



The Attorney General of Texas

November 24, 1980

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Open Records Decision No. 259

Re: Whether the amount of a gift to a city is public under the Open Records Act when the donor has requested that the amount not be revealed

Dear Mr. Wright:

You have requested our opinion regarding whether a pledge agreement relating to a gift to a city is public information under the Open Records Act, article 6252-17a, V.T.C.S., when the donor has requested that it not be revealed.

A donor has pledged a substantial sum to the city of Port Neches for the purpose of building a library. The pledge indicates that the entire amount "shall be paid in cash on or before February 1, 1981." The donor has requested that the pledge agreement be withheld from public disclosure at this time.

Article 6252-17a, V.T.C.S., the Open Meetings Act, provides, in section 2(f):

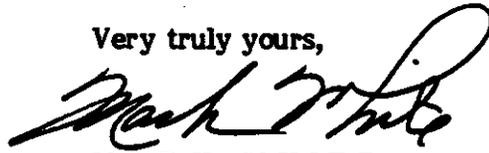
The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.

You express concern that disclosure, over the objection of the donor, "would endanger the timely payment" of the pledge. As a result, we believe that the agreement between the city and the donor may be said to be in the negotiating stage, and will remain so until payment of the full amount of the pledge. Section 3(a)(1) of the Open Records Act excepts from disclosure

"information deemed confidential by law." In this instance, the particular law is section 2(f) of article 6252-17a. Since the city could at this time exclude the public from a meeting discussing the pledge, the city may, in our view, also decline to reveal the contents of the pledge agreement while negotiations are pending, i.e., not later than February 1, 1981.

It is therefore our decision that the city of Port Neches need not disclose a pledge agreement relating to a gift from a private donor until the entire amount of the gift is paid, or not later than February 1, 1981. When full payment has been tendered, the city should disclose the requested information.

Very truly yours,



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