



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 6, 2011

Ms. Molly Shortall
Assistant City Attorney
City of Arlington
P.O. Box 90231
Arlington, Texas 76004-3231

OR2011-00377

Dear Ms. Shortall:

You ask 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# 406313.

The City of Arlington (the "city") received a request for flood, flood studies, reports, Letter of Map Revisions ("LOMR") and LOMR applications, flows, measurements, digital data files, communication records, contracts for ongoing studies, property flooding reports, a study produced by a named individual, and citizen complaints pertaining to the RC-1 stream and Rush Creek from Arkansas Lane, north to the point where RC-1 meets Rush Creek.¹ You state a portion of the requested information is being provided to the requestor. You state the city does not assert any exceptions to disclosure on its own behalf for the remaining responsive information. You further state the release of such information may implicate the interests of third parties. Accordingly, you inform us you notified the Federal Emergency Management Agency ("FEMA") and two named individuals of the request and their right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). FEMA has consented to release of the remaining requested information. As of the date of this letter, we have not received comments from the two

¹You indicate the city sought and received clarification from the requestor regarding the request. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

named individuals explaining why the remaining requested information should not be released. We have reviewed the submitted representative sample of the remaining requested information.² As the city raises no objection to release of this information, it must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/vb

Ref: ID# 406313

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. John D. Zimmerman, R.P.S.
908 West Main Street
Arlington, Texas 76013
(w/o enclosures)

Mr. James E. Caffey, C.F.M.
P.O. Box 13786
Arlington, Texas 76094-0786
(w/o enclosures)

²We 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). 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.

FEMA
U.S. Department of Homeland Security
500 C Street, Southwest
Washington, D.C. 20472
(w/o enclosures)