



June 21, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1707

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act chapter 552 of the Government Code. Your request was assigned ID# 125953.

The City of Houston (the "city") received a request for various information pertaining to the Fourth Ward. You state that the city will make available to the requestor most of the requested information. You seek to withhold from required public disclosure two sets of documents, one set based on section 552.106 of the Government Code, and the other set based on 552.107(1) of the Government Code.

Section 552.106(a) of the Government Code excepts from disclosure a "draft or working paper involved in the preparation of proposed legislation." You urge that this exception applies to exhibit 2, which consists of several preliminary working drafts of city ordinances regarding the designation of public streets and rights-of-way in the Fourth Ward. This office has concluded that the predecessor to section 552.106(a) applies to drafts of city ordinances and resolutions inasmuch as such drafts reflect policy judgments, recommendations and proposals. *See* Open Records Decision No. 248 (1980). After reviewing exhibit 2, we conclude that the city may withhold it from disclosure based on section 552.106(a) of the Government Code.

For the other set of documents, exhibit 3, you raise section 552.107(1). This exception essentially incorporates the attorney-client privilege. The exception protects only the details of the substance of attorney-client communications, that is, only information that reveals attorney advice and opinion or client confidences. *See* Open Records Decision No. 574 (1990). Having reviewed exhibit 3, we conclude that portions of the exhibit are excepted from disclosure under section 552.107(1). However, portions of the information do not consist of attorney-client communications. We have marked the documents accordingly.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/eaf

Ref.: ID# 125953

Encl. Marked documents

cc: Ms. Carmalee DeGeorge
2428 Pelham Drive
Houston, Texas 77019
(w/o enclosures)