



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 16, 2013

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2013-06172

Dear Mr. Bounds:

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# 487257 (City File Number: 131).

The City of Corpus Christi (the "city") received a request for information pertaining to the budgeted sales tax revenue, the actual revenue received, and any forecast projections during a specified time period. You state the city is providing the requestor with some information. You claim some of the submitted information is excepted from disclosure under sections 552.106 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure under this chapter unless made confidential under this chapter or other law:

...

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate[.]

Gov't Code § 552.022(a)(5). You state the submitted information constitutes a working paper involved in the preparation of a proposed city budget that has been prepared by employees of the city's Management and Budget Department for consideration by the city's city council as it anticipates the adoption of a new city budget. We find the submitted information consists of budget information that constitutes information from a completed estimate used to estimate the need for or expenditure of public funds or taxes and is subject to section 552.022(a)(5) of the Government Code. Although you seek to withhold some of this information under sections 552.106 and 552.111 of the Government Code, these are discretionary exceptions and do not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (governmental body may waive section 552.111). Therefore, the submitted information is subject to section 552.022(a)(5) and no portion of it may be withheld under section 552.106 or section 552.111 of the Government Code. As you raise no other exceptions to disclosure for this information, the city must release the submitted information.

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,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/tch

Ref: ID# 487257

Enc. Submitted documents

c: Requestor  
(w/o enclosures)