

## MEMORANDUM

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TO: El Paso County Commissioners Court

DATE: April 7, 2025

RE: Legal Determination Concerning Use of Closed Session under Section 551.0725

Section 551.0725 of the Texas Government Code (Open Meeting Act) authorizes a commissioners court to conduct a closed meeting to deliberate business and financial issues relating to a contract under negotiations, if the following conditions are met:

1. Commissioners Court votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third party;
2. The attorney advising the commissioners court issues a written determination that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third party; and
3. A recording of the proceedings in closed session is made.

This memorandum serves to fulfill the requirement described in number 2.

The County of El Paso will be entering into negotiations with the El Paso County Sheriff's Officers' Association for updates to the current collective bargaining agreement. The issues the commissioners court wants to address involve business and financial information related to these negotiations. This information will include recommendations as to what the County's negotiating position should be. Discussing this business and financial information and the County's negotiating position will naturally require a discussion of the different offers and the range of authority in responding to those offers in the attempt to negotiate a final agreement.

As your legal advisor, I have determined that deliberation in an open meeting concerning business and financial issues relating to the collective bargaining agreement would have a detrimental effect on the position of the Commissioners Court in the negotiations. Thus, I am requesting that Commissioners Court unanimously vote that deliberations in an open meeting would have a detrimental effect on the position of the Commissioners Court in the negotiations, and that all said deliberations take place in closed session. I would further request that Commissioners Court direct the County Clerk to ensure that all proceedings in closed session be recorded.

Carlos G. Madrid  
Assistant County Attorney