



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 28, 2016

Mr. Ronald D. Stutes
Counsel for the City of Palestine
Potter Minton, PC
500 Plaza Tower
110 North College
Tyler, Texas 75702

OR2016-24117

Dear Mr. Stutes:

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# 632442.

The City of Palestine (the "city"), which you represent, received a request for the city's "proposed budget workbooks or folders." You claim the submitted information is excepted from disclosure under section 552.106 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.106 of the Government Code excepts from disclosure "[a] draft or working paper involved in the preparation of proposed legislation" and "[a]n internal bill analysis or working paper prepared by the governor's office for the purpose of evaluating proposed legislation[.]" Gov't Code § 552.106(a), (b). Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. Open Records Decision No. 460 (1987). The purpose of section 552.106 is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body, and therefore, it does not except from disclosure purely factual information. *Id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *Id.* A proposed budget constitutes a recommendation by its very nature and may be withheld under section 552.106. *Id.* Section 552.106 protects only policy judgments, advice,

opinions, and recommendations involved in the preparation or evaluation of proposed legislation; it does not except purely factual information from public disclosure. *See id.*

You state the submitted information consists of draft or working papers involved in the preparation of the city's proposed budget for fiscal year 2016/2017. You further state the information at issue consists of recommendations from the city manager and city staff for the city council. You also state the draft budget proposals for fiscal year 2016/2017 are not completed. Upon review, we conclude the city may withhold the submitted information pursuant to section 552.106(a) of the Government Code. *See* ORD 460 (city's proposed budget protected by predecessor provisions to section 552.106(a)).

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, 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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 632442

Enc. Submitted documents

c: Requestor
(w/o enclosures)