



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 7, 2014

Mr. Adolfo Ruiz  
McKamie, Krueger & Knight, L.L.P.  
941 Proton Road  
San Antonio, Texas 78258

OR2014-02413

Dear Mr. Ruiz:

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# 513514.

The City of Harlingen (the "city"), which you represent, received a request for (1) a specified report, (2) a specified mediated settlement agreement, (3) "the latest 4B paid study for a proposed new convention center[,] and (4) expenses related to the city's defense of a specified lawsuit. You state the city "will be releasing" information responsive to items one and four of the request to the requestor. You also state the city has no information responsive to item three of the request.<sup>1</sup> You claim the submitted information, which you state is responsive to item two of the request, is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-01665 (2014). In Open Records Letter No. 2014-01665, we concluded the city must withhold the draft mediated settlement agreement under section 552.101 of the Government Code in conjunction with

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<sup>1</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

section 154.073(b) of the Civil Practice and Remedies Code. We understand the law, facts, and circumstances on which the prior ruling was based have not changed. Accordingly, the city must continue to rely on Open Records Letter No. 2014-01665 as a previous determination and withhold the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). As we make this determination, we do not address your claimed exceptions for this 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 513514

Enc. Submitted documents

c: Requestor  
(w/o enclosures)