



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 25, 2013

Ms. Jennifer W. DeCurtis
Messer, Rockefeller & Fort, P.L.L.C.
6351 Preston Road, Suite 350
Frisco, Texas 75034

OR2013-12822

Dear Ms. DeCurtis:

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# 494353 [PP230D].

The City of Pilot Point (the "city"), which you represent, received a request for "any proposed developer agreements with Eland Farms . . . since 2012[,]" excluding certain documents.¹ You claim the requested information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception you claim 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].

¹We note the city sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Gov't Code § 552.131(b). Section 552.131(b) of the Government Code protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. *Id.* § 552.131(b).

You assert the submitted information relates to economic development negotiations between the city and a business prospect regarding potential financial incentives. We understand you to represent that negotiations are still ongoing and there has not been a final agreement to date. Based upon your representations and our review, we find some of the submitted information consists of information about financial or other incentives being offered to a business prospect by the city. Accordingly, the city may withhold the information we have marked under section 552.131(b) of the Government Code. However, we find you have not demonstrated how any of the remaining information consists of information about a financial or other incentive being offered to a business prospect by the city. Consequently, none of the remaining information may be withheld under section 552.131(b). Therefore, the remaining 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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 494353

Enc. Submitted documents

c: Requestor
(w/o enclosures)