



# The Attorney General of Texas

March 17, 1981

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An Equal Opportunity/  
Affirmative Action Employer

Honorable L. Jack Davis  
General Manager  
Gulf Coast Waste Disposal Authority  
910 Bay Area Boulevard  
Houston, Texas 77058

Open Records Decision No. 265

Re: Whether information submitted to Gulf Coast Waste Disposal Authority by corporation requesting bond issuance is available under the Open Records Act

Dear Mr. Davis:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether information regarding the site of a waste treatment facility is available to the public.

You state that on October 9, 1980, Big Chief Environmental Services, Inc. (hereinafter "Big Chief"), submitted to the Gulf Coast Waste Disposal Authority a proposal to erect a waste treatment plant within the boundaries of the authority. Big Chief requested that the authority provide pollution control facilities at the plant, and, for that purpose, the authority, on October 16, 1980, adopted a resolution authorizing the issuance of pollution control bonds. At present, Big Chief is negotiating for the purchase of the proposed site. A competitor of Big Chief's has requested a copy of the resolution. Big Chief has expressed concern that disclosure of the location of its proposed plant will compromise its negotiations. You suggest that the information is excepted from disclosure by sections 3(a)(1), 3(a)(4) and 3(a)(10) of the Open Records Act.

In our opinion, information relating to the site of the proposed plant is excepted from disclosure by section 3(a)(5), as:

information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor.

The resolution approving the issuance of bonds provides, in pertinent part:

WHEREAS, in order to promote the public purposes of the Authority, the Authority proposes to acquire,

purchase, improve, or to complete the acquisition, purchase, or improvement of the Facilities, and to sell the Facilities to the Company. . . .

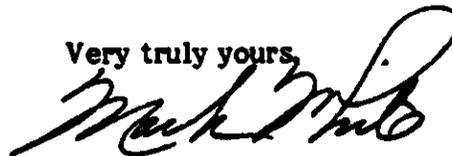
We believe it is clear that the location of the proposed plant constitutes "information pertaining to the location of real or personal property for public purposes." As we said in Open Records Decision No. 222 (1979):

[t]his exception is clearly designed to protect a governmental body in its planning and negotiating position in regard to particular transactions. . . .

Section 3(a)(5) remains applicable so long as a site has not been purchased. When the purchase has been completed, information regarding the site must be disclosed. Open Records Decision No. 234 (1980). Since it does not appear that Big Chief objects to disclosure of any portion of the resolution except that pertaining to the location of the plant, the entire resolution should be made available when the purchase has been completed.

It is our decision that a resolution of the Gulf Coast Waste Disposal Authority which reveals the proposed location of a waste treatment plant is excepted from disclosure by section 3(a)(5) of the Open Records Act until purchase of the site has been completed.

Very truly yours,



MARK WHITE  
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