



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 31, 1994

Honorable Rene O. Oliveira  
Chair  
Economic Development Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

Letter Opinion No. 94-012

Re: Whether the union membership of a director of the Brownsville Navigation District disqualifies him or her from voting on certain matters (ID# 23780)

Dear Representative Oliveira:

You request an opinion concerning whether a member of the International Longshoreman's Association Local who also serves as an elected board member of the Brownsville Navigation District is disqualified from voting on an issue of whether to grant a license to an applicant for a stevedoring company to work at the Port of Brownsville. You advise that the local branch of the association previously sought and secured an injunction invalidating an application made by the same stevedoring company. The board member was not a named party in the litigation and he has no family or financial interest in the transaction.

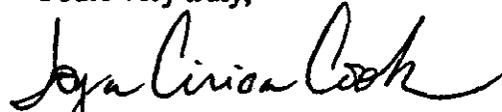
Chapter 171 of the Local Government Code addresses certain conflicts of interest involving local public officials, including members of special districts. *Local Gov't Code* § 171.001(1); *see Dallas County Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271 (Tex. App.--Waco 1991, writ denied) (member of flood control district); Attorney General Opinions JM-1187 (1990); JM-1060 (1989) (appraisal district board member); JM-583 (1986) (community college district board member). The provisions of chapter 171 require that a local public official who has a "substantial interest" in a business entity must in certain instances file an affidavit and abstain from participation in the matter in accordance with the terms of section 171.004(a), (b). *See Local Gov't Code* § 171.002 (defining substantial interest in a business entity). A local public official commits an offense if he knowingly participates in a vote or decision on a matter involving a business entity in which he has a substantial interest if "the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public." *Id.* § 171.004(a)(1).

Chapter 171 is applicable only in those situations in which the "local public official" has a "substantial interest in a business entity," as defined therein. On the facts you have provided, the individual here does not possess a "substantial interest in a business entity." Therefore, the conduct of the individual of whom you inquire is not circumscribed by the provisions of chapter 171.

**S U M M A R Y**

Absent a violation of chapter 171 of the Local Government Code, the union membership of a director of a navigation district does not disqualify him or her from voting on certain matters before the district.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Teya Cirica Cook".

Teya Cirica Cook  
Assistant Attorney General  
Opinion Committee