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OPINION COMMITTEE

March 26, 2008

TEXAS HOUSE OF REPRESENTATIVES

BEVERLY WOOLLEY
CHAIRMAN, COMMITTEE ON CALENDARS
CIVIL PRACTICES AND INSURANCE

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OPEN RECORDS DIVISION

VIA U.S. CERTIFIED MAIL

The Honorable Greg Abbott
Office of the Attorney General
Opinion Committee
Post Office Box 12548
Austin, TX 78711

FILE # ML-45606-08

I.D. # 45606

RQ-0691-GA

Re: Opinion Request Concerning whether the Texas Association of Appraisal Districts falls within the definition of "governmental body" in Chapter 552 of the Government Code

Dear General Abbott:

Please accept this letter as a request pursuant to Texas Government Code Section 402.042 for an opinion from your office for clarification as to whether the Texas Association of Appraisal Districts meets the definition of "governmental body" in Texas Government Code Chapter 552 of the Government Code.¹ Generally, this chapter establishes the guidelines for when an open records request may be made, upon which entities, and which information may be obtained.

Texas Government Code Chapter 552 provides that a person may obtain certain information from a "governmental body." "Governmental body" is defined in Texas Government Code Section 552.003 as follows:²

§ 552.003. DEFINITIONS. In this chapter:

(1) "Governmental body":

(A) means:

- (i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;
- (ii) a county commissioners court in the state;
- (iii) a municipal governing body in the state;
- (iv) 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;
- (v) a school district board of trustees;
- (vi) a county board of school trustees;

¹ Tex. Gov. Code Ann. §552.003 (Vernon Supp. 2007).

² Id.

- (vii) a county board of education;
- (viii) the governing board of a special district;
- (ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;
- (x) a local workforce development board created under Section 2308.253;
- (xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and
- (xii) 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; and

The Texas Association of Appraisal Districts ("TAAD") describes itself as a "statewide, voluntary non-profit organization incorporated and organized to promote the effective and efficient functioning and administration of appraisal districts in Texas."³ TAAD counts among its members appraisal districts, tax officials from school districts, cities, counties, state agencies and other entities, and other property tax professionals.⁴ Appraisal districts, school districts, cities, and counties are commonly recognized as political subdivisions of this state.⁵

Political subdivisions of this state are funded with tax payer revenue. The members of TAAD pay a fee for membership.⁶ In the case of appraisal districts, school districts, cities, and counties which are funded by taxpayer revenue, the source of the membership fees may be taxpayer dollars.

As such, I respectfully request an opinion from your office as to whether the use of tax payer dollars to pay membership fees to the TAAD, a non-profit corporation which counts among its membership largely governmental entities and officials, subject the TAAD to Texas Government

³ See Texas Association of Appraisal Districts' "About Us" section on their webpage, http://www.taad.org/about_us.html.

⁴ Id.

⁵ Cities, counties, school districts are defined inter alia as "governmental bodies" for purposes of the Public Information Act. Tex. Gov Code Ann. §552.003 (Vernon Supp. 2007) See Also, Tex. Tax Code Ann. §6.01 (Vernon Supp. 2007) (stating that an appraisal district is a political subdivision of this state); See Chapter 11 of the Education Code establishing school districts pursuant to the grant in Art 7 of the Texas Constitution; and See Tex. Loc. Gov. Code Ann. § 1.01 et. seq. (Vernon Supp. 2007) (defining the types of cities and the establishment of counties in Texas).

⁶ See enclosed "TAAD Membership Application" for fee schedule.

Chairman Woolley Opinion Request

re: the definition of "governmental body" as applied to the TAAD

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Code Chapter 552 as a non-profit corporation that is supported in whole or in part by public funds.

Thank you for your consideration of this issue. If I can be of any assistance, please do not hesitate to contact me. I look forward to your reply.

Kind regards,



Beverly Woolley

State Representative, District 136

Chairman, House Committee on Calendars

Encl.

Texas Association of Appraisal Districts 2008 Membership Application

Begin your 2008 membership with TAAD now and your membership is effective immediately. Renewal membership runs from January 1 through December 31.

CAD/Business Name: _____

First Name: _____ MI: _____ Last Name: _____

Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____ Fax: (____) _____

E-mail Address: _____

CAD member districts: please submit a typed roster of your deputy chief appraiser(s) and each district director and attach to this membership application, including name, address, and e-mail for each person.

Member District - Includes all Appraisal District Directors, Chief Appraiser, Deputy Chief Appraiser, Appraisal Review Board members, and all appraisal district staff. TAAD's newsletter "*THE APPRISER*" will be mailed (or e-mailed for faster delivery) to the chief appraiser, deputy chief appraisers, and all directors. (Additional subscriptions available for \$20 -- see website for form.)

Affiliate – Individuals not eligible for member district or associate membership but who are affiliated with the Texas property tax system (subject to approval of TAAD Executive Board).
Dues: \$150 per person

Associate – Individual personnel of appraisal districts, taxing entities, individual ARB members, state agency personnel, and retired employees of all these groups.
Dues: \$100 per person

Retired – Individuals who were employed as the chief appraiser of a TAAD member district at the time of retirement. ("*THE APPRISER*" subscription by e-mail only is complimentary. Mailed subscriptions are \$20)
Dues: Complimentary

2007 Appraisal Budget (Excluding collections budget)	2008 Dues
\$0 to \$99,999	\$ 300
\$100,000 to \$249,999	\$ 500
\$250,000 to \$499,999	\$ 700
\$500,000 to \$999,999	\$ 900
\$1,000,000 to \$4,999,999	\$1,200
Over \$5,000,000	\$1,800

Return with payment to:
Texas Association of Appraisal Districts
7700 Chevy Chase Drive; Building One, Suite 425
Austin, Texas 78752-1558
Telephone: (512) 467-0402 Fax: (512) 452-0427

Office Use ONLY
Date: _____ Ck #: _____
Paid: _____ PC: _____ DB: _____