



# The Attorney General of Texas

July 5, 1982

MARK WHITE  
Attorney General

Supreme Court Building  
P. O. Box 12548  
Austin, TX. 78711-2548  
512/475-2501  
Telex 910/874-1367  
Telecopier 512/475-0266

1607 Main St., Suite 1400  
Dallas, TX. 75201-4709  
214/742-8944

1824 Alberta Ave., Suite 180  
El Paso, TX. 79905-2793  
915/533-3484

10 Dallas Ave., Suite 202  
Houston, TX. 77002-6986  
713/650-0666

306 Broadway, Suite 312  
Lubbock, TX. 79401-3479  
806/747-5238

4309 N. Tenth, Suite B  
McAllen, TX. 78501-1685  
512/682-4547

200 Main Plaza, Suite 400  
San Antonio, TX. 78205-2797  
512/225-4191

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Affirmative Action Employer

Honorable Kathryn J. Whitmire  
Mayor  
City of Houston  
P. O. Box 1562  
Houston, Texas 77251

Open Records Decision No. 317

Re: Availability under the  
Open Records Act of names of  
members of advisory task  
forces appointed by mayor

Dear Ms. Whitmire:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the availability of the names of persons appointed to advisory task forces.

You state that, subsequent to your election as mayor in November 1981, but prior to your inauguration on January 1, 1982, you adopted the suggestion of your campaign staff to establish task forces for the purpose of examining "the operational aspects of specific areas of the existing city governmental structure." All appointments to these task forces were made by a member of your voluntary campaign staff, and you have not participated in their work at any time. You also state that "no city or public funds have been expended by these task forces," and that "[d]irect city involvement has been limited to a small number of city employees who have provided information or liaison to these task forces." You contend that, as a result, the task forces do not constitute "governmental bodies," and thus, the identity of their membership need not be disclosed.

Section 2(1) of the Open Records Act defines "governmental body," inter alia, as:

(C) every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city;

....

(F) the part, section, or portion of every organization, corporation, commission, committee, institution, or agency which is supported in whole or in part by public funds, or which expends

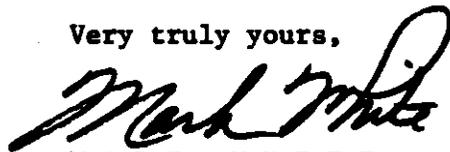
public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof.

Since the task forces at issue here were appointed by your agent prior to your inauguration as mayor, and since they apparently function totally outside the authority of city government, they may not, in our view, reasonably be "classified as a department, agency, or political subdivision of a... city."

Several decisions, however, have relied upon subdivision (1)(F) to support a conclusion that a particular entity was a "governmental body." In Open Records Decision No. 302 (1982), for example, we said that, because the Brazos County Industrial Foundation received an unrestricted grant of funds from the city of Bryan, it was "supported... in part by public funds" and thus, was a "governmental body" under the Open Records Act. See also Open Records Decision Nos. 228 (1979); 201, 195 (1978). Likewise, a search advisory committee established to recommend candidates for president of Texas A & M University to the board of regents was held to constitute a governmental body under the act because, since its members were reimbursed for expenses, it expended public funds. Thus, in order to be termed a governmental body, an entity which is not officially linked to a particular branch of government must expend, or be in part supported by, public funds. So long as the task forces about which you inquire do not expend or are not supported by public funds, we must conclude that they do not meet the criteria for a "governmental body." Under the facts presented, these task forces are thus not subject to the Open Records Act, and the identity of their membership need not be disclosed.

We caution, however, that even if the task forces are viewed as purely private entities, a list of their members would be subject to disclosure if such a list is held by you or any other agent of the city for official city purposes. Since no such facts have been presented, we make no determination of this issue.

Very truly yours,



MARK WHITE  
Attorney General of Texas

JOHN W. FAINTER, JR.  
First Assistant Attorney General

RICHARD E. GRAY III  
Executive Assistant Attorney General

Prepared by Rick Gilpin  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Susan L. Garrison, Chairman  
Jon Bible  
Rick Gilpin  
Patricia Hinojosa  
Jim Moellinger