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November 29, 1993

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FILE # ~~AA 73458-93~~ RQ-00652-DM
I.D.# 23458

VIA FACSIMILE ((512) 463-2063)
AND VIA FIRST CLASS MAIL

Hon. Dan Morales
Attorney General, State of Texas
Price Daniel, Sr. Building
P.O. Box 12548, Capitol Station
Austin, TX 78711-2548

RQ-652

Re: Request for opinion concerning the Texas Open Records Act.

Dear Attorney General Morales:

This firm represents the City of Santa Anna, Texas. On November 16, 1993, the city received a request for public records from Ms. Billie M. Mercer and Ms. Sheri Lewis. A copy of each request is attached hereto. All materials that appear to be responsive to the request were either clearly public or were the subject of an Attorney General's opinion, except for three items. Those items are handwritten notes taken by members of the City Council during an executive session on three separate dates.

It is the position of the City that these notes are not public records in that they are information deemed confidential by Law the same as the certified agenda or tape of the meeting; however, the law and opinions are in conflict. Please Cf: Op.Attn.Gen.1990, No. ORD-563, Op.Attn.Gen.1990, No. JM-1143 and Op.Attn.Gen.1988, No. ORD-495. We therefore respectfully request that your office advise which opinion, if any, is dispositive of the issue or, if none exists, to issue an opinion on this matter.

Copies of the requests and of the three items in question are attached. Due to the expedited nature of this request, we are faxing the preliminary request and will supplement with all applicable authority or briefing in the near future.

*Hon. Dan Morales,
Texas Attorney General,
November 29, 1993,
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Thank you for your attention to this matter.

Respectfully,
SMITH, CARTER, ROSE & FINLEY
A PROFESSIONAL CORPORATION.



Samuel S. Allen

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