



MESSER ★ FORT

THE MUNICIPAL LAW FIRM

FRISCO | DALLAS | AUSTIN | ABILENE

TO: Complainant Howard Connell
FROM: Sara Kerr, City of Kyle Ethics Commission Compliance Officer
SUBJECT: Compliance Officer Dismissal of Complaint for Legal Insufficiency
DATE: April 10, 2025

Mr. Connell:

I have reviewed the Complaint you submitted on April 10, 2025 and all relevant laws and regulations pertaining to same. I am exercising my authority as Ethics Compliance Officer pursuant to Ethics Code Sec. 2-275(b)(6) to dismiss your Complaint as legally insufficient. The reasons for the dismissal are stated below.

First, your Complaint makes allegations against the City Manager, Bryan Langley, but the facts imply that there was a quorum by the City Council outside of a lawfully called meeting, which only implicates the elected officers, not the City Manager, as his presence does not contribute to establishing a quorum. Thus, the Complaint appears to be directed at the wrong individual insofar as it implicates Mr. Langley.

Second, The Open Meetings Act, codified as Texas Government Code 551.001 et seq., specifically excludes quorums for gathering at a social function unrelated to the public business conducted by the government body. Tex. Gov't Code § 551.001(4)(B). It further states that such a quorum does not constitute a meeting if no formal action is taken and any discussions of public business are incidental to the social function. *Id.* Your Complaint states that you are unaware of what the substance of the discussions were among the officers you observed, and so there are no facts stated in the Complaint that give rise to a potential claim worth investigating.

Finally, your Complaint appears to be alleging a violation of the Open Meetings Act, which is subject to both civil and criminal remedies that are outside the jurisdiction of the Ethics Commission. If you have reason to believe a violation of the Open Meetings Act has taken place, a complaint should be filed with the Hays County District Attorney's Office.

Your Complaint will not be subject to investigation or review by the Ethics Commission and will not be considered at any future meeting of the Ethics Commission.

Respectfully submitted,

Sara Kerr
Compliance Officer, City of Kyle Ethics Commission