



DRIPPING SPRINGS
Texas

April 9, 2025

The Honorable Giovanni Capriglione
Chair, House Committee on Delivery of Government Efficiency
P.O. Box 2910
Austin, TX 78711

Dear Mr. Chairman:

The purpose of this letter is to inform you of the City of Dripping Springs' concerns regarding your bill **House Bill 111 (Capriglione)**. The committee substitute solves many of our concerns and is something we can support, where attorney-client information is protected, but there is oversight by the Attorney General. However, we have concerns about opening written legal advice to the public. As city attorney, my primary role is counseling city council and city staff on how to interact legally with our residents, businesses, and developers to avoid litigation. Protecting these communications while we are working towards understanding legal requirements is as essential as protecting information during active litigation.

If an employee or official knows that asking a legal question in writing could expose the entity to liability, they are unlikely to use legal counsel. As time passes, staff and legal counsel would not be able to find historical records on major legal matters and would have to start over with each issue. Finally, open records requests could be done in bulk to search for reasons to litigate against governmental entities. Even an active litigation exception would not protect the entity from a fishing expedition if the records are requested prior to knowing a lawsuit was being prepared.

In the City of Dripping Springs, and most government entities, once documents such as contracts or ordinances are approved, they are open to the public. We often upload the draft documents to City Council Agenda Packets for review so the public has access at the same time as City Council. The packets also include staff memos that give understanding of the documents to the public. However, sometimes there is written legal advice that needs to be provided prior to an item being discussed and approved. This advice ensures the city makes legally permissible decisions, avoiding litigation.

The City of Dripping Springs shares the goal of transparent, responsive government, but if House Bill 111 opens attorney-client privilege communications to the public, it will cause a lack of open communication between the City and its legal counsel which will result in costly litigation.

For these reasons, the City of Dripping Springs has concerns about House Bill 111 and hopes it continues to protect the City's ability to keep its attorney client privilege written communications confidential.

Sincerely,

Laura Mueller

City Attorney

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Open spaces, friendly faces.

