



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 21, 1997

Mr. Michael A. Bucek
First Assistant City Attorney
City of Denton
215 East McKinney
Denton, Texas 76201

OR97-1873

Dear Mr. Bucek:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108006.

The City of Denton (the "city") received a request for the following information:

Only that portion of City Attorneys Status Report: May 16, 1997 that references the Texas Open Meetings Act, Closed sessions of Denton City Council, and/or citizen David C. Zoltner, by name.

You submitted to this office for review several pages from the requested report. This office has been informed that the city has already released some portions of the report. You also indicate that some sections of the submitted report are not responsive to the request for information. Since it is our understanding that the released information and the non-responsive parts of the report are not at issue, we have not considered them in this ruling. You assert that the remaining information in the report is protected from disclosure pursuant to sections 552.103, 552.107, and 552.111 of the Government Code.¹

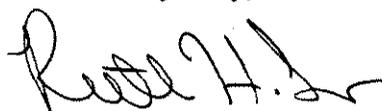
¹We note that the requestor wrote this office concerning the posting of notice for closed executive sessions under the Open Meetings Act, chapter 551 of the Government Code. A notice is sufficient notice under the Open Meetings Act if it is sufficient to notify the public of the subject to be considered at the meeting. *San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991); *see also Cox Enterprises, Inc. v. Board of Trustees*, 706 S.W.2d 956 (Tex. 1986) (notice should specifically disclose subject of upcoming meeting), Attorney General Opinion H-662 (1975) (general descriptions not specific enough to comply with Open Meetings Act notice requirements).

To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the 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. The governmental entity must meet both prongs of this test for information to be excepted under section 552.103(a). However, you have not explained how litigation is reasonably anticipated. Thus, section 552.103(a) is inapplicable.

Section 552.107(1) excepts from disclosure communications that reveal client confidences or the attorney's legal opinion or advice. Open Records Decision Nos. 589 (1991) at 1, 574 (1990) at 3, 462 (1987) at 9-11. Section 552.107(1) does not except from disclosure factual recounting of events or the documentation of calls made, meetings attended, and memos sent. Open Records Decision No. 574 (1990) at 5. We have marked the information at issue that may be withheld from disclosure pursuant to section 552.107(1). We note that the marked information is also the type of information that could be withheld under section 552.111. The remaining information in the report must be provided to the requestor.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 should 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# 108006

Enclosures: Submitted documents

cc: Mr. David C. Zoltner
1331 Laredo Ct.
Denton, Texas 76205-5101
(w/o enclosures)

²As previously discussed, this letter does not address the portions of the report already released to the requestor and the sections that the city has determined are not responsive to the request.