

Marcos Hernandez, Jr.
Criminal District Attorney
Hays County Courthouse
Room 208
San Marcos, Texas 78666
512/396-4343

MBJ JET
file # ML-18139-92
ID# 18139

December 1, 1992

Ms. Madeleine B. Johnson
Chair, Opinion Committee
Attorney General's Office
P.O. Box 12548
Austin, TX 78711-2548

RO-472

Dear Ms. Johnson:

I would like for the Attorney General to give an opinion as to whether or not our local Chamber of Commerce, Economic Development Council, and Convention and Visitor's Bureau come under the requirements of the Open Meetings Act which would require that the meetings be posted and open to the general public.

Our Chamber of Commerce consists mostly of local businessmen and merchants who are organized to promote the business and commerce of the city. Membership is open to the general public. The Chamber is designed to attract outside business and industry to settle in San Marcos but also to improve relationships within the membership. The City of San Marcos funds part of the Chamber budget but most funds are from private sources. Because some of their budget comes from "public" sectors, is the Chamber of Commerce required to comply with the Open Meetings Act?

The Economic Development Council consists of members appointed by the Chamber of Commerce in an agreement with the City of San Marcos. (I have included a copy of that agreement.)

The Economic Development Council meets the fourth Tuesday of each month in the Chamber building when they discuss attracting new industry or business to this community.

The Convention and Visitors Bureau receives funding from the city's Hotel/Motel tax. This agency is administered by nine board members as approved by guidelines agreed to by the city of San Marcos and the Chamber of Commerce. It's stated purpose is to promote tourism, encourage the arts, and historical preservation and restoration in the city. They meet the second Tuesday of each month. They decide in what manner the funds will be spent to accomplish their stated purpose.

I understand that none of these entities is a governmental agency but they do receive public funds and they do make decisions that affect the economic well being of this community. I also realize that they are subject to the Open Records Act. Are they then also required to comply with the Open Meetings Act?

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcos Hernandez, Jr.', written in a cursive style.

Marcos Hernandez, Jr.
Hays County
Criminal District Attorney

MH/lm