



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 17, 1998

Mr. Juan E. Gonzalez
Law Office of Juan E. Gonzalez
420 W. University Drive
Edinburg, Texas 78539

OR98-3167

Dear Mr. Gonzalez:

Former city attorney Barry E. Jones asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. This request was assigned ID# 120901.

The City of Mercedes (the "city"), which you represent, received an open records request for several proposals concerning the city's employee salary structure. You state that one of the proposals has been released to the requestor. You seek to withhold portions of the three remaining proposals pursuant to section 552.111 of the Government Code.

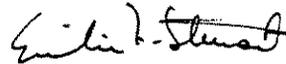
Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 at 5 (1993). The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 at 5 (1993), this office held that

to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters [Emphasis in original.]

Although a recommendation regarding an individual's salary would generally be considered a "routine internal administrative and personnel matter," we believe that a proposal affecting all city employees would reflect the city's policy-making process. We therefore agree that the city may withhold from the proposals submitted to this office the columns designated F, H, J, K, M, N, P, Q, S, T, and "%" pursuant to section 552.111. The remaining portions of the proposals must be released.

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,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS/RWP/rho

Ref.: ID# 120901

Enclosures: Submitted documents

cc: Mr. David Garza
932 S. Georgia
Mercedes, Texas 78570
(w/o enclosures)