

April 17, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General of the State of Texas  
Attention: Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

*via: Electronic Filing*

Re: Request for Open Records Decision: Village of Briarcliff/Aitchison\_04.02.26

Honorable Attorney General Paxton:

On April 2, 2026, the Village of Briarcliff (“Village”) received a public information request from Matt Aitchison (“Requestor”) for the following:

“...please find attached a request for public records in six categories related to the March 25, 2026 Village Council meeting, including records concerning the e-bike/e-motorcycle ordinance, request-to-speak forms, Exhibit A, and Resolution 2026-03-25-06.

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**Category 1** – Request to Speak Form (March 2026 Meeting) – All "Request to Speak" forms, sign-up sheets, cards, digital submissions, emails, text messages, or any equivalent mechanism - regardless of format - by which any individual requested an opportunity to address the Village Council at the March 2026 meeting, whether accepted or declined, including:

1. The first and last name of each individual who submitted a request to speak;
2. The question, topic, or subject matter noted on each submission;
3. For any request that was **denied or declined**: all communications (written, electronic, or verbal memorialized in notes) to the individual explaining why their request was denied, and any internal communications among Village officials, aldermen, or staff regarding the decision to deny their request to speak.

**Category 2** – Legal Counsel Consultation: E-Bike / E-Motorcycle Ordinance - All records reflecting consultation with legal counsel (including but not limited to Bojorquez Law Firm or any other outside counsel) regarding an e-bike, e-motorcycle, or electric vehicle ordinance, **both before and after** the March 2026 meeting, including:

1. All billing records, invoices, and fee statements referencing this subject matter, including dates of service, hours billed, and general subject matter descriptions;
2. All communications - including emails, letters, text messages, and memoranda – between Village officials, aldermen, staff, or agents and legal counsel on this topic;

3. Draft ordinance language prepared, reviewed, or circulated in connection with this topic;
4. Any legal research, memoranda, or written opinions provided to the Village on this topic;
5. The dates on which any consultation occurred and the identities and capacities of all individuals involved.

To the extent the Village believes any responsive records are excepted from disclosure under attorney-client privilege, the Village is required to seek an Attorney General ruling within 10 business days per § 552.301, demonstrating each element of the privilege for each withheld record. The mere involvement of an attorney does not establish the privilege - the attorney must have been acting in a professional legal capacity, not an administrative or policy advisory role. See *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.- Texarkana 1999).

**Category 3 - Complaints Prompting the Ordinance** - All complaints, reports, incident logs, emails, letters, phone logs, voicemails, verbal complaints memorialized in notes, Facebook messages or comments directed to Village officials, and any other records - regardless of format - received by the Village from citizens, residents, or any other parties regarding e-bikes, e-motorcycles, electric scooters, Sur-Rons, or similar electric vehicles that may have prompted or contributed to the decision to pursue this ordinance.

This includes complaints received at any time prior to and including the March 2026 meeting, as well as any internal notes or memoranda documenting or summarizing such citizen concerns.

**Category 4 – Pre-Meeting Communications & Enforcement Plans** - All communications - including but not limited to emails, text messages, social media messages and posts, direct messages, and verbal communications memorialized in notes - between Village aldermen, officials, employees, contractors, or agents and any third party regarding the e-bike/e-motorcycle ordinance discussed or considered in connection with the March 2026 meeting, including:

1. **Communications with constables or law enforcement** regarding the ordinance, including any enforcement plans, strategies, jurisdictional discussions, or operational details about how the ordinance would be enforced;
2. **Communications with any individual or party** - including but not limited to constables, Facebook group administrators, community members, or other third parties - in which the substance, purpose, scope, or enforcement of the ordinance was discussed or shared **prior to the March 2026 Council meeting**, including any sharing of ordinance-related information on social media before the agenda was publicly available;
3. **Any communications** explaining or describing the substance of the ordinance to anyone outside the Village Council prior to the public meeting, and any records reflecting how and to whom this information was disseminated.

*Note regarding information disseminated before the meeting: Information about this ordinance was shared publicly on Facebook before the March 2026 meeting, indicating that someone with knowledge of the ordinance's content communicated it outside the agenda process. This factual predicate forms the basis of this category.*

**Category 5** – “Exhibit A” Referenced at March 2026 Meeting - All documents, attachments, or exhibits referred to as "Exhibit A" (or any similar designation) in connection with the e-bike/e-motorcycle ordinance discussed at the March 2026 meeting, including:

1. The document itself in its entirety;
2. Any communications regarding the distribution of Exhibit A to aldermen, including when and how it was provided;
3. Any communications regarding Exhibit A's omission from the publicly posted agenda, despite its inclusion in the meeting packet.

**Category 6** - Resolution 2026-03-25-06 (annual Investment Policy) - All records related to the annual investment policy adopted by the Village Council at the March 25, 2026 meeting as Resolution 2026-03-25-06, including:

1. The resolution itself in its entirety;
2. The investment policy document adopted or reaffirmed by the resolution;
3. Any supporting materials, memoranda, or auditor recommendations provided to the Board of Aldermen in connection with this resolution;
4. Any prior versions of the investment policy, if the current version reflects changes from the previously adopted policy

*See Exhibit A.*

On behalf of the Village, I respectfully submit this request for a decision from the Office of the Attorney General regarding the Village’s authority to withhold from the public certain requested information. This request was submitted pursuant to the Texas Public Information Act, Tex. Gov’t Code §552.301.<sup>1</sup>

Pursuant to section 552.301 of the Government Code, the Village hereby requests a decision from the Attorney General about whether the requested information is excepted from disclosure under the Act. Specifically, the Village claims that the requested information is not information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body or is excepted from disclosure as: (1) information made confidential by law under section 552.101; (2) information pertaining to certain legal matters under section 552.107; and (3) agency memoranda under section 552.111.

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<sup>1</sup> Please note that the Village was closed for the Good Friday holiday on Friday, April 3, 2026. *See Exhibit B.* Therefore, this day was not a “business days” for the purposes of calculating deadlines.

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If there are any third parties whose proprietary interests may be implicated by the release of the requested information, the Village will notify them pursuant to section 552.305 of the Act of their right to submit comments to you as to why the information should not be released.

In accordance with section 552.301(e) of the Act, the Village will be sending, within fifteen (15) business days of the date that it received the request for information: (1) written comments stating the reasons why the stated exceptions apply that would allow the information at issue to be withheld from the requestor; (2) a copy of the written request for information indicating the date on which it was received by the Village or a statement certifying when the Village received it; and (3) a copy of the specific information requested, or representative samples of the information, labeled to indicate which exceptions to disclosure apply to which parts of the copy.

Sincerely,



Erin A. Higginbotham  
Village Attorney for the Village of Briarcliff

Enclosures: Exhibit A – Original Request  
Exhibit B – Holiday Schedule

cc: Matt Aitchison, Requestor  
(w/o enclosures)

via E-mail: [REDACTED]