



Susan D. Reed
Criminal District Attorney
Bexar County, Texas

PRESS RELEASE

San Antonio, Texas: March 9, 2000

Five Elmendorf Council Members and Former Police Chief Indicted

Five of the six members of the Elmendorf City Council, including the Mayor as well as former Elmendorf Chief of Police Paul Moreno have been indicted by a Bexar County Grand Jury for alleged violations of the Texas Open Meetings Act. The indictments returned in the 379th District Court are for Class B Misdemeanor offenses carrying a penalty of one month to six months in jail and or a fine from \$100 to \$500

The indictment against Mayor Sherry Pena alleges two violations of the Texas Open Meetings Act. Count One alleges participating in a closed meeting and Count Two alleges knowingly calling and aiding in calling and organizing a closed meeting. The allegations against the Police Chief are the same. Council Members Richard Ball, Ruben Cruz, Lester Walters and Esperanza Saucedo each face one count of participating in a closed meeting.

The indictment allegations center on actions taken by the council on November 23, 1999. A meeting had been posted and called with an agenda. The meeting was at no time opened to the public, the doors were locked and the meeting was closed at all times. The Chief of Police is alleged to have delivered a report to the council on issues facing the police department. Such a report is not encompassed in the provisions relating to executive sessions, nor was a meeting ever properly called and opened which would have led to an executive session.

On Dec. 8, 1999, Brian Murphy quoted Mayor Sherry Pena in the Wilson County News as follows: *"Yes I know it was against the Open Meetings Act"*.

**Contact: Assistant District Attorney Cliff Herberg, Chief of the White Collar Crime Division:
335-2404**