



October 1, 1999

Mr. Dale Cheatham
City Manager
City of Watauga
7101 Whitley Road
Watauga, Texas 76148

OR99-2785

Dear Mr. Cheatham:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127957.

The City of Watauga received a request for the following:

Please provide me with a photocopy of a letter from Mark G. Daniel to Councilman George Ragsdale, dated June 22, 1999, regarding a conflict-of-interest question relating to Councilman Ragsdale's participation in or voting on Planning and Zoning Case 99-07.

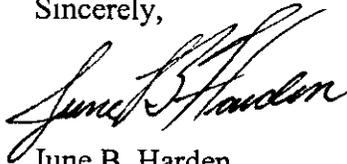
Section 552.301 of the Government Code imposes a duty on a governmental body seeking an open records decision to state the applicable exceptions to disclosure within a reasonable time but not later than the tenth business day after the date of receiving the written request. In this instance, you have not raised an exception to disclosure for the submitted document within the statutory time period.¹ Therefore, since you have not met your burden under section 552.301(a), the submitted document must be released to the requestor.

¹It appears you seek an advisory opinion on the application of section 552.107 of the Government Code. Under sections 402.042 and 402.043 of the Government Code, this office is only authorized to issue advisory opinions at the request of specific public officials. Therefore, we do not have the authority to render the opinion you have requested.

If you have general questions regarding the Public Information Act or its implementation, please consult the Office of the Attorney General Website at www.oag.state.tx.us or contact the Open Government Hotline at 1-877-OPENTEX (673-6839).

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 127957

Encl. Submitted documents

cc: Mr. Jerry Adams
5801 Haney Drive
Watauga, Texas 76148
(w/o enclosures)