



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 10, 2015

Mr. Matthew L. Grove
Assistant County Attorney
County of Fort Bend
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

OR2015-16398

Dear Mr. Grove:

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# 574772.

The Fort Bend County Facilities Management and Planning Office (the "county") received a request for a list of possible bond projects. You claim the submitted information is excepted from disclosure under section 552.106 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

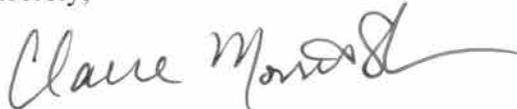
Section 552.106(a) of the Government Code protects a "draft or working paper involved in the preparation of proposed legislation[.]" Gov't Code § 552.106. Section 552.106 ordinarily applies only to persons with a responsibility to prepare information and proposals for a legislative body. *See* Open Records Decision No. 460 (1987). The purpose of section 552.106 is to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the members of the legislative body, and therefore, section 552.106 does not except from disclosure purely factual information. *See id.* at 2. However, a comparison or analysis of factual information prepared to support proposed legislation is within the ambit of section 552.106. *See id.* A proposed budget constitutes a recommendation by its very nature and may be withheld under section 552.106. *See id.*; *see also Hooten v. Enriquez*, 863 S.W. 2d 522 (Tex. App.—El Paso 1993, no writ) (commissioner's court performs legislative function when it creates the budget for county's offices and departments).

You state the submitted information consists of a list of proposed bond projects that was prepared by the county at the request of the Fort Bend County Commissioner's Court (the "commissioner's court") to help the commissioner's court plan future county budgets. You state the commissioner's court requested the information be created to assist it in reviewing expenditures and passing a budget. You state the information contains estimates and analyses prepared to support policy and budget recommendations. Thus, you argue the submitted information was requested by a legislative body for the purpose of enacting legislation. Upon review of your arguments and the submitted information, we find the county has demonstrated the information consists of a draft or working paper involved in the preparation of proposed legislation. Accordingly, the county may withhold the submitted information under section 552.106(a) of the Government Code.

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 574772

Enc. Submitted documents

c: Requestor
(w/o enclosures)