

# TEXAS HOUSE OF REPRESENTATIVES

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Norma Chávez

RQ-0071-GA

24 June 2003

RECEIVED  
JUN 27 2003  
OPINION COMMITTEE

The Honorable Greg Abbott  
Attorney General of the State of Texas  
ATTN: Nancy Fuller  
Opinions Committee  
Post Office Box 12548  
Austin, Texas 78711

FILE # ML-43163-03  
I.D. # 43163

Dear General Abbott:

I am forwarding two letters from Roberto Maldonado, City Attorney for the City of Pleasanton.

Basically, he has three questions:

- (1) If a home-rule charter is silent, may the city council authorize council member participation in the city employee health insurance program with the premium for the council member paid by the city?
- (2) If such participation is permissible, what mechanism should be used to authorize such participation; and
- (3) If the premium were paid on behalf of city council members, would this constitute compensation subject to reporting and withholding under the Internal Revenue Code?

Thank you for your attention to this matter.

*Norma Chávez*

Norma Chávez, Chair  
House Committee on Border and International Affairs

cc: Representative Canales



DISTRICT 76



LAW OFFICE OF  
**ROBERTO MALDONADO**

ROBERTO MALDONADO

127 LEWIS STREET  
SAN ANTONIO, TEXAS 78212  
(210) 226-2161  
FAX (210) 226-2201

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June 10, 2003

The Honorable Gabi Canales  
State Representative, District 35  
P.O. Box 2910  
Austin, TX 78711

***RE: City of Pleasanton Attorney General Opinion Request***

Dear Representative Canales:

As the city attorney for the City of Pleasanton, I am again requesting your assistance in seeking a Texas Attorney General opinion on behalf of the City. Enclosed please find a copy of the letter sent to your office requesting such assistance.

We realize you have recently completed an extremely difficult session. If you would like for me to make alternative arrangements to request the opinion, please advise at your earliest convenience.

Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,



ROBERTO MALDONADO

RM/sm

enclosure

Cc: Mr. Bill Lamb  
Ms. Kathy Harris

LAW OFFICE OF  
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March 13, 2003

The Honorable Gabi Canales  
State Representative, District 35  
P.O. Box 2910  
Austin, TX 78711

**RE: *City of Pleasanton, Texas***

Dear Representative Canales:

I am the city attorney for Pleasanton, Texas. I have been asked to solicit an opinion from the Texas Attorney General relating to issues of interest to the Pleasanton city council. Specifically, the city council is interested in the following:

1. If a home-rule charter is silent, may the city council authorize council member participation in the city employee health insurance program with the premium for the council member paid by the city?
2. If such participation is permissible, what mechanism should be used to authorize such participation; and
3. If the premium were paid on behalf of city council members, would this constitute compensation subject to reporting and withholding requirements under the Internal Revenue Code?

As you are aware, only certain officials may request a formal Attorney General opinion on questions of law. A city council or city attorney may not request such an opinion. As a member of the Texas House of Representatives representing the City of Pleasanton, we are respectfully requesting that you ask a committee of the Texas House to request an opinion to address the issues framed above.

Sections 402.042 and 402.043 of the Government Code set out the eligibility of requestors of Attorney General opinions. A committee of the Texas Legislature may make such requests. Rep. Fred Hill chairs the House Committee on Local Government Ways and Means; however, the Government Code allows any committee chair to request an Attorney General opinion.

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Hon. Gabi Canales  
March 13, 2003  
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On behalf of the City of Pleasanton, we respectfully request your consideration of this request. Please do not hesitate to contact me if you need additional information or have any questions.

Very truly yours

A handwritten signature in black ink, appearing to read 'Roberto Maldonado', written over a horizontal line.

ROBERTO MALDONADO

RM/sm