

## NOTICE OF EXECUTIVE SESSION

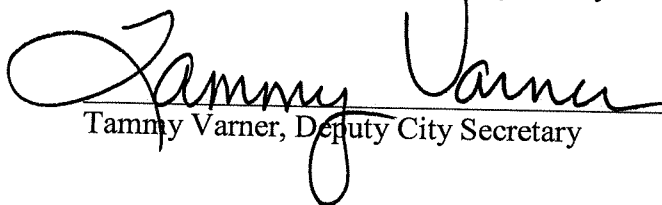
This is to serve as public notice of a proceeding which may be subject to the requirements of the Texas Open Meetings Act. In Case No. 08-C-3999, Ken Chambers v. Mayor Midlothian Boyce Whatley, City Councilman Steve Massey, City Councilman Joseph Frizzell, and the City of Midlothian, pending in the Ellis County Court at Law No. 1, the Court has directed the parties to that lawsuit to participate in a nonbinding, confidential alternate dispute resolution proceeding pursuant to §§ 154.023 and 15.073 of the Texas Civil Practice and Remedies Code, as part of the Court's ordinary case management procedures.

Because a quorum of members of the City's government body are necessary parties to this proceeding, in an abundance of caution, the City is posting this Agenda to notify the public of the proceeding, although the public will not be allowed to participate in or witness the executive session portion of the proceeding.

The Court-ordered proceeding qualifies for an exception to the Open Meetings requirements pursuant to Government Code § 551.071 for private consultation with attorneys advising and representing members of the governmental body, concerning pending or contemplated litigation or settlement offers, or matters on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

The proceeding will take place at the Waxahachie Civic Center located at 2000 Civic Center Lane, Meeting Room C, in Waxahachie, Texas. The proceeding will occur on July 7, 2009 at 9:00 a.m. until concluded.

I, Tammy Varner, Deputy Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Executive Session was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 3<sup>rd</sup> day of July 2009, at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available. Requests for reasonable accommodations must be made 48 hours prior to this meeting. Please contact the City Secretary at 775-3481 for further information.**