



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 22, 1998

Ms. Eugenia A. Cano
City Attorney
City of Alvin
216 W. Sealy
Alvin, Texas 77511

OR98-1019

Dear Ms. Cano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115067.

The City of Alvin (the "city") received a request for information regarding "Southwestern Bell negotiations on new billing rate." You state that you are releasing some of the information to the requestor. You claim that the remaining requested information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.106 excepts from disclosure "a draft or working paper involved in the preparation of proposed legislation." Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. Open Records Decision No. 460 (1987). The purpose of section 552.106 is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body, and, therefore, it does not except from disclosure purely factual information. *Id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *Id.*

You explain that the city charter empowers the city council to regulate by ordinance the rates of public utility operations within the city. You also state that the documents at issue represent the city manager's recommendation to the city council, and that the city manager has the responsibility to prepare information and proposals for a legislative body. Under these circumstances, we conclude that the city may withhold the requested documents from disclosure under section 552.106.

As we resolve this matter under section 552.106, we need not address your other argument against disclosure. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/glg

Ref.: ID# 115067

Enclosures: Submitted documents

cc: Mr. Lee Fregeau
Route 1, Box 371
Alvin, Texas 77511
(w/o enclosures)