



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

December 14, 2015

Ms. Kelly B. Fitzgerald  
Assistant City Attorney  
City of Laredo  
P.O. Box 579  
Austin, Texas 78042-0579

OR2015-26147

Dear Ms. Fitzgerald:

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# 590576 (PIR# W005360-092415).

The City of Laredo (the "the city") received a request for all studies and funding-related documents pertaining to a specified wastewater treatment plant. You claim the submitted information is excepted from disclosure under section 552.105 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.105 excepts from disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Gov't Code § 552.105. We note this provision is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. *See* Open Records

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<sup>1</sup> Although you also raise section 552.022 of the Government Code, we note section 552.022 is not an exception to disclosure. Rather, this provision enumerates categories of information that are not excepted from disclosure unless they are expressly confidential under the Act or other law. *See* Gov't Code § 552.022.

Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information that is excepted from disclosure under section 552.105 that pertains to such negotiations may be excepted from disclosure so long as the transaction relating to that information is not complete. *See* ORD 310. A governmental body may withhold information “which, if released, would impair or tend to impair [its] planning and negotiating position in regard to particular transactions.” Open Records Decision Nos. 357 at 3, 222 (1979). The question of whether specific information, if publicly released, would impair a governmental body’s planning and negotiating position with regard to particular transactions is a question of fact. Accordingly, this office will accept a governmental body’s good-faith determination in this regard, unless the contrary is clearly shown as a matter of law. *See* ORD 564.

You state the city seeks to enter into agreements for the acquisition of property in order to develop a wastewater treatment plant. You explain the submitted information pertains to real property yet to be purchased by the city. You state negotiations for the property have begun, but have not yet been completed. You further state the release of information pertaining to the studies of the property at issue would harm the city’s bargaining position. We understand the city made a good-faith determination that release of this information would impair the city’s position in regard to the transaction in question. Based on your representations and our review, we conclude the city may withhold the submitted information under section 552.105 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](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,



Ashley Crutchfield  
Assistant Attorney General  
Open Records Division

AC/dls

Ref: ID# 590576

Enc. Submitted documents

c: Requestor  
(w/o enclosures)