



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 7, 2016

Ms. Linda A. Samples
Assistant City Attorney
Office of the City Attorney
City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890

OR2016-22667

Dear Ms. Samples:

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# 629450 (El Paso Ref. No. 16-1020-1100; W042396-071816).

The City of El Paso (the "city") received a request for the financial disclosure statements for the mayor, city council members, city attorney, and city manager for specified periods of time. You claim portions of the submitted information are excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it does not consist of the requested financial disclosure statements. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

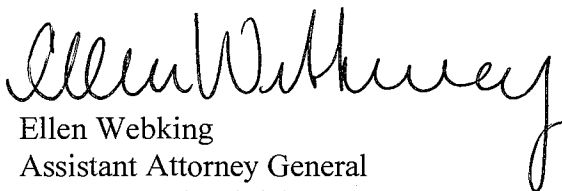
¹We note we asked the city to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(c)-(d) (if attorney general determines that information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the information submitted by the city pursuant to that request.

You inform us the submitted information consists of personal financial statements filed with the city secretary pursuant to chapter 145 of the Local Government Code. This chapter governs the public availability of the financial disclosure statements filed by local government officers of cities with a population of at least 100,000. Local Gov't Code § 145.001. A municipal officer is required to file a financial statement with the clerk or secretary of the municipality in which the officer resides. *Id.* § 145.003(a), (b). A "municipal officer" is defined as the mayor, a member of the governing body, the municipal attorney, or the city manager of a municipality. *Id.* § 145.002. Thus, the city's mayor, members of the city council, city attorney, and city manager are municipal officers required to file financial statements with the city clerk or secretary under chapter 145. The financial statement required to be filed under chapter 145 is "the form designed by the Texas Ethics Commission under Chapter 572, Government Code." *Id.* § 145.005(a). Financial statements filed under chapter 145 are public records and are "accessible to the public during regular office hours." *Id.* § 145.007(a). Although you seek to withhold portions of the submitted personal financial statements under section 552.117 of the Government Code, the exceptions found in the Act generally do not apply to information that is made public by other statutes. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Accordingly, the city may not withhold any of the information contained in the submitted chapter 145 financial statements under section 552.117 of the Government Code; instead, the city must release the responsive financial statements in their entirety.

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,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/bw

Ref: ID# 629450

Enc. Submitted documents

c: Requestor
(w/o enclosures)