
RE: Public Information Request | 2026 - DR Horton Attorney Letter - Fire Protection and EMS Services Agreement

1 message

Public Information Request <pir@mclendon-chisholm.com>
To: Adrienne Balkum <adriennebalkum@gmail.com>

Thu, Jan 29, 2026 at 3:49 PM

Good afternoon, Adrienne ,

Please see attached in response to your PIR Request dated Jan 17, 2026.

Have a good weekend.

Angela Jennings

City Secretary

City of McLendon-Chisholm

McLendon-Chisholm, Texas 75032

www.mclendon-chisholm.com

(972) 524-2077 Ext 202 office

Please note beginning June 1, 2025, City Hall will be closed on Fridays. New hours are Monday-Thursday 8:30am-5:30pm.



MISSION STATEMENT:

To serve the citizens of McLendon-Chisholm by ensuring compliance with all adopted City codes while providing effective public contact and education throughout our community and enforcing the law in an equitable and impartial manner.

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From: Adrienne Balkum <adriennebalkum@gmail.com>

Sent: Saturday, January 17, 2026 11:08 AM

To: City Secretary <Citysecretary@mclendon-chisholm.com>; Public Information Request <pir@mclendon-chisholm.com>

Subject: Public Information Request I 2026 - DR Horton Attorney Letter - Fire Protection and EMS Services Agreement

Good morning Angela,


Attached is a public information request form that I downloaded from the City website.

For search capability convenience here is what I am requesting:

This is a request for the letter received on December 19, 2025 from the attorney for DR Horton regarding the Fire Protection and EMS Services agreement terminated by the City on July 9, 2024. Please email a copy of that letter as a pdf to adriennebalkum@gmail.com.

Thank you,

Adrienne Balkum
Ph: (469) 338-3804

 **Document_260129_170504.pdf**
123K



January 21, 2026

Honorable Ken Paxton
Attorney General
Open Records Division
P.O. Box 12548
Austin, TX 78711-2548

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
(70222410000318837645)

Re: Public Information Request from Adrienne Balkum received by the City of McLendon-Chisholm on January 17, 2026

Dear Attorney, General Paxton:

I represent the City of McLendon-Chisholm (the "City") regarding the above-referenced matter. Enclosed and marked as **Exhibit A** is a request for information from Adrienne Balkum received by the City on January 17, 2026.

Pursuant to Section 552.301 of the Public Information Act ("Act"), the City Council requests a determination regarding whether the submitted responsive information falls within an exception to disclosure. In particular, the City believes the submitted responsive information must be withheld under (i) Section 552.103 (a) of the Act. The submitted responsive information is enclosed and marked as **Exhibit B**.

Section 552.103: The Litigation Exception

The City seeks to withhold the submitted responsive information under Section 552.103 of the Act. Section 552.103 of the Act, commonly referred to as the "Litigation Exception," generally applies to records created by an agency that investigates crimes and enforces criminal laws. Section 552.103 of the Government Code excepts information from disclosure under the Public Information Act if the request is for "information relating to litigation of a civil or criminal nature" and, on the date of the request, the government body is a party to pending litigation or such litigation is reasonably anticipated. The information withheld by City in this case constitutes information that is subject to this litigation exception. The purpose of this exception is to prevent the use of the Public Information Act (the "Act") as a substitute for legal discovery procedures, thereby protecting the government's position in litigation.

Section 552.103(a) was specifically intended to prevent parties from improperly circumventing the rules of discovery by using the Public Information Act. *See Thomas v. Cornyn*, 71 S.W.3d 473, 487 (Tex. App.—Austin 2002, no pet.); Attorney General Opinion *JM-1048* 380 at 4 (1989). The exception allows a governmental body to protect its position in litigation "by forcing parties seeking information relating to that litigation to obtain it through discovery procedures." See Open Records Decision No. 551 at 3 (1990).

The test for this exception requires a showing that, as of the date that the request for information was received by the governmental body: (1) litigation involving the governmental body is pending or reasonably anticipated, and (2) the information relates to the litigation. *See Open Records Decision No. 677 at 2-3 (2002)*.

Therefore, in determining whether a governmental body has met its burden under Section 552.103, the Attorney General or a court can only consider the circumstances that existed on the date the governmental body received the request for information. *See Section 552.103(c)*. To meet its burden under Section 552.103(a) in requesting an Attorney General decision under the Act, the governmental body must identify the issues in the litigation and explain how the information relates to those issues. *See Open Records Decision No. 551 at 5 (1990)*.

The submitted responsive information, marked accordingly and enclosed as **Exhibit B**, relates to a matter involving a potential lawsuit by DR Horton against the City of McLendon-Chisholm. The information squarely falls within the purview of the litigation exception. Litigation is more than contemplated and anticipated, it is threatened. This undoubtedly satisfies the first prong.

Under the second prong, the responsive documents directly deals with certain claims and defenses which are relevant to the litigation involving this request. Requestor should not be able to circumvent traditional rules of discovery to request litigation-related materials under the Act, which are protected by the litigation exception. Therefore, because these documents relate directly to the anticipated litigation, they should be withheld under Section 552.103.

The requestor has been notified by copy of this letter that the City is seeking a determination regarding whether the submitted responsive information falls within an exception to disclosure. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

/s/ Michael B. Halla
Michael B. Halla

cc (w/ enclosures):
Angela Jennings, City Secretary

cc (w/o enclosures):
Adrienne Balkum, Requestor via e-mail: adriennebalkum@gmail.com



PUBLIC INFORMATION REQUEST

Please Print

Date of Submission of Request January 17, 2026

Adrienne Balkum

Name

[REDACTED] Rockwall, TX 75032

Address

City

State

Zip Code

(469) 338-3804

adriennebalkum@gmail.com

Area Code and Telephone Number

Email Address

Fees for reproduction, labor, overhead and other costs allowed by law may apply.

Note: The Texas Public Information Act does not require a governmental body to create new information, to do legal research, or to answer questions. The request must be in writing and ask for records or information already in existence. The governmental body will promptly respond to a written request and within 10 business days following receipt of a written request.

Please list records you are requesting and specific dates, being as detailed as possible. If this is not possible, please list beginning and ending dates of the records you are seeking.

This is a request for the letter received on December 19, 2025 from the attorney for DR Horton regarding the Fire Protection and EMS Services agreement terminated by the City on July 9, 2024. Please email a copy of that letter as a pdf to adriennebalkum@gmail.com.

1371 West FM 550 * McLendon-Chisholm, Texas 75032 * 972-524-2077