



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2015

Mr. Gary B. Lawson
Counsel for the Greater Irving Las Colinas Chamber of Commerce
Strasburger & Price, L.L.P.
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2015-14297

Dear Mr. Lawson:

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# 569845.

The Greater Irving Las Colinas Chamber of Commerce (the "chamber"), which you represent, received two requests for information from the same requestor. The first request seeks specified credit card statements, policies, the chamber's most recent audit report, records pertaining to specified financial transactions, and spreadsheets showing all financial transactions during a specified period of time for specified accounts.¹ The second request seeks information pertaining to a specified incident. You contend the chamber is not a governmental body that is subject to the Act. Nevertheless, you state the chamber will release some of the requested information. Additionally, in the alternative, you claim the remaining information is excepted from disclosure under sections 552.101, 552.102, and 552.111 of the Government Code. You also state you notified a named individual of the second request and of that individual's right to submit

¹We note the chamber sought and received clarification of the information requested. 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 that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have received and considered comments from the named individual's attorney. We have considered the submitted arguments and reviewed the submitted information.

You assert the chamber is not a governmental body, and therefore it is not subject to the Act. The Act defines "governmental body" in pertinent part as

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Id. § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds." *Greater Houston P'ship v. Paxton*, No. 13-0745, 2015 WL 3978138, at *9 (Tex. June 26, 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at *7, and only those entities acting as the functional equivalent of the government, *see id.* at *8.

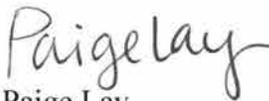
You state the chamber is a non-profit corporation that helps over 1,800 business members as well as the City of Irving (the "city") to promote economic development. You state the chamber has an economic development contract with the city which represents 41% of the chamber's budget, the balance coming from the over 1,800 business members' contributions. You further explain the chamber manages a "sister cities" program for the city by providing protocol services and assistance to foreign countries wanting to do business in the city, as well as a billboard rental program. You state if aggregated, the sister cities program, fees collected from managing billboard rentals, and the economic development contract, the chamber receives around 50% of its funding from services sold to the city. However, you state the chamber does not depend on any particular revenue source from the city to survive. Upon review of your representations, we find the chamber is not sustained by public funds. *See Greater Houston P'ship*, No. 13-0745, 2015 WL 3978138, at *9. Consequently, the chamber does not fall within the definition of a "governmental body" under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act.²

²As our ruling is dispositive, we need not address the remaining arguments against disclosure of this 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, 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/bhf

Ref: ID# 569845

Enc. Submitted documents

c: Requestor
(w/o enclosures)