



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 2, 1997

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR97-0677

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 105543.

The City of Austin (the "city") received a request for "all minutes and notes from all meetings between the City of Austin Meet and Confer Negotiating Team and AFD Local 975 team, including all subcommittee meeting minutes and notes." You contend that the requested information is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 143.305 of the Local Government Code. We have considered the exception you claim and have reviewed the sample documents you have submitted.¹

You advise that the department has no "official minutes of any meetings of the negotiating teams or of any subcommittees." Chapter 552 of the Government Code applies only to information in existence and does not require a governmental body to prepare new information. Open Records Decision Nos. 605 (1992), 572 (1990), 430 (1985). Therefore, the department need not respond to this part of the request.

Section 552.101 excepts from required public disclosure information that is considered confidential by law, either constitutional, statutory, or by judicial decision. This

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

exception encompasses information protected from disclosure by other statutes. You advise that the city is subject to subchapter I of the Local Government Code, which provides for a "meet and confer" labor negotiation system. You also state that the Austin Professional Firefighters Association, Local 975 of the International Association of Firefighters, is recognized by the city as the sole and exclusive bargaining agent for most civil service employees of the Austin Fire Department, pursuant to section 143.304 of the Local Government Code. Section 143.305 of the Local Government Code reads, in pertinent part:

[a]n agreement made under . . . [subchapter I of the Local Government Code] is a public record for purposes of Chapter 552, Government Code. The agreement and any document prepared 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. [Emphasis added.]

You state that a tentative agreement has been reached between the city and the recognized bargaining agent, but that no agreement has been ratified by the city. After reviewing the documents submitted to this office for our review, we conclude that the city may withhold them from disclosure at this time under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/glg

Ref.: ID# 105543

Enclosures: Submitted documents

cc: Mr. Sean Bosenbark
8704-B Coinwood
Austin, Texas 78729
(w/o enclosures)