FREESTONE COUNTY
GOOD GOVERNANCE
COUNCIL

Freestone County Good Governance Council
Independent research. Informed citizens. Accountable government.
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October 22, 2026
Filed through the PIA Electronic Filing System

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Re: Requestor's comments under Texas Government Code Section 552.304
Governmental body: Fairfield Hospital District d/b/a Freestone Medical Center
Texas.gov Request ID: 66476186
Governmental Body PIC ID: 5192-01
Public Information Act request dated October 1, 2026, received by the District October 8, 2026 (item 5)

Dear Open Records Division:

I submit these comments as the requestor in the above matter, on behalf of the Freestone County Good Governance Council, a nonpartisan citizens' initiative now forming. Section 552.304 of the Government Code permits any person to submit written comments on whether information at issue should be released. We appreciate the Division's consideration.

1. Background

The Council sent Fairfield Hospital District a Public Information Act request dated October 1, 2026, by certified mail. The District's counsel states that the District received it on October 8, 2026. By letter dated October 22, 2026, counsel asked for a decision on item 5 of the request. Item 5 covers current hospital and clinic ownership, lease, management, operating, and affiliation agreements, including amendments. It also covers agreements governing District funding or oversight of Freestone Medical Center and supported clinics, and current EMS, transfer, mutual-aid, and shared-service agreements.

The District cited Sections 552.101, 552.104, 552.110, and 552.1101. It notified Community Hospital Consulting, Inc. under Section 552.305 and stated that the documents will be submitted at a later date. We have not yet seen the District's arguments or the documents. We respectfully reserve the right to supplement these comments after receiving the District's comments under Section 552.301(e-1).

2. The agreements are contracts relating to the expenditure of public funds

The District is a taxpayer-funded hospital district. The agreements in item 5 appear to be the contracts through which the District owns, leases, manages, funds, and oversees its hospital, clinics, and related services. Section 552.022(a)(3) provides that "information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body" is public information and is not excepted from required disclosure unless made confidential under the Act or other law. Section 552.003 defines "contracting information" to include such contract information. Section 552.0222(a) provides that contracting information is public and must be released unless excepted under the Act.

3. Requested limits on any withholding

a. Section 552.1101. Section 552.1101(b)(1) states that the exception does not apply to "information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body." Section 552.1101(b)(2) excludes communications related to performance of a final contract. Section

552.1101(c) provides that the exception may be asserted only by the vendor or contractor. We respectfully submit that this exception should not apply to the executed agreements at issue.

b. Section 552.110. Under Section 552.110, commercial or financial information may be withheld only where it is "demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm" to the person from whom it was obtained. In addition, Section 552.0222(b)(3) provides that Sections 552.110 and 552.1101 do not apply to core contract terms. These include the total price the governmental body will or could pay, the prices of items or services, delivery and service deadlines, remedies for breach, the identity of the parties and subcontractors, execution and effective dates, and contract duration and extension terms. Section 552.0222(b)(4) similarly covers information on contract performance, including amendments. If Community Hospital Consulting, Inc. or any other third party does not timely submit specific factual evidence under Section 552.305, we ask that the Division not withhold information on its behalf. We also ask that any withholding be confined to specific, narrowly identified portions.

c. Section 552.104. We recognize that Section 552.104(b) allows this exception to apply to Section 552.022 information. However, Section 552.104(a) requires the governmental body to demonstrate that release would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation. Alternatively, it must show a particular competitive situation that it establishes is set to recur, or that it has a specific and demonstrable intent to enter again. We respectfully ask that the District be held to that showing for each specific portion it seeks to withhold, and that a general concern about competition in the health care market not be treated as sufficient.

d. Section 552.101. We ask that the District identify the specific law said to make any information confidential. To our understanding, a contractual confidentiality clause between a governmental body and a contractor does not by itself make information confidential under Section 552.101. A governmental body generally cannot agree to withhold information that the Act makes public. We defer to the Division's prior decisions on that point.

e. Redaction rather than whole-document withholding. To the extent any exception is found to apply, we ask that the Division direct release of each agreement with only the specific protected portions redacted, rather than withholding entire agreements.

4. Public interest

The District levies a property tax, and District voters will decide a proposed rate of $0.25 per $100 of valuation on November 3, 2026. The agreements requested in item 5 describe how District funds support and oversee the hospital, clinics, and emergency services. Access to these agreements helps residents and taxpayers understand the public obligations the District has undertaken. We raise this not to take any position on the election, but to note the public's interest in timely access to records of public expenditures.

5. Items not at issue

The District's ruling request concerns only item 5. We respectfully ask the Division to note that the information responsive to items 1 through 4 and 6 through 8 of the request is not the subject of this ruling request and should be released promptly in accordance with the Act.

6. Correct contact information

The District's letter shows my email address as "freestinegoodgov.org." The correct address is robert.sharpe@freestonegoodgov.org. We ask that the Division and the District use the correct address

and the mailing address above for all future correspondence, including the District's comments under Section 552.301(e-1) and the Division's ruling.

Thank you for your attention to this matter.

Respectfully submitted,

Robert P. "RancherRob" Sharpe
Founder, Freestone County Good Governance Council (forming)

Copies provided under Section 552.304(b):
Robert L. Spurck, Reed, Claymon, Meeker, Krienke & Spurck, PLLC, 901 S. Mopac Expressway, Building IV, Suite 290, Austin, Texas 78746, counsel for Fairfield Hospital District d/b/a Freestone Medical Center – by email [redacted]
Officer for Public Information, Fairfield Hospital District, 125 Newman Street, Fairfield, Texas 75840 – by U.S. Mail