

**RECEIVED**

By Opinion Committee at 7:55 am, Apr 21, 2023



**RQ-0507-KP**

**FILE# ML-49268-23**

**I.D.# 49268**

**BRANDON CREIGHTON**

STATE SENATOR  
DISTRICT 4

April 20, 2023

The Honorable Ken Paxton  
Attorney General of Texas, Attention: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711

The Honorable Ken Paxton:

I am submitting this request for an Attorney General's Opinion regarding the powers and duties of the Galveston Park Board of Trustees. I am seeking clarity on the following questions:

1. Given that the enabling legislation recites the Park Board's powers, duties and responsibilities (including but not limited to entering long term leases, issuing bonds, and other activities associated with an independent governmental entity), may the City of Galveston (the City) by ordinance, absent an agreement, limit the Park Board's powers granted by the State?
2. Considering that Texas Tax Code Sec. 351.105(f)(2) states that a "Park Board" may use appropriated HOT funds "without further authorization", may the City lawfully exercise control over the Park Board's use of those funds after the funds are appropriated to the Park Board?
3. Given that the enabling legislation authorizes the City to designate parks and facilities to the Park Board, and add to those designations over time, may the City lawfully remove previously designated parks and facilities from the Park Board's control?

Thank you for your opinion on the above matters. Please contact my office with any questions.

Respectfully,

A handwritten signature in black ink that reads "Brandon Creighton".

Brandon Creighton  
State Senator  
District 4

CAPITOL OFFICE:  
P.O. BOX 12068  
AUSTIN, TEXAS 78711  
(512) 463-0104 • FAX (512) 463-6373

DISTRICT OFFICE:  
2829 TECHNOLOGY FOREST, STE. 240  
THE WOODLANDS, TEXAS 77381  
(281) 292-4128

E-MAIL: BRANDON.CREIGHTON@SENATE.TEXAS.GOV

COMMITTEES:  
EDUCATION, CHAIR • BUSINESS & COMMERCE  
FINANCE • JURISPRUDENCE