

From: Joe Gimenez <1129jig@gmail.com>
Sent: Wednesday, September 11, 2019 1:55 PM
To: [REDACTED]
Subject: Re: Gimenez WOWSC Check

[REDACTED]
Thank you for your questions.

G3 Public Relations is my assumed business name registered with Burnet County. I do business as G3 Public Relations. **There are superseding reasons for doing so, especially for the purposes of federal taxation and insurance.** In the future, for the sake of clarity, I will ask to be paid as "Joe Gimenez, dba G3 Public Relations."

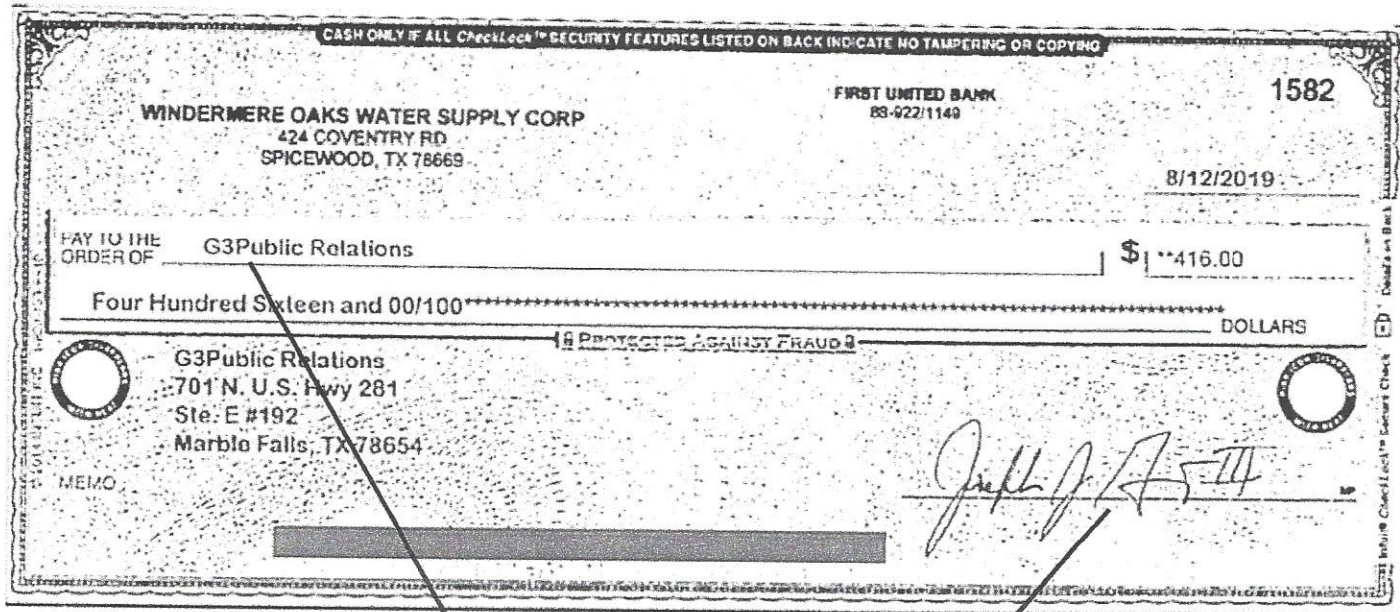
It is, and always has been, a business priority for WOWSC to pay invoices promptly. As such, the President, Vice-President and Treasurer are signatories to the bank account and this has been the case before I was on the Board. Having multiple signatories on the WOWSC bank account is recognition that paying vendors promptly is important. In the normal course of business, when George has access to the President, VP, or Treasurer and is in need of a signature, he is able to get it. While I understand your concern, I am probably the most accessible member of the Board for George. I signed that check while at the CPA's office, along with several other checks, while we were discussing the procedures and costs for doing an audit next year. In the future, if possible, I will ask George to have that check signed by other signatories.

But please do not misunderstand that to mean anything other than that I have the authority and legal right to sign that check and may do so again in the future. **The Board approved, at its July 10 meeting, paying me \$416 per month for the performance of PIO duties.** It was on the agenda, discussed and voted on appropriately and affirmatively. Danny has video record. He provided some people in the neighborhood with an edited videotape of that Board discussion and vote. That Board decision, and the need for it, was then put on the August meeting agenda and discussed in further detail. You were there. I advised the Board and the audience at both meetings that our legal counsel has advised that the corporation has every right to pursue services it needs for the execution of business functions. The PIO function is a requirement in state law. To the extent certain services can be provided by its own officers, WOWSC is authorized under its bylaws and state law to provide compensation to those officers.

Sincerely,
Joe Gimenez

So, does this mean Joe Gimenez does not want to report this on his personal federal tax return as income? Insurance? He has WOWSC D&O insurance?

WOWSC Director Joe Gimenez made a motion to pay himself "Joe Gimenez" at this meeting, not his company G3 Public Relations. To date, there has been not vote to hire G3 Public Relations as the Public Information Officer. See WOWSC Articles of Incorporation that says no income of the corporation can be paid to any member, director or officer.



Joe Gimenez is signing the checks to himself/G3 PR

WOWSC Articles of Incorporation

ARTICLE 6 - RESTRICTIONS AND REQUIREMENTS

Corporation. No income of the Corporation may be distributed to members, directors, or officers in these roles. All profits arising from the operations of the Corporation shall be annually paid out to

Is Joe Gimenez writing checks to his company G3 to get around the WOWSC Articles of Incorporation?

8/21/19 WOWSC Board Meeting

- Joe explains how he has little time to to be Public Information Officer. Said he has had 20 PIA request in which he doesn't know where any of this information is.
- Spending all his time as a volunteer. Said to attorneys I am provding a service to this oranaztion. Attorneys told him he can be paid.
- He went on to say I don't want to provide this service and I could quit. I could quit and turn it over to someone else who wants to vounteer to do this, I'm tired of it, I do want to do this, it's too much work.
- Audience members says then quit if it's too much work for you and hire someone to do this job. Joe Gimenez states "only a board member can be the public information officer." Joe says he's being paid \$416 a month.
- David Bertino ask Joe are you now an employee, Joe says he can quit once again. Joe Gimenez states his volunteer duties have become a job as the public information officer.

GOVERNMENT CODE, TITLE 5. OPEN GOVERNMENT; ETHICS, SUBTITLE A. OPEN GOVERNMENT, CHAPTER 552. PUBLIC INFORMATION, SUBCHAPTER A. GENERAL PROVISIONS

Sec. 552.012. OPEN RECORDS TRAINING. (a) This section applies to an elected or appointed public official who is:

- (1) a member of a multimember governmental body;
- (2) the governing officer of a governmental body that is headed by a single officer rather than by a multimember governing body; or
- (3) the officer for public information of a governmental body, without regard to whether the officer is elected or appointed to a specific term.

(b) Each public official shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under this chapter not later than the 90th day after the date the public official:

- (1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public official; or
- (2) otherwise assumes the person's duties as a public official, if the person is not required to take an oath of office to assume the person's duties.

(c) A public official may designate a public information coordinator to satisfy the training requirements of this section for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under this chapter. Designation of a public information coordinator under this subsection does not relieve a public official from the duty to comply with any other requirement of this chapter that applies to the public official. The designated public information coordinator shall complete the training course regarding the responsibilities of the governmental body with which the coordinator serves and of its officers and employees under this chapter not later than the 90th day after the date the coordinator assumes the person's duties as coordinator.

Joe doesn't have to do this, he wants to do this. Someone from the community could be paid to do this job.

THE BOARD FILED THIS LAWSUIT WITHOUT A VOTE BY THE BOARD, NEVER LISTED ON ANY AGENDA PRIOR TO FILING THE LAWSUIT AGAINST THE AG ONLY A FEW DIRECTORS KNEW ABOUT THIS.

9/16/2019 2:31 PM
Velva L. Price
District Clerk
Travis County
D-1-GN-19-006219
Victoria Benavides

CAUSE NO. D-1-GN-19-006219

WINDERMERE OAKS WATER
SUPPLY CORPORATION

Plaintiff,

v.

THE HONORABLE KEN PAXTON,
ATTORNEY GENERAL OF TEXAS

Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201ST JUDICIAL DISTRICT

**WINDERMERE OAKS WATER SUPPLY CORPORATION'S
ORIGINAL PETITION FOR DECLARATORY RELIEF**

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff Windermere Oaks Water Supply Corporation (the "WOWSC" or "Plaintiff") files this Original Petition seeking a declaratory judgment pursuant to Section 552.324 of Chapter 552 of the Texas Government Code (the "Texas Public Information Act" or the "Act").

I. EXECUTIVE SUMMARY

1. WOWSC seeks a declaratory judgment from the Court to allow it to withhold from release to the public invoices detailing legal services provided to WOWSC from March 7, 2018 to May 28, 2019 (the requested information is the "Legal Invoices") because the Legal Invoices are properly excepted from disclosure under Texas Government Code Section 552.022 and, more specifically, pursuant to the privileges provided by Rule 503 of the Texas Rules of Evidence ("Rule 503") and Rule 192.5 of the Texas Rules of Civil Procedure ("Rule 192.5"). Specifically, § 552.022 and Rules 503 and 192.5 allow a governmental entity to withhold information contained in a legal invoice pursuant to the attorney-client and the work product privileges.