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April 2, 1998

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RQ-1124

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Question: May the Commissioners Court of Jefferson County, Texas, appoint one or more members of the Pleasure Island Commission to serve as commissioner(s) of a park board created pursuant to Chapter 321 of the Local Government Code.

Jefferson County Commissioners Court desires to create a Parks Board as authorized by Chapter 321 of the Local Government Code. The Commissioners Court may desire to appoint one or more of the presently sitting Pleasure Island Commissioners to commissioner positions on the newly created parks board. Section 321.021(c) of the Local Government Code provides:

“A park commissioner may not be an officer or employee of the county or of a municipality in the county.”

The Pleasure Island Commission was created in 1962 to “manage, control, maintain, operate and develop the island property in the City of Port Arthur commonly known as Pleasure Island. (Article XVIII of the Port Arthur City Charter attached). Pleasure Island Commission members are appointed by, and serve at the pleasure of, the city council of Port Arthur, Texas.

Since Section 2 of the creation instrument states: “the Commission shall constitute a body politic and corporate and have all of the powers and authority provided in S.B. 1330, 69th Legis.,” it would appear that commission members are not officers or employees of the county or of a municipality in the county. We seek your opinion concerning the status of Pleasure Island Commissioners and whether they may be appointed to a county parks board.

Sincerely,

Thomas F. Rugg