

# THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

## Requests for Opinions

### RQ-0504-KP

#### Requestor:

Mr. Thomas J. Gleeson  
Executive Director  
Public Utility Commission of Texas  
Post Office Box 13326  
Austin, Texas 78711

Re: Questions related to the exclusive original jurisdiction of the Public Utility Commission or a municipality to regulate water rates and services in particular circumstances (RQ-0504-KP)

#### Briefs requested by May 12, 2023

### RQ-0505-KP

#### Requestor:

The Honorable Phil Sorrells  
Tarrant County Criminal District Attorney  
401 West Belknap  
Fort Worth, Texas 76196

Re: Application of Local Government Code section 120.002 to a county's transfer of a deputy constable from the constable's office to other county departments (RQ-0505-KP)

#### Briefs requested by May 17, 2023

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202301404  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: April 18, 2023



## Opinions

### Opinion No. KP-0441

Ms. S. Renee Tidwell  
Tarrant County Auditor

100 East Weatherford

Fort Worth, Texas 76196-0103

Re: Authority of a magistrate appointed by a judge or group of judges under Government Code chapter 54 to simultaneously serve as staff legal counsel for the appointing judge or judges and for the other appointed magistrates (RQ-0476-KP)

## S U M M A R Y

Neither the dual-officeholding prohibition in article XVI, subsection 40(a) of the Texas Constitution, nor the common-law incompatibility doctrine prohibit a criminal-law magistrate appointed under Government Code chapter 54 from also serving as staff legal counsel to the judges appointing the magistrate. Similarly, Government Code chapter 575 likely does not preclude the dual service.

The question whether the simultaneous service violates the Disciplinary Rules of Professional Conduct for attorneys or the Code of Judicial Conduct for magistrates is a question that cannot be determined in an Attorney General opinion.

### Opinion No. KP-0442

The Honorable Laurie K. English  
112th Judicial District Attorney  
Post Office Box 1187  
Ozona, Texas 76943

Re: May the Fire Chief or Lieutenant of the Iraan Volunteer Fire and Rescue Department simultaneously serve on the Iraan City Council (RQ-0486-KP)

## S U M M A R Y

Absent a resolution adopted by the Iraan City Council under Local Government Code section 21.003, the dual service of a person as a member of a volunteer fire department and member of the City Council is prohibited.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202301360  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: April 12, 2023

