



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 14, 2007

Ms. Ashley Stewart
Strasburger & Price, LLP
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2007-12034

Dear Ms. Stewart:

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# 289191.

The City of Celina (the "city"), which you represent, received two requests for fifty-seven categories of information related to city procedures, the city council, and to city ordinances 71-2 and 71-3. You claim that the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted sample of information.¹

Initially, we note the representative sample submitted by the city consists only of minutes of open meetings with attached ordinances. The sample does not include information responsive to the portions of the requests seeking other types of information including information given to council members during meetings, specified maps, specified city checks and bank records, meeting agendas and recordings for specified city council meetings, city budgets, and annexation procedures. As you have not submitted this information for our review, we assume you have released it to the extent that it existed on the date the city

¹We 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.

received this request. If you have not released this additional information, then you must release it to the requestor at this time. *See* Gov't Code §§ 552.301(a), .302.

As noted above the submitted information consists only of the minutes of open meetings. The minutes of open meetings are public records pursuant to the Open Meetings Act. Gov't Code § 551.022 (minutes and tape recordings). Information that a statute other than chapter 552 of the Government Code expressly makes public is not subject to the exceptions found in chapter 552. Open Records Decision No. 623 at 3 (1994). Thus section 552.103 of the Government Code is not applicable to the submitted information, and the city must release it to the requestor.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be

sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin D. Gordon". The signature is fluid and cursive, with a large loop at the end of the last name.

Justin D. Gordon
Assistant Attorney General
Open Records Division

JDG/jh

Ref: ID# 289191

Enc. Submitted documents

c: Mr. Bennett M. Wyse
The Messer Law Firm
6947 Main Street
Frisco, Texas 75034
(w/o enclosures)