



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 29, 1996

The Honorable Thomas F. Lee  
District Attorney  
63rd Judicial District  
P.O. Box 1405  
Del Rio, Texas 78841

Letter Opinion No. 96-113

Re: Whether the Del Rio Chamber of Commerce  
Room Tax Committee is subject to the Open  
Meetings Act, Chapter 551, Government Code  
(ID# 38830)

Dear Mr. Lee:

You ask "whether or not the Room Tax Committee, a sub-committee of the Del Rio Chamber of Commerce, consisting of members of the Del Rio Chamber of Commerce and one member of the Del Rio City Council, is subject to the Texas Open Meetings Act."<sup>1</sup> You explain that the city and the chamber of commerce have contracted for the chamber to expend a certain percentage of the "room tax"<sup>2</sup> collected by the city to advertise and promote tourism to the city. The Room Tax Committee actually decides to which advertising or tourism projects the money will be applied. We believe that this body is not subject to the Open Meetings Act.

The Open Meetings Act applies to "governmental bodies" and defines the term "governmental body" to include "a municipal governing body in the state" and "a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality." Gov't Code §§ 551.001(3)(C), (3)(D); *see also id.* §§ 551.001(2) (definition of "deliberation"), .001(4) (definition of "meeting"). The body that you describe is not a governmental body at all, it is basically a committee of the chamber of commerce. The inclusion of one city council member on the committee does not transform the body into a governmental body. We therefore believe that the "room tax committee" is not subject to the Open Meetings Act. *See* Attorney General Opinions DM-7 (1991) at 2 (Parker County Committee on Aging not subject to act), JM-1072 (1989) at 2 (stating general rule that local-level entity must fall within definition of "governmental body" to be covered by act), JM-596 (1986) at 3-4 (nonprofit water supply corporation organized under art. 1434a, V.T.C.S., not subject to act) (result changed by adoption of provision codified as Gov't Code § 551.001(3)).

You indicate your familiarity with Letter Opinion No. 93-55 (1993), which concluded that the Greater San Marcos Chamber of Commerce was not subject to the Open Meetings Act. We

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<sup>1</sup>You do not ask whether this arrangement is permissible under the constitution or whether it is in conformity with chapter 351 of the Tax Code. Therefore we do not address these supplementary issues.

<sup>2</sup>"Room tax" means the local hotel occupancy tax authorized by chapter 351 of the Tax Code.

reiterate the caution contained in that opinion that while a given entity may not be subject to the Open Meetings Act, it may still be covered by the Open Records Act, Gov't Code ch. 552.

**S U M M A R Y**

A committee of the chamber of commerce that is expending funds raised by the local hotel tax under contract with the city is not a governmental body within the Open Meetings Act.

Yours very truly,

A handwritten signature in cursive script that reads "Susan L. Garrison".

Susan L. Garrison  
Assistant Attorney General  
Opinion Committee