



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 29, 1998

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1356

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116519.

The City of Houston (the "city") received a request for a copy of the city's draft ordinance to revise Chapter 40 of the Code of Ordinances and a copy of the draft for a pipeline franchise agreement. You claim that the requested information is excepted from disclosure under section 552.106 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.106 protects drafts and working papers involved in the preparation of proposed legislation. The purpose of the exception is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body and to thereby protect the internal "deliberative" or policy-making processes of a governmental body. Open Records Decision No. 460 (1987). Section 552.106 does not except purely factual material; rather, it excepts only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation. Section 552.106 applies only to drafts and working papers prepared by persons with some official responsibility to prepare them for the legislative body. *Id.*

You explain that the drafts were prepared for discussion purposes among the city's staff members who are involved in urban planning. Furthermore, you state that final drafts will be prepared and submitted to the city council for approval. We have reviewed the submitted information and conclude that the city may withhold the information under section 552.106 of the Government Code.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 116519

Enclosures: Submitted documents

cc: Mr. Osborne J. Dykes, III  
Fulbright & Jaworski, L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(w/o enclosures)