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December 3, 2003

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DEC 31 2003

OPEN RECORDS DIVISION

Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

FILE # ML-43400-03

I.D. # 43400

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OPINION COMMITTEE

RQ-0155-GA

Re: Open Meetings Opinion Request
Bryan Business Council, Inc.

Dear General Abbott:

In March of this year we received a request to determine whether the Bryan Business Council, Inc. is subject to the Open Meetings Act, Government Code chapter 551.

The Bryan Business Council, Inc. (BBC) was originally incorporated in 1982 as the Bryan Development Foundation, Inc., pursuant to the Texas Non-Profit Corporation Act for the purpose of attracting and promoting multi-family residential, manufacturing, commercial and industrial enterprises within the vicinity of the City of Bryan. The Board of Directors is appointed by the Bryan City Council. A copy of the Articles of Incorporation and of the By-laws are enclosed.

The Bryan Business Council has no rule-making or quasijudicial authority, nor does it have any governmental powers. Funding for operations comes from property sales at the Bryan Business Park and from oil and gas revenues from property owned in the Bryan Business Park. Those properties were originally granted to the corporation by the City of Bryan. The BBC does make decisions regarding sales and purchases of land which are not subject to approval by the city council. A copy of the budget is enclosed.

In accordance with previous Attorney General Opinions, particularly Letter Opinion 93-55 and Letter Opinion 94-090, it is our belief that the Bryan Business Council, Inc. is not subject to the requirements of the Open Meetings Act.

In the event that your office determines that the Bryan Business Council falls within the definition of a "governmental body" and is therefore subject to the requirements of the Open Meetings Act, we would request your further opinion as to the applicability of § 551.087.


The Bryan Business Council, Inc. analyzes economic prospects for certain city-owned properties and obtains economic feasibility studies on behalf of the City of Bryan. Part of this mission involves discussions of various economic incentives that the City may be willing to include in proposals from potential economic development prospects. It is our belief that such discussions would be permitted within a closed session pursuant to § 551.087(2).

Finally, in the event that your office determines that the Bryan Business Council falls within the definition of a "governmental body" and is therefore subject to the requirements of the Open Meetings Act, we would also request your opinion as to the applicability of § 551.072. It is our belief that this section would permit the Bryan Business Council to meet in closed session for discussions regarding economic incentives that are being considered for development of certain City owned property.

Your written opinion addressing these matters would be greatly appreciated.

Respectfully,

BILL R. TURNER
District Attorney

By: 
Margaret Lalk
Assistant District Attorney