



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 8, 2012

Mr. Mark Sossi
City Attorney
Office of the City Attorney
1001 East Elizabeth Street, Suite 234
Brownsville, Texas 78520

OR2012-01992

Dear Mr. Sossi:

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# 444759.

The City of Brownsville (the "city") received a request for all appraisal reports valuing the North Brownsville Industrial Park ("NBIP"), any sales data and other market data relied upon in creating the report, and any projections, studies, research or market data furnished by the NBIP to the appraiser. You claim that the requested information is excepted from disclosure under section 552.105 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information consists of a completed appraisal report that is subject to section 552.022 of the Government Code. Section 552.022(a)(1) provides for required public disclosure of "a completed report, audit, evaluation, or investigation made of, for, or by a governmental body[,]" unless the information is made confidential under the Act or "other law" or excepted from disclosure under section 552.108 of the Government Code. Gov't Code § 552.022(a)(1). Although you raise section 552.105 of the Government Code for the submitted information, that exception is discretionary and does not make

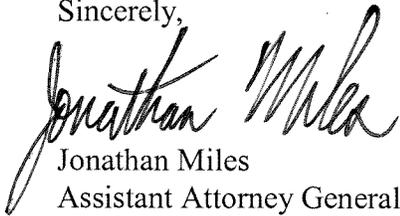
¹Although you raise section 552.131 of the Government Code, you have submitted no arguments explaining how this exception applies to the submitted information. Therefore, we assume you have withdrawn this exception. See Gov't Code §§ 552.301, .302.

information confidential under the Act. *See* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally); *cf.* Open Records Decision No. 564 at 2 (1990) (statutory predecessor to Gov't Code § 552.105 “was designed to protect a governmental body’s planning and negotiating position with respect to particular transactions”). Therefore, the submitted appraisal report may not be withheld under section 552.105 of the Government Code. As you raise no further exceptions, the submitted information must be released.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Miles". The signature is written in a cursive style with a large initial "J".

Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 444759

Enc. Submitted documents

c: Requestor
(w/o enclosures)