

# THE SENATE OF THE STATE OF TEXAS

## CAPITOL OFFICE

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MIKE.JACKSON@SENATE.STATE.TX.US  
DIAL 711 FOR RELAY CALLS



## COMMITTEES

NOMINATIONS, CHAIR  
NATURAL RESOURCES  
SUBCOMMITTEE ON AGRICULTURE, RURAL  
AFFAIRS AND COASTAL RESOURCES  
GOVERNMENT ORGANIZATION  
STATE AFFAIRS

**MIKE JACKSON**  
**RECEIVED**

November 24, 2008

DEC 01 2008

OPINION COMMITTEE

FILE # MI-45925-08  
I.D. # 45925

The Honorable Greg Abbott  
Attorney General of the State of Texas  
Attn: Nancy Fuller  
Opinions Committee  
P. O. Box 12548  
Austin, Texas 78711

**RQ-0767-GA**

Dear Attorney General Abbott:

I would like to take this opportunity to request an Attorney General's opinion regarding the potential conflict of interest for an attorney hired by Pasadena Independent School District (PISD) to represent the District in the collection of delinquent ad valorem taxes but who also acts as an unpaid advisor to the District's Board of Trustees regarding parliamentary procedure and the Open Meetings Act.

In regards to this attorney's contract with PISD, he acts as outside counsel who represents the District on the collection of delinquent ad valorem taxes. His compensation is a contingency fee based on a percentage of the amount of taxes, penalties and interest collected for the District.

The attorney in question does not participate in discussions with the Board or furnish advice to the District on his delinquent tax collection contract and recuses himself from any participation or discussion in open or closed board meetings regarding the issue of tax collection. However, ad valorem tax collection advice is provided by a separate counsel, Dave Feldman of Feldman, Roger, Morris & Grover, LLP, hired by PISD.

The concern for conflict of interest has been raised by a citizen of Pasadena and the District would like to ensure that they are abiding by all laws and rules of this state. It is not the District's intention to engage in any impermissible conduct and would like to confirm that there are no illegal practices taking place.

Your attention to this matter is greatly appreciated. Please do not hesitate to contact Holly Deshields in my Capitol Office at (512) 463-0111 if you have any questions regarding this request.

Sincerely,



Mike Jackson  
State Senator  
District 11

cc: Mr. Kirk Lewis, Superintendent of Pasadena Independent School District

LEAGUE CITY DISTRICT OFFICE  
201 ENTERPRISE, SUITE #600-A  
LEAGUE CITY, TEXAS 77573  
281/334-0011  
FAX: 281/334-3043



SENATE DISTRICT 11

PASADENA DISTRICT OFFICE  
1109 FAIRMONT PARKWAY  
PASADENA, TEXAS 77504  
713/948-0111  
FAX: 713/948-0004

# Pasadena Independent School District

*"National Model School District 2008"*

November 19, 2008

Senator Mike Jackson  
P.O. Box 12068  
Austin, TX 78711

RECEIVED  
NOV 21 2008

Re: Request for Attorney General Opinion

Dear Senator Jackson:

I am writing to ask your assistance in seeking an opinion from the Attorney General of Texas on a matter relating to the Pasadena Independent School District (the "District") and potentially to multiple school districts in Texas. Dave Feldman of Feldman, Rogers, Morris & Grover, L.L.P. suggested I write you directly. On behalf of the District, I seek clarification on whether the school district is in compliance with laws and rules enforced by the Attorney General in connection with the facts as presented below. It's my understanding that such requests may only be made through an elected official.

The District currently employs a separate outside counsel by contract who represents the District in connection with the collection of delinquent ad valorem taxes due the District. In consideration for such services, the District compensates the attorney on a contingency fee basis of a certain percentage of all delinquent tax, penalty, and interest received by the District.

The attorney also furnishes services to the District's Board of Trustees as an unpaid advisor at Board meetings. In his capacity as advisor at Board meetings, the attorney acts generally as a parliamentarian advising the Board on matters of procedure and Robert's Rules of Order and the Open Meetings Act as issues may arise at a Board meeting whether in open or closed meeting. That is, Attorney's advice is on procedural, but not substantive matters.

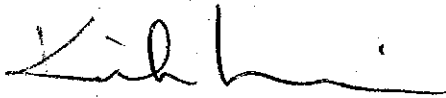


Kirk Lewis, Ed. D.  
Superintendent

The attorney does not participate in discussion or furnish advice to the Board or the District in connection with the District's delinquent tax collection contract. Such advice is provided by District counsel Dave Feldman and his law firm. The attorney recuses himself from any participation or discussion in meetings regarding that issue whether in closed session or open meeting.

Concerns have been raised by one of our citizens that by acting as delinquent tax collection attorney and an unpaid advisor to the Board of Trustees at Board meetings, the attorney is engaging in an impermissible and illegal conflict of interest or other potential violation of law. The District and the attorney seek to comply with all laws and rules and seek the opinion of the Attorney General on this matter. Please contact me if I can provide you with further details. Thank for your assistance and your service to public education.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Lewis", with a long horizontal flourish extending to the right.

Kirk Lewis