



The Attorney General of Texas

August 28, 1980

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Honorable Lee E. Holt, Attorney
City of Dallas
City Hall
Dallas, Texas 75201

Open Records Decision No. 248

Re: Whether memoranda considered by a city staff study group are public under the Open Records Act

Dear Mr. Holt:

You have requested our decision as to whether a draft of a municipal ordinance and resolution prepared by a city staff study group are available to the public under the Open Records Act, article 6252-17a, V.T.C.S.

The information in question consists of one document titled "Draft of Emergency Ordinance Restricting the Size of Parking Structures Within the Far North Dallas Study Area and a One Mile Radius Thereof," and another titled "Draft of Resolution Declaring the Policy of the Dallas City Council Regarding the Rezoning of Land Within the Far North Dallas Study Area and a One Mile Radius Thereof." You state that the two proposals were drafted for discussion purposes only among members of a group consisting of city staff members involved in certain aspects of urban planning until final drafts are prepared and submitted to the City Council.

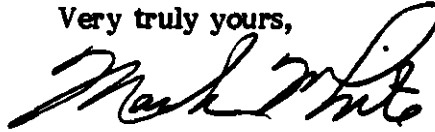
Section 3(a)(6) of the Open Records Act excepts "drafts and working papers involved in the preparation of proposed legislation." In Open Records Decision No. 140 (1976), this office held that information disclosing property appraisals was not excepted under section 3(a)(6) because it was basically factual and did not reflect "policy judgments, recommendations or proposals." In Open Records Decision No. 197 (1978), the scope of section 3(a)(6) was elaborated further:

This exception was not intended to except basic factual information from public disclosure. . . . Even if section 3(a)(6) can apply to a school board, there is no indication how this information constitutes a draft or working paper involved in the preparation of proposed legislation.

The documents at issue in the present request, unlike the information in Open Records Decision Nos. 140 and 197, are not primarily factual. They reflect policy judgments, recommendations and proposals. They were

prepared for purposes of discussion, with the contemplation that they will ultimately be presented to the City Council. In our opinion, these documents are well within the ambit of section 3(a)(6). It is therefore our decision that drafts of a municipal ordinance and resolution prepared by the staff of the Far North Dallas Study Group are excepted from disclosure by section 3(a)(6) of the Open Records Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White", with a stylized, cursive script.

MARK WHITE
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JOHN W. FAINTER, JR.
First Assistant Attorney General

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Assistant Attorney General

APPROVED:
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