



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 26, 2016

Mr. Gerard A. Cantu  
Assistant City Attorney  
Office of the City Attorney  
City of Laredo  
P.O. Box 579  
Laredo, Texas 78042-0579

OR2016-16764

Dear Mr. Cantu:

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# 620076 (Ref. Nos. W006039-050216 and W006085-051616).

The City of Laredo (the "city") received two requests from different requestors for certain information pertaining to a specified study or studies performed by the city.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.131 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the first request because it does not consist of the study specified by the requestor in the clarified request for information. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

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<sup>1</sup>We note the city sought and received clarification of the first request. *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 when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

Next, we note portions of the responsive information are subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Gov't Code § 552.022(a)(1). The information we have marked consists of completed reports subject to section 552.022(a)(1). The city must release the completed reports pursuant to section 552.022(a)(1) unless they are excepted from disclosure under section 552.108 of the Government Code or expressly made confidential under the Act or other law. *See id.* Although you raise section 552.131(b) of the Government Code for the completed reports, this section is a discretionary exception to disclosure and does not make information confidential under the Act. *See Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions).* Therefore, none of the information subject to section 552.022, which we have marked, may be withheld under section 552.131(b) of the Government Code. As you raise no further exceptions to disclosure of this information, it must be released. However, we will consider your argument under section 552.131(b) for the responsive information not subject to section 552.022.

Section 552.131(b) of the Government Code provides:

...

(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted from [required public disclosure].

Gov't Code § 552.131(b). Section 552.131(b) protects information about a financial or other incentive offered to a business prospect by a governmental body or another person. You assert the remaining responsive information relates to economic development negotiations involving the city and a business prospect and information about financial incentives being offered to that business prospect. You state the negotiations with the business prospect are pending. Upon review, we find the city has not demonstrated any of the remaining responsive information consists of information about a financial or other incentive being offered to a business prospect. Consequently, none of the remaining responsive information

may be withheld under section 552.131(b) of the Government Code. As you raise no further exceptions to disclosure, the city must release the remaining responsive information.

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](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,

A handwritten signature in black ink, appearing to read "Kenny Moreland". The signature is fluid and cursive, with a large initial "K" and "M".

Kenny Moreland  
Assistant Attorney General  
Open Records Division

KJM/som

Ref: ID# 620076

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)