



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

February 9, 1990

Mr. Robert A. Schulman
Schulman, Walheim, Beck &
Heidelberg, Inc.
Attorneys for Alamo Community
College District
420 South Main Avenue
San Antonio, Texas 78204

Dear Mr. Schulman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8072; this decision is OR90-059.

We have considered the exceptions you claimed, specifically sections 3(a)(3), 3(a)(5), and 3(a)(11), and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 452 (1986), 357 (1982), and 192 (1978), copies of which are enclosed, resolve your request. For this reason, you may withhold the information that you claim from disclosure, i.e., the highlighted portions of the representative report dated July 1989, and the analogous portions of the other reports.

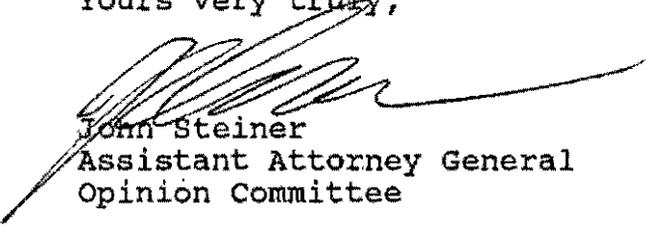
The monthly progress reports prepared by the district's project manager, to the extent they constitute advice, opinion, or recommendation to be used in the district's decisional process, are exempted from public disclosure by section 3(a)(11). Open Records Decision No. 192. Since cost estimates and projections fall within the category of opinion, and are exempted by section 3(a)(11), the applicability of section 3(a)(4) has not been considered. The proposed street closings are excepted from disclosure by section 3(a)(5).

You state that the district and the general contractor have each communicated to the other an intent to litigate with respect to the subject matter of the narrative portions of the monthly progress reports concerning the progress of the Southwest campus construction project. Your letter

indicates several matters in dispute with respect to this subject matter. Based on your representation, we find that litigation is reasonably anticipated with respect to this material.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-059.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 8072

Enclosures: Open Records Decision Nos. 452, 357, 192
Documents Sent