, Chair
House Committee on Delivery of Government Efficiency
P.O. Box 2910
Austin, TX 78768

Dear Chairman Capriglione and Members of the Committee:

I am writing to express the City's strong concerns regarding some of the proposed language in HB 111. HB 111 contains several provisions that would negatively impact the City's ability to develop strategies and proposals to address the major operational issues the City faces every day.

Section 3 of the bill would eliminate the City's ability to withhold privileged attorney-client communications unless the information pertains to active litigation against the City. The Texas Rules of Professional Conduct for lawyers and Texas Rules of Evidence require the protection of confidential communications made to facilitate the rendition of professional legal services. Every day, municipal lawyers provide legal advice on a variety of issues outside the context of active litigation, where it is necessary to maintain the confidentiality of these communications to safeguard the City's position in issues related to procurement, cybersecurity, public safety, anticipated litigation, and the City's regulatory authority.

Section 10 of the bill would also eliminate a governmental body's ability to withhold draft documents and internal discussions regarding policymaking matters. As already required by law, this exception does not extend to the final versions of reports and documents or factual information within internal discussions. Section 552.111, as judicially applied by the Open Records Division of the Attorney General's Office, encourages frank and open discussion within a governmental body regarding policy issues.

The Committee Substitute that has been circulated for HB 111 still improves transparency under the TPIA, but it also preserves the necessary exceptions to disclosure that allow governmental bodies to

April 8, 2025

Page 2

effectively work toward their policy goals through frank evaluation and counsel. It is further recommended, however, that the section of the Committee Substitute amending section 552.107 is removed, as it is redundant, when the existing exception is already narrow in scope and only protects information subject to the attorney-client privilege in Texas Rule of Evidence 503.

The Committee Substitute for HB 111 also contains measures to encourage timely processing of requests under the Texas Public Information Act (TPIA), including increased training requirements and notices regarding requests subject to prior determinations or where no responsive information is found, which are all processes that the City of Houston supports and already incorporates in its internal processes.

The City strongly urges you and your colleagues to consider amendments to address the foregoing issues raised by HB 111, such as the Committee Substitute that has been circulated. Doing so will allow City officials to maintain the confidentiality necessary to conduct City business while continuing the City's commitment to compliance with the TPIA.

Thank you for your time and consideration.

Sincerely,

DocuSigned by:

Danielle Folsom

FF3EC2C675D84EA...

Danielle Folsom

Senior Assistant City Attorney

City of Houston Legal Department