



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 4, 1996

Mr. Tracy A. Pounders  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-1826

Dear Mr. Pounders:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101420.

The City of Dallas (the "city") received a request for information concerning a proposed new sports arena and "correspondence with the Dallas Mavericks, Dallas Stars or their representatives, officers or owners." You assert that portions of the requested information are excepted from required public disclosure based on sections 552.105, 552.107(1), and 552.111 of the Government Code. You have submitted several exhibits as a representative sample of the information the city seeks to withhold from public disclosure.

Section 552.105 excepts from public 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 purposes prior to the formal award of contracts for the property.

This exception protects a governmental body's planning and negotiating position with respect to particular real or personal property transactions. *See* Open Records decision No. 357 (1982). Its protection generally expires upon the governmental body's acquisition of the property in question. Open Records Decision No. 222 (1979). We agree that until the city acquires the property in question, section 552.105 protects from required public disclosure the marked information in Exhibit B as well as all of Exhibit C.<sup>1</sup>

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<sup>1</sup>As we have concluded that the city may withhold from the public the marked portions of Exhibit B pursuant to section 552.105, we need not address your assertion that a certain draft document that is part of Exhibit B is excepted from public disclosure pursuant to section 552.111 of the government Code.

You assert that the marked portions of Exhibit D are excepted from required public disclosure pursuant to section 552.107(1) of the Government Code. Section 552.107(1), which essentially incorporates the attorney-client privilege, protects from public disclosure information that reveals an attorney's advice and opinion as well as client confidences. See Open Records decision No. 574 (1990). We agree that the marked portions of Exhibit D are excepted from public disclosure pursuant to section 552.107(1).

Finally, in raising section 552.111 of the Government Code, you state that "[i]t is anticipated that the requested documents will contain intraagency memoranda and letters containing information which would not be available by law to a party in litigation with the City." You state that if necessary, the city may supplement its request for an opinion with additional representative samples within ten days of the date of your letter to us, August 12, 1996. We have received no such supplementation. Without the documents before us, we cannot rule on your section 552.111 claim. Accordingly, we conclude that the city may not withhold any of the requested information pursuant to section 552.111 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 101420

Enclosures: Marked documents

cc: Mr. Todd J. Gillman  
Staff Writer  
The Dallas Morning News  
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(w/o enclosures)