



June 10, 1999

Mr. Jack Wilson Naranjo  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-1065

OR99-1627

Dear Mr. Naranjo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124946.

The City of Arlington (the “city”) received a request for, among other things,

[r]ecords of all meetings, contracts, proposals, phone calls, memos, and faxes concerning the alleged settlement between the Texas Rangers and the City of Arlington, Arlington Sports Authority, Mayor, City Manager, or City Council pertaining to the disputed \$11 to \$12.4 million dollars from the first day of January through this date of 1999.

We assume that either you have released to the requestor the information for which you do not seek an opinion, or that such information does not exist. You submit to this office a representative sample of the responsive information.<sup>1</sup> You claim that the information at issue is excepted from disclosure under sections 552.101, 552.103, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.103(a) excepts from disclosure information:

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<sup>1</sup>We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit a representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

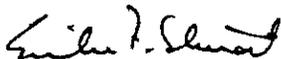
(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

The city has the burden of providing relevant facts and documents to show that the section 552.103(a) exception is applicable in a particular situation. In this instance, you have shown that the submitted documents, memoranda and a draft settlement agreement, relate to settlement negotiations to which the city is a party for purposes of section 552.103(a). You state that the settlement has not been finalized or executed. The submitted documents may, therefore, be withheld. Generally, however, once information has been obtained by all parties to the litigation, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Thus, when the city enters into a final settlement agreement with the Texas Rangers, it must be released. Open Record Decision No. 658 (1998). Further, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982). If you receive a request for information covering the submitted information after the conclusion of the litigation, and you wish to withhold portions of the requested information, you must ask for a decision from this office about whether the information is excepted from disclosure. Gov't Code § 552.301.

Having ruled that the submitted information is protected from disclosure under section 552.103, we do not address your additional arguments 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref: ID# 124946

Encl: Submitted documents

cc: Mr. Lico Reyes  
P.O. Box 150001  
Arlington, Texas 76105  
(w/o enclosures)