

## **BILL ANALYSIS**

S.B. 299  
By: Wentworth  
State Affairs  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Currently, the Public Information Act excepts from disclosure the names of candidates for chief executive officers of institutions of higher education and superintendents of public school districts, so long as the list of finalists being considered for the position is posted at least 21 days before the date of the meeting at which a final action or vote is to be taken on the employment of the person.

Current law states that the names of applicants for city manager are subject to disclosure under the Public Information Act. Potential applicants for city manager positions may choose not to apply or may withdraw their names from consideration for the post once they learn that their names, as applicants, are subject to disclosure under the Public Information Act.

Various Texas cities are currently undergoing searches for city managers, and a need to exempt the names of candidates for these positions has been identified due to the perception created by their candidacies for posts in municipalities. To ensure that cities are able to conduct effective searches for the best qualified professionals in the field, potential applicants should be reassured their candidacy will be kept confidential until a finalist is identified for the position. As proposed, S.B. 299 excepts the names of city manager applicants from disclosure until they are identified as a finalist for the position.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.145, as follows:

Provides that the name of an applicant for the position of city manager of a home-rule municipality having a population of more than 500,000 and operating under a council-manger form of government is excepted from the requirements of Section 552.021 of the Government Code. Requires the city council to give public notice of the name or names of the finalists being considered for the position before the 21st day before the date of the meeting at which a final action or vote is to be taken on the employment of a person to fill the position.

### **EFFECTIVE DATE**

September 1, 2005

### **EXPLANATION OF AMENDMENTS**

Amends SB 299 by lowering the population of the home-rule municipality to which the bill applies from 1 million to 500,000.