

Roanoke withholding Citibank documents

- **City leaders say the new Homeland Security law allows them to keep the documents secret**

By Jessica DeLeon

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ROANOKE – Roanoke officials have blocked access to development documents commonly available to the public, citing a new law intended to protect against terrorism.

The city took the unusual step on behalf of a Citibank unit, also granting it property tax breaks to build a \$200 million data processing center near Alliance Airport.

The city officials have classified site maps and other documents related to Citibank's planned facility "For Officials Use Only."

City Attorney Jeff Moore said Roanoke may conceal the documents under the state Homeland Security law, which took effect Sept. 1. The law generally exempts information about "critical infrastructures" from public disclosure, if the information is gathered to prevent or investigate terrorism.

The six-member Roanoke City Council unanimously adopted the "official use" policy on Feb. 24. Members said they and top city officials also signed confidentially agreements with a private business, which sources have identified as Citibank.

City Council agendas have referred to the development as "Project Cornerstone."

"It's to protect the security of the people we're doing business with," said Mayor Randy Corn. "We're not hiding anything."

Joel White, a Houston lawyer who is president of the Freedom of Information Foundations of Texas, criticized the "official use" policy as overly broad.

"My concern is that the city manager or the city secretary could decide a document is sensitive when it isn't," he said. The foundation, based in Dallas, is a nonprofit organization that helps people gain access to public records.

The council voted 5-0 Monday to approve a site plan for the development, which officials said will be built on Litsey Road. Councilman Steve Heath was absent. Construction is expected to begin by next month, officials said.

The city had already granted Citigroup Technology property tax breaks worth \$500,000 over 20 years.

The deal is a huge coup for Roanoke, a city of 4,650 near the Texas Motor Speedway.

The 250,000-square-foot building will house an electronic data processing center, according to documents prepared for the City Council's meeting Monday. Roanoke officials have said the center could employ 100 workers and, after tax incentives, still generate \$4 million or more in city property tax revenue.

"It's like the Easter Bunny and Santa Claus coming to town," said Councilman Frank Temple.

Next week, Citibank is expected to seek property tax discounts on the project from Denton County.

A Citibank spokeswoman in New York did not return three telephone calls Monday seeking comment.

On Friday, the *Star-Telegram* asked to review several documents relating to the center, including a site map.

City Secretary Kelly Edwards declined to release the records, citing the new policy. The city may ask the Texas attorney general's office for a ruling on whether the documents must be released, officials said.

The policy appears to conflict with the state's Public Information Act, which guarantees the public's right to access records kept by governmental agencies. Records may be withheld when they are specifically exempted from disclosure – for example, an employee's home telephone number or trade secrets that could give a competing business a significant advantage.

Development documents commonly filed with city planning departments have long been open records.

Temple said he and other council members, the city manager and city secretary signed nondisclosure agreements late last year, pledging not to discuss anything about the deal until it become public.

"Otherwise, we would not have been privy to the information," Temple said.

The mayor added, "It's standard practice on a business deal."

Councilwoman Holly Gray-McPherson said the confidentiality agreements are needed because of the sensitivity of the deal.

"I knew that was going to be an issue," she said, referring other questions to the city attorney.

Councilman Brian Darby said people who want access to certain records covered by the new policy must prove their case first.

“It’s not meant to hinder getting records,” he said. “It’s a little more protection because of the content.”

Under the state Homeland Security law, cities may keep certain documents secret if the records are maintained to prevent, detect, respond to or investigate terrorism.

City Manager Jimmy Stathatos said Roanoke officials adopted the policy at the request of a private company, which other city officials have identified as Citibank.

Stathatos said that if the policy doesn’t meet the spirit of the new Homeland Security law, the city will release the requested records related to the Citibank development.

Frank Sturzl, executive director for the Texas Municipal League, said the organization has not tracked how many cities have withheld information based on the Homeland Security law.

The Texas attorney general’s office has issued several open records rulings related to the law. They are available online at www.oag.state.tx.us. Agency officials would not comment on the Roanoke records dispute.

Before enactment of the law, a report about a water plant that some said could be misused by terrorists had been considered to be an open document, Sturzl said.

“What this law did was it shielded that information from state law,” Sturzl said. “We were concerned about giving away information about vulnerability.”