



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 3, 2019

Mr. Evaristo Garcia, Jr.
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR2019-14579

Dear Mr. Garcia:

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# 768197 (ORR# W027976).

The City of McAllen (the "city") received a request for information related to a specified development agreement and all e-mails between the city and a named individual during a specified time period. The city states it is releasing some of the requested information. The city claims the submitted information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception the city claims and reviewed the submitted information.

Section 552.131 of the Government Code relates to economic development information and provides in part:

(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

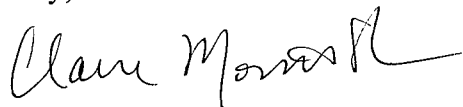
Gov't Code § 552.131(b). Section 552.131(b) protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. *See id.* § 552.131(b). The city explains the submitted information consists of a draft

economic development agreement, and argues the information contains financial or other incentives being offered to business prospects. The city informs us it has not yet executed a final agreement. However, upon review, we find the city has not demonstrated any portion of the submitted information reveals financial or other incentives that are being offered to a business prospect for purposes of section 552.131(b). Thus, we conclude the city may not withhold any of the information at issue under section 552.131(b) of the Government Code. The city must release the submitted information.

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/eb

Ref: ID# 768197

Enc. Submitted documents

c: Requestor
(w/o enclosures)