



July 26, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-2101

Dear Ms. Ledesma-Gonzalez:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126643.

The City of McAllen (the "city") received an open records request for "code of ethics proposals", and "consultant data re: water rate fees, US impact fees." In response to the request, you submit to this office for review the information at issue. Based on your brief and letter to the requestor, it appears that you will release some of the requested information.¹ However, you claim that the submitted document is excepted from required public disclosure pursuant to section 552.106 of the Government Code.² We have considered the exceptions and arguments you raise, and have reviewed the information submitted.

Section 552.106(a) of the Government Code excepts from disclosure a "draft or working paper involved in the preparation of proposed legislation." You contend that this exception applies to the submitted document, which consists of a preliminary working draft of a city ordinance regarding the "standards of conduct for the city's public officials." This office has concluded that the predecessor to section 552.106(a) applies to drafts of city ordinances and

¹Accordingly, we assume that you will release other responsive records to the extent they exist, since you have not raised any other exception nor submitted other records.

²Although you also raised section 552.111 in your letter to this office, you did not explain how the claimed exception applies to the information at issue, thus we are unable to consider it. *See Gov't Code § 552.301(b); Open Records Decision No. 363 (1983).* We also note that in your letter to the requestor you only cite to section 552.106. The Government Code places on the custodian of records the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Therefore, in this ruling we only consider the exception for which your have offered support.

resolutions inasmuch as such drafts reflect policy judgments, recommendations and proposals. *See* Open Records Decision No. 248 (1980). After reviewing the submitted document, we conclude that the city may withhold the draft ordinance from disclosure based on section 552.106(a) 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 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 "Sam Haddad", is written over a large, stylized circular flourish.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126643

encl: Submitted information

cc: Mr. Greg Townsend
214 North 16th
McAllen, Texas 78501
(w/o enclosures)