



September 30, 1999

Mr. Jesús Toscano, Jr.  
Administrative Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR99-2765

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128159.

The City of Dallas (the "city") received two identical requests for various categories of information relating to its Office of International Affairs including its "proposed budget . . . for the upcoming year." You seek to withhold the requested proposed budget under section 552.106(a) of the Government Code.

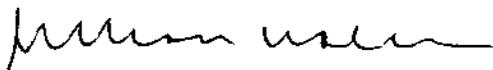
Section 552.106(a) protects a "draft or working paper involved in the preparation of proposed legislation." The purpose of the exception is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body and to thereby protect the internal "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 provide a copy of the city's charter provisions which place on the city manager the duty of, *inter alia*, preparing a city budget after receiving estimates from the city's department heads. You explain that the information at issue was prepared by the director of the city's

Office of International Affairs and submitted to the city manager. Having reviewed your arguments and the information at issue, we conclude that you may withhold that information under section 552.106(a). *See*, Open Records Decision No. 460 (1987) (city's proposed budget protected by predecessor provisions to section 552.106(a)).

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



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 128159

Encl. Submitted documents

cc: Ms. Nancy E. Monson  
3301 Henri Court  
Plano, Texas 75023  
(w/o enclosures)