

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Requests for Opinions

RQ-0122-KP

Requestor:

The Honorable Dennis Bonnen
Chair, Committee on Ways & Means
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Authority of a municipality to use hotel occupancy tax revenue to fund a feasibility study and the construction, operation, and maintenance of a performing arts center (RQ-0122-KP)

Briefs requested by September 2, 2016

RQ-0123-KP

Requestor:

The Honorable Timothy Mason
Andrews County and District Attorney
121 North West Avenue A
Andrews, Texas 79714

Re: Authority of a reserve deputy sheriff to act as a surety on a bail bond (RQ-0123-KP)

Briefs requested by September 7, 2016

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201604002
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: August 9, 2016



Opinions

Opinion No. KP-0105

The Honorable Joe Deshotel
Chair, Committee on Land and Resource Management

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Application of the conflict of interest rules in chapter 171 of the Local Government Code to members of a planning and zoning commission or historic landmark commission who reside or own property within the historic district (RQ-0094-KP)

S U M M A R Y

Members of the Beaumont Planning and Zoning Commission and the Beaumont Historical Landmark Commission are local public officials subject to chapter 171 of the Local Government Code. A Beaumont city employee providing staff support for the two commissions is not a local public official subject to chapter 171. Any real property interest within the historic district owned by members of either commission and valued at \$2,500 or more is a substantial property interest for which the members must file an affidavit stating the nature and extent of the interest before a vote or decision on any matter involving the property.

Whether the members must abstain from voting on matters involving their property interest depends on whether it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public. Such question involves fact issues and is outside the purview of an attorney general opinion.

Opinion No. KP-0106

The Honorable Angie Chen Button
Chair, Committee on Economic and Small Business Development
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Whether and to what extent limitations exist on the Texas Facilities Commission's ability to renew leases for space under §2167.055 of the Government Code (RQ-0095-KP)

S U M M A R Y

Section 2167.055(e) of the Government Code does not limit how early the Texas Facilities Commission may exercise a lease renewal option nor does it address whether the Commission may exercise multiple renewal options at the same time. A court would likely conclude that the Commission may concurrently exercise more than one renewal option

in a lease provided that the terms of the options in the aggregate do not exceed ten years.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201604003

Amanda Crawford
General Counsel
Office of the Attorney General
Filed: August 9, 2016

