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KERR COUNTY ATTORNEY

HEATHER STEBBINS

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January 3, 2023

Office of the Attorney General
Attention Opinion Committee
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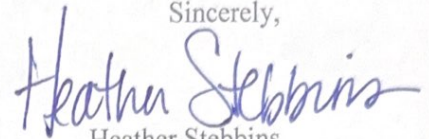
Background

1. Local Government Code 263 governs the sale or lease of properties by counties. LGC 263.006 governs land swaps.
2. Subsection (b) requires the commissioners court to post notice in English in a newspaper of general circulation where the property is located for three consecutive weeks prior to an exchange, with the first posting at least 20 days prior to an exchange.
3. Subsection (c) requires the county to obtain a fair market value appraisal. It also prohibits a county from exchanging lands where the total consideration, including partial cash payments, is less than the fair market appraisal. LGC 263.006(c) generally prohibits an exchange without cash or other consideration to meet the difference in value.
4. Subsection (e) contains an exception from both requirements for swaps between 'the United States, [Texas], municipalities, or other political subdivisions of this state.' This chapter leaves the term "political subdivision" undefined.
5. Government Code 2175.004(2), on the other hand, *does* define a volunteer fire department as a political subdivision for surplus and salvage property dispositions.

Request for Opinion

6. Is a volunteer fire department considered a political subdivision of the state for purposes of Local Government Code 263.006(e)?

Sincerely,

A handwritten signature in blue ink that reads "Heather Stebbins". The signature is written in a cursive style with a long horizontal flourish at the end.

Heather Stebbins
Kerr County Attorney
700 Main St BA103
Kerrville, TX 78028