



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 20, 2012

Mr. Benjamin Sampract  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3<sup>rd</sup> Floor  
Fort Worth, Texas 76102

OR2012-04088

Dear Mr. Sampract:

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# 448099.

The City of Fort Worth (the "city") received a request for certain information regarding the meet and confer negotiations between the city and the police officer's association (the "association") on December 15, 2011. You state you have released some information to the requestor. You state some of the requested information including the minutes, audio, and video does not exist.<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.101 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. You advise the city is a municipality covered by subchapter I of chapter 143 of the Local Government Code. You claim the submitted information is excepted under section 143.305 of the Local Government Code. Section 143.305 of the Local Government Code provides, in pertinent part:

An agreement made under this subchapter is a public record for purposes of Chapter 552, Government Code. The agreement and any document prepared

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<sup>1</sup>We note the Act does not require a governmental body to disclose information that did not exist at the time the request for information was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

and used by the municipality in connection with the agreement are available to the public under the open records law, Chapter 552, Government Code, only after the agreement is ratified by the municipality's governing body.

Loc. Gov't Code § 143.305. You state the current agreement between the city and the association regarding the terms and conditions of employment for covered employees of the city police department expires on September 30, 2012, and the city is currently negotiating a new proposed agreement with the association. You state as of the date of the request, the city and the association are still in the negotiation stage and have not yet reached an agreement. You explain the city is using the submitted information in the current negotiations. Based on these representations and our review, we agree the submitted information must be withheld under section 552.101 of the Government Code in conjunction with section 143.305 of the Local Government Code. As our ruling is dispositive, we need not address your remaining argument against disclosure.

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](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,



Jessica Marsh  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 448099

Enc. Submitted documents

c: Requestor  
(w/o enclosures)