



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 26, 2013

Mr. Ronald J. Bounds
Assistant City Attorney
Legal Department
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2013-03243

Dear Mr. Bounds:

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# 479664 (City ID# 823).

The City of Corpus Christi (the "city") received a request for documents or communications between the Port of Corpus Christi, San Patricio County (the "county"), and the city regarding the possible annexation of a specified property in the county for a specified period of time . You claim the submitted information is excepted from disclosure under sections 552.131 and 552.137 of the Government Code. You also notified the Corpus Christi Regional Economic Development Corporation of the request for information and of its right to submit arguments to this office as to why the information should not be released. *See Gov't Code § 552.304* (interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

Section 552.131(b) of the Government Code provides as follows:

(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].

Id. § 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.* You assert the submitted information relates to negotiations between the city and a business prospect the city seeks to have locate in, stay, or expand in or near the city regarding potential financial or other incentives. You inform us the city has not yet reached an agreement with the business prospect. Based on your representations and our review of the submitted information, we agree a portion of this information consists of information about financial or other incentives being offered to the business prospect by the city. Accordingly, the city must withhold the information we have marked under section 552.131(b) of the Government Code. However, you have not demonstrated how the remaining information consists of information about financial or other incentives being offered to the business prospect. Consequently, none of the remaining information may be withheld under section 552.131(b).

Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, the general e-mail address of a business, an e-mail address of a person who has a contractual relationship with a governmental body, an e-mail address in information relating to a potential contract, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract, or an e-mail address maintained by a governmental entity for one of its officials or employees. *See id.* § 552.137(c). Accordingly, the city must withhold the e-mail addresses we have marked under section 552.137 of the Government Code, unless their owners affirmatively consent to their release under section 552.137(b) of the Government Code. We note the remaining e-mail addresses you have marked fall under subsection 552.137(c); therefore, the city may not withhold these addresses under section 552.137.

In summary, the city must withhold the information we have marked under section 552.131 of the Government Code. The city must withhold the e-mail addresses we have marked under section 552.137 of the Government Code, unless their owners affirmatively consent to their release. The city must release the remaining 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.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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/bhf

Ref: ID# 479664

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

Mr. Roland C. Mower
Chief Executive Officer/President
Corpus Christi Regional Economic Development Corporation
C/O Mr. Ronald J. Bounds
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