



June 8, 1999

Mr. Hollis D. Young  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR99-1597

Dear Mr. Young:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124732.

The City of San Antonio (the "city") received a request for a certain correspondence log and attachments of a 1997 meeting of the San Antonio Metropolitan Ministries. You claim that the requested information is excepted from disclosure under section 552.111 of the Government Code. You have supplied the responsive information to this office for review. We have considered the exception you claim and reviewed the submitted information.

Section 552.111 of the Government Code excepts from required public disclosure 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 this case, a portion of the submitted information consists of a document summarizing communications between City of San Antonio staff members and Housing and Urban Development (HUD) staff members. The dialogue consists primarily of clarifications of HUD policies and procedures as they apply to city requests for funding. From our review of the communication at issue here, we conclude that it does not involve the formation of policy. This information is not excepted from disclosure by section 552.111

of the Government Code. The subject information also includes summaries of communications with the director of SAMM Housing Corporation. These communications are apparently advice and recommendations from a consultant given for the purpose of policy formation. This information is excepted by section 552.111 of the Government Code and may be withheld. We have marked the subject information to indicate the portion that may be withheld. The remainder 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 124732

Encl. Marked documents

cc: Mr. Bob Anderson  
137 Low Jon Circle  
San Antonio, Texas 78213  
(w/o enclosures)