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September 16, 2025

Via Email: opinion.committee@oag.texas.gov

Texas Attorney General
ATTN: Opinion Committee
P.O. Box 12458
Austin, Texas 78711

Re: Request for legal opinion regarding whether a Type A general law city may accept a donation of property including money for municipal purposes

Greetings Opinion Committee:

This letter serves as a formal request for your opinion concerning whether a Type A general law city may accept a donation of property including money. The City of Whitney is interested in accepting donations of money for the funding of road repairs, police equipment, and other municipal purposes or accepting property for municipal purposes.

In Texas Attorney General Opinion No. GA-0562 (2007), you opined that prosecuting attorneys do not have the authority to accept gifts or grants except as expressly provided by statute.

In some circumstances, state law explicitly allows a Type A general law city to accept a donation of property including money. For instance, Texas Local Government Section 332.005 allows a general law city to accept land, money, or personal property to use in support of public recreation facilities and programs.

Sections 51.015 and 51.034 allow a Type A General Law City to "hold" property. The City's concern is whether Sections 51.015 and 51.034 of the Texas Local Government Code give a Type A general law city the broad authority to accept donations for municipal purposes, even when there is not another statute that expressly provides such authority.

We have been unable to find a court case or Attorney General's Opinion dealing with this specific situation. We are aware that other Type A general law cities would like to be able to accept donations for municipal purposes. Obtaining such a ruling would clarify this issue for the City, as well as other local governmental units.

Please do not hesitate to contact me if any further information is needed.

Respectfully,

A handwritten signature in blue ink, appearing to read 'R. David Holmes', with a long, sweeping horizontal line extending to the right.

R. David Holmes
Hill County Attorney