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OPINION COMMITTEE

The State of Texas  
House of Representatives FILE # ML-46139-09

I.D. # 46139



Mark Homer  
DISTRICT 3

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July 28, 2009

**RQ-0814-GA**

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

Re: Request for Opinion regarding Logan Slough Creek Improvement District

Dear General Abbott:

On behalf of the landowners of Logan Slough Creek Improvement District ("LSCID"), located in Lamar County, I respectfully request your opinion on the following issues pertaining to the governing of the District:

**I. Who is qualified to serve as Director? Specifically, what does the LSCID Statute mean when it states that in order to be qualified to be a Director, the person must own taxable property in the district?**

*i. Are there current Directors serving on the Board who are not qualified?*

**II. Are elections to be held according to the guidelines in the statute or does the Texas Elections Code govern?**

- i. How does a person get his/her name on the ballot?*
- ii. Is the election to be published in a newspaper or other public notice outlet?*
- iii. Were the correct procedures followed in regard to the last election of the Board of Directors?*

**III. If there are Directors serving who are not qualified or if the proper election procedures were not followed, how does the District proceed to have a legal election for qualified Directors?**

**IV. Is the LSCID subject to the Public Meetings Act and Open Records Act so that all discussions regarding issues must be had during regularly scheduled meetings?**

Also included within this package is a brief which outlines the case law applicable to gain a correct interpretation of the statute. Thank you for your consideration of this request. Please let me know if I can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Mark Homer".

Mark Homer, Chair  
Culture, Recreation and Tourism Committee