



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 24, 2015

Mr. Ray Rodriguez
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2015-12448

Dear Mr. Rodriguez:

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# 569008 (W075107-040715).

The City of San Antonio (the "city") received a request for responses submitted for a specified request for qualifications.¹ You state the city will release some information. You claim the submitted information is excepted from disclosure under sections 552.105 and 552.131 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of Ayrshire Corporation; Cambridge Holdings, Inc. ("Cambridge"); Draper and Kramer, Inc.; The Lynd Company; The NRP Group LLC ("NRP"); The Opus Group; Oxford Capital Group, LLC; Phoenix Property Company; PMRG; Ryan Companies US, Inc.; and TIRGO LLC. Accordingly, you state you notified these third parties of the request for information and of their rights to submit

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).

arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Cambridge and NRP. We have considered the submitted arguments and reviewed the submitted information.

Section 552.105 of the Government Code 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.

Gov't Code § 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 "which, 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. You state the submitted information relates to the location, appraisal, or purchase price of property for a public purpose. You state the city has made a good-faith determination that disclosure of the submitted information would impair its planning and negotiating position with respect to the real estate transaction at issue. Accordingly, we conclude the city may withhold the submitted information under section 552.105 of the Government Code.²

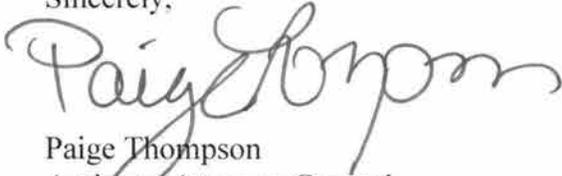
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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/>

²As our ruling is dispositive, we need not address the remaining arguments.

[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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 569008

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Dan B. Leverett
Executive Vice President
PMRG
1000 Main, Suite 2400
Houston, Texas 77002
(w/o enclosures)

Mr. Hunter Barrier
President of Development, SouthCentral Region
Ryan Companies US, Inc.
111 Congress Avenue, Suite 1850
Austin, Texas 78701
(w/o enclosures)

Mr. Ron Natinsky
Managing Director
TIRGO LLC
P.O. Box 800408
Dallas, Texas 75380
(w/o enclosures)

Mr. Theodore Einhorn
General Counsel
The NRP Group LLC
5309 Transportation Boulevard
Cleveland, Ohio 44125
(w/o enclosures)

Ms. Laurie D. Arnold
General Counsel & Chief Legal Officer
Cambridge Holdings, Inc.
8383 Preston Center Plaza, Fifth Floor
Dallas, Texas 75225
(w/o enclosures)

Mr. William F. "Billy" Burge, II
President
Ayrshire Corporation
2028 Buffalo Terrace
Houston, Texas 77019
(w/o enclosures)

Mr. Lawrence Pobuda
Senior Vice President and General Manager Phoenix
The Opus Group
2425 East Camelback Road, Suite 220
Phoenix, Arizona 85016
(w/o enclosures)

Mr. Rusty Ross
Phoenix Property Company
5950 Sherry Lane, Suite 320
Dallas, Texas 75225
(w/o enclosures)

Mr. John W. Rutledge
President and CEO
Oxford Capital Group, LLC
350 West Hubbard, Suite 440
Chicago, Illinois 60654
(w/o enclosures)

Mr. Michael Lynd, Jr.
President and CEO
The Lynd Company
8000 West Interstate Highway 10, Suite 1200
San Antonio, Texas 78230
(w/o enclosures)

Mr. Forrest D. Bailey
President and CEO
Draper and Kramer, Inc.
33 West Monroe Street
Chicago, Illinois 60603-5403
(w/o enclosures)