



Office of the Attorney General

State of Texas

September 17, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Teresa A. Hunter
Attorney at Law
P.O. Box 420576
Laredo, Texas 78042-8576

OR96-1712

Dear Ms. Hunter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101019.

The Laredo Independent School District (the "district") received a request for documents concerning the purchase of property known as the Jett Bowl South. It appears that the district has already provided some of the information requested. However, you object to providing information responsive to the request for (1) memorandum from the district's attorneys giving advice about the purchase of the Jett Bowl South and (2) a particular school board agenda concerning the purchase of the property. You assert that responsive records are excepted from disclosure pursuant to sections 552.101, 552.103, 552.106, 552.107, and 552.111 of the Government Code.

To show the applicability of section 552.103(a), a governmental entity must show that (1) litigation in a judicial or quasi-judicial proceeding is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You have provided documents showing that the district is being sued over, among other things, alleged violation of the Texas Open Meetings Act, chapter 551 of the Government Code, in connection with the purchase of the Jett Bowl South.

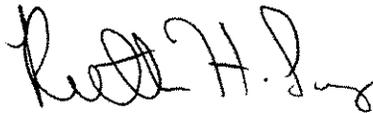
You have submitted to this office for review the documents at issue, which are related to the pending litigation. We note that information responsive to the request for an agenda involves what appears to be draft documents only. Meeting agendas which are publicly posted are public documents that may not generally be withheld from disclosure. See Open Records Decision No. 221 (1979) at 1 ("official records of the public proceedings of a governmental body are among the most open of records"). However,

documents you have submitted to this office as responsive to the request may be withheld from disclosure pursuant to section 552.103(a).

As the information at issue may, at this time, be withheld from disclosure pursuant to section 552.103(a), we need not address your other arguments against disclosure. Please note that the applicability of section 552.103 generally ends if the other party to the anticipated litigation obtains the information or when the anticipated litigation concludes. Attorney General Opinion MW-575 (1982) at 2; Open Records Decision Nos. 350 (1982) at 3, 349 (1982) at 2.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101019

Enclosures: Submitted documents

cc: Mr. Manuel Menchaca
1014 Garcia Street
Laredo, Texas 78040
(w/o enclosures)