



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

February 23, 1976

The Honorable Joe Resweber
County Attorney
Harris County Courthouse
Houston, Texas

Opinion No. H-785

Re: Whether breakfast meetings of the Commissioners' Court are required to be open to the public and preceded by notice under the Open Meetings Act.

Dear Mr. Resweber:

You ask if breakfast meetings of the Commissioners' Court are required to be open and preceded by notice under the Open Meetings Act, article 6252-17, V.T.C.S.

Specifically, you inform us that an individual commissioner

submitted a proposal to the Harris County Commissioners Court that the members of the Commissioners Court host regularly scheduled breakfast meetings. These breakfast gatherings would not be open to the public and no notice of such would be posted. The purpose of such gatherings would be to provide an opportunity for various invited elected officials to know one another on an individual basis, in an atmosphere where business discussion would not be scheduled.

The scope of the Open Meetings Act's coverage is established in the definition of "governmental body" and "meeting." Attorney General Opinion H-772 (1976). Clearly, the Commissioners' Court is a governmental body. Sec. 1(c). It is necessary, then, to determine whether the proposed breakfasts will constitute meetings. Section 1 of the Act provides in part:

Section 1. As used in this Act:

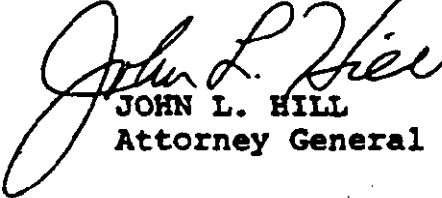
(a) 'Meeting' means any deliberation between a quorum of members of a governmental body at which any public business or public policy over which the governmental body has supervision or control is discussed or considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body. . . .

From this definition it is apparent that the proposed breakfasts would constitute meetings required to be open to the public and preceded by notice, if a quorum is present and "any public business or public policy over which the [Commissioners' Court] has supervision or control is discussed or considered. . . ." Only if the breakfasts are purely social in nature and do not in any way involve discussion or consideration of public business or public policy would they be outside the scope of the Act.

S U M M A R Y

Breakfast meetings of the Commissioners' Court must be open to the public and preceded by notice if public business or public policy over which the Court has supervision or control is considered.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jwb