



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 4, 2014

Ms. Sarah W. Langlois
Counsel for Spring Branch Independent School District
Rogers, Morris & Grover
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2014-19975

Dear Ms. Langlois:

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# 542047.

The Spring Branch Independent School District (the "district"), which you represent, received a request for correspondence between district employees and district school board members, excluding the district's attorneys, concerning the City of Houston's Tax Increment Reinvestment Zone No. 17 ("TIRZ 17"), HCC, Midway, and Metro-National during a specified time period. You state the district will release some of the responsive information. Although you take no position as to whether the submitted information is excepted from disclosure, you state, and provide documentation showing, you notified TIRZ 17 of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). We have received comments from an attorney for TIRZ 17. We have also received comments submitted by the requestor. *See id.* We have considered the submitted arguments and reviewed the submitted information.

TIRZ 17 raises section 552.105 of the Government Code, which 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.

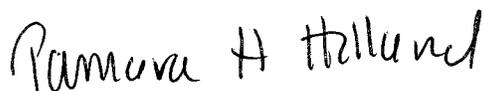
Id. § 552.105. We note this provision is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. *See* Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information that is excepted from disclosure under section 552.105 that pertains 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 that "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.

TIRZ 17 states the submitted information relates to district property and private property that TIRZ 17 seeks to acquire in connection with a detention pond TIRZ 17 proposes to build. TIRZ 17 states release of this information at this time, prior to the announcement of the project, would damage its negotiating position with respect to the acquisition and purchase price of the private property. Upon review, we find release of the submitted information would impair TIRZ 17's planning and negotiating position regarding a particular transaction. *See* ORD 357 at 3. We therefore conclude that the district may withhold the submitted information under section 552.105 of the Government Code. As our ruling is dispositive, we need not address TIRZ 17's remaining argument.

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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/bhf

Ref: ID# 542047

Enc. Submitted documents

c: Requestor
(w/o enclosures)

City of Houston Tax Increment Reinvestment Zone 17
c/o Ms. Jessica Holoubek
Allen Boone Humphries Robinson
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027
(w/o enclosures)