

**In the Court of Appeals  
for the Fifteenth Judicial District  
Austin, Texas**

THE STATE OF TEXAS,

*Appellant,*

v.

CITY OF DALLAS; KIMBERLY BIZOR TOLBERT, IN HER  
OFFICIAL CAPACITY AS THE INTERIM CITY  
MANAGER FOR THE CITY OF DALLAS; AND THE  
STATE FAIR OF TEXAS,

*Appellees.*

On Appeal from the  
298th Judicial District Court, Dallas County

**STATE'S EMERGENCY MOTION  
FOR RELIEF PENDING APPEAL**

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## **TO THE HONORABLE FIFTEENTH COURT OF APPEALS:**

The Texas Legislature could hardly have been clearer: “[A] political subdivision of the [S]tate may not take *any* action ... that states *or implies*” that a law-abiding Texan “is prohibited from entering *or remaining* on a premises or other place *owned or leased* by the governmental entity” just because that person is carrying a handgun. Tex. Gov’t Code § 411.209(a) (emphasis added). Nevertheless, the City of Dallas is attempting to do exactly that. The City and State Fair of Texas, Inc. (“SFOT”) (collectively, “Defendants”) announced that, for the first time, handgun-license holders will not be permitted to enter the state fair this year. Because the City owns the property on which the state fair is held, Defendants’ conduct violates state law.

Moreover, “[a]s a sovereign entity, the State has an intrinsic right to . . . enforce its own laws,” *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (quoting *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015)), particularly “in the maintenance and operation of its municipal corporations in accordance with th[at] law.” *Id.* (quoting *Yett v. Cook*, 281 S.W. 837, 842 (Tex. 1926)). As a result, the State was entitled as a matter of law to interim relief against the City Manager’s participation in this unlawful scheme—relief that would have then applied to all city employees acting in concert with the Manager. *See* Tex. R. Civ. P. 683. Even if not directly applicable to SFOT, because SFOT would presumptively need the cooperation of city officials to enforce its unlawful edict, such relief would have substantially ameliorated (if not entirely eliminated) the State’s harm.

Nevertheless, the trial court denied relief to the State, thereby forcing thousands of law-abiding Texans to choose: forgo a right guaranteed to them by the

Constitution and recognized by statute or be excluded from a place of public accommodation. *See* App.54–59. And, absent temporary relief now, it is highly unlikely that any appellate court will be able to review that decision in time for this year’s fair, which is scheduled to begin on September 27 and ends on October 20. *See* App.171.

Because Defendants intend to begin enforcing their unlawful edict on September 27, 2024, **the Attorney General requests a ruling by Tuesday, September 24**, in order to give the Texas Supreme Court time to consider the issue if needed. In the alternative, **the Attorney General requests an administrative stay while the Court considers this motion.** *See, e.g.,* Order at 1, *In re the State of Texas*, No. 20-0715 (Tex. Sept. 15, 2020).

## **BACKGROUND**

### **I. Factual Background**

As this Court is well aware, the state fair is held at Fair Park in Dallas, a 277-acre fairground owned by the City and operated by SFOT, App.54, which attracts millions of visitors with its livestock shows, shopping, and over-the-top food offerings—all overseen by the world famous Big Tex. State Fair of Texas, *The 2023 State Fair of Texas By the Numbers*, <https://bigtex.com/the-2023-state-fair-of-texas-by-the-numbers/> (last visited Sept. 30, 2024) This year, the state fair will be held from September 27, 2024, to October 20, 2024. App. 171. And, for the first time ever, its website states that “[t]he State Fair of Texas prohibits fairgoers from carrying all firearms;” that “[p]reviously, our weapons policy allowed licensed concealed carry”

but that “[n]ow it does not;” and that the State Fair has purchased a “Weapons Detection System” to screen fair goers for weapons. App.181.

Between August 8 and August 10, 2024, the Attorney General received a total of 12 complaints from law abiding Texans, alleging that the City and SFOT intended to exclude handgun-license holders from the state fair should they exercise their statutory (indeed, constitutional) right to carry a pistol in self-defense. App.5–21, 55. On August 14, State Representative Dustin Burrows and State Senator Mayes Middleton formally requested an Attorney General opinion “on whether local governments can create gun bans, that would be otherwise prohibited under the law, by simply working through a 501(c)(3) or other private entity.” App.26–27. The request specifically asked about Section 411.209’s impact on SFOT. App.26–27.

On August 13, 2024, after investigating the citizen complaints and looking into the opinion request in the light of current law, the Attorney General sent a letter to the City informing it that the exclusion violated Section 411.209. App.23–24. On August 28, 2024, the City sent a responsive letter to the Attorney General disavowing any participation in SFOT’s decision to exclude handgun-license holders but endorsing that exclusion as lawful. App.29–33.

## **II. Procedural Background**

On August 29, 2024, in response to Defendants’ refusal to correct their policy, the State sued the City and its city manager on the ground that Section 411.209 prohibits the exclusion of handgun-license holders from the state fair. App.35, 38–40. To avoid any assertions that it had failed to join a necessary party, that claim also named the SFOT. App.35. Asserting both a common-law *ultra vires* claim and

statutory claims, the State sought a temporary injunction to prevent the City and its officials from engaging in further ultra vires acts. App.55–67.

The State asserted three claims for relief against the City and its officials which are relevant to this motion. *First*, the State generally asserted a statutory claim under Section 411.209 for equitable relief. *See* App.58–59. *Second*, the State asserted an ultra vires claim seeking to enjoin the city manager from allowing the Dallas Police Department to arrest “license holders who are carrying handguns.” *See* App.60. *Third*, the State sought to enjoin both the city manager and the City itself from violating the Texas Constitution by allowing SFOT to post notices described by Sections 30.06 and 30.07 of the Penal Code. App.63–64.<sup>1</sup> Although the City continued to maintain that it had no control over SFOT’s actions, *see* App.87, it also continued to maintain that the SFOT’s actions were lawful both in the courts of law, App.88, and in the court of public opinion, *see* Juan Salinas II, *Judge Allows Texas State Fair’s Gun Ban to Stand for Now*, Tex. Tribune (Sept. 19, 2024), <https://www.texastribune.org/2024/09/19/texas-state-fair-gun-ban-injunction-denied/>.

On September 19, the trial court held a hearing on the State’s request for a temporary injunction. The trial court denied the request in an unreasoned order. App.3. The State appealed from the denial of the temporary injunction, App.289, and now seeks an emergency temporary order under Texas Rule of Appellate Procedure 29.3.

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<sup>1</sup> The State also brought additional claims, but they are not at issue in this motion.

## STANDARD OF REVIEW

Texas Rule of Appellate Procedure 29.3 authorizes a court of appeals to “preserve the parties’ rights until disposition of the appeal.” Tex. R. App. P. 29.3. The Texas Supreme Court recently clarified that a court, in ruling on a motion for relief under Rule 29.3, must consider (1) the likelihood of success on the merits and (2) the balance of harms. *In re State*, No. 24-0325, 2024 WL 2983176, at \*2–3 (Tex. June 14, 2024). Akin to the standard applied by the trial court to the request for a temporary injunction, the Court explained, the primary question is “the likely merits of the parties’ legal positions.” *Id.* at \*3. If the party seeking relief is likely to prevail, the court will then consider (1) whether it “will suffer irreparable harm if relief is not granted,” (2) any harm “that other parties or the public will suffer if relief is granted,” and (3) “any potential injury to non-parties caused by granting or denying relief.” *Id.* In addition to the likely merits and balance of harms, a court may, in its discretion, “take into account other case-specific equitable considerations” when circumstances so warrant. *Id.*

## ARGUMENT

### **I. The State Will Likely Prevail on The Merits Because Defendants’ Plan Is Unlawful.**

The State is likely to succeed on the merits of its claims because Texas law prohibits municipalities like the City of Dallas from taking any action that would even *imply* that an individual licensed to carry a gun under state law may not do so on property the municipality owns. Defendants cannot avoid that conclusion by challenging the Attorney General’s standing to sue on behalf of the State. “As a

sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws,” *Naylor*, 466 S.W.3d at 790.

**A. The City may not exclude a handgun-license holder because Texas law expressly prohibits it.**

Because Dallas is a home-rule city, it typically “possess[es] the full power of self government and look[s] to the Legislature not for grants of power, but only for limitations on their power.” *Dall. Merchant’s & Concessionaire’s Ass’n v. City of Dallas*, 852 S.W.2d 489, 490 (1993) (citing *MJR’s Fare of Dall. v. City of Dallas*, 792 S.W.2d 569, 573 (Tex. App.—Dallas 1990, writ denied); *see also* Tex. Const. art. XI, § 5(a)). When the Legislature speaks, however, its laws have preemptive effect, and courts must give its statements full effect under ordinary rules of statutory construction. *BCCA Appeal Grp., Inc. v. City of Houston*, 496 S.W.3d 1, 7–8 (Tex. 2016). Here, even the City seems to concede that the Legislature has forbidden it from *directly* excluding an individual entitled to carry a handgun from property that it owns. No principle of law allows it to accomplish the same outcome *indirectly* by actions of its lessee taken with the City’s knowledge and support.

**1. The City may not *directly* exclude a handgun-license holder.**

Texas law unequivocally prohibits a political subdivision of the State from taking “any action . . . that states or implies that a license holder who is carrying a handgun . . . is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity,” with certain exceptions. Tex. Gov’t Code § 411.209(a). Courts must interpret statutes according to their contemporaneous plain meaning. *See Bexar Appraisal Dist. v. Johnson*, 691 S.W.3d 844, 847 (Tex.

2024). By its plain text, that statute applies to the circumstances presented here. Cities are political subdivisions of the State. *See Reata Const. Corp. v. City of Dallas*, 197 S.W.3d 371, 374 (Tex. 2006); *Chambers-Liberty Ctys. Navigation Dist. v. State*, 575 S.W.3d 339, 348 (Tex. 2019) (referencing cities as being political subdivisions under Section 411.209). And Dallas owns Fair Park even if it has leased the property to the State Fair. After all, to “own” is “[t]o rightfully have or possess as property; to have legal title to.” *Own*, Black’s Law Dictionary 1280 (10th ed. 2014); *see also Own*, Black’s Law Dictionary (12th ed. 2024) (providing same definition in current edition). Because an owner does not relinquish its ownership interest merely by leasing its property to another, *see, e.g.*, Tex. Prop. Code § 201.003(3), the City and its agents remain responsible for what happens at fair park.

True, a political subdivision may exclude a handgun license-holder under several specific, enumerated exceptions. Conspicuously absent from that list is the State Fair. Under the rules of statutory interpretation set out by the Texas Supreme Court, words absent from a statute “must . . . be presumed to have been excluded for a purpose.” *City of Fort Worth v. Pridgen*, 653 S.W.3d 176, 187 (Tex. 2022) (citation omitted). Given that the “State of Fair of Texas” is hardly an obscure entity, it is “fair to suppose” that the Legislature “considered the unnamed possibility and meant to say no to it.” *In re J.S.*, 670 S.W.3d 591, 602 n.9 (Tex. 2023) (cleaned up).

Even if the Court were to look beyond that deliberate omission, none of the cited exceptions would apply. Specifically, the most relevant exceptions appear to be: (1) a business that “derives 51 percent or more of its income from the sale” of alcohol for on-premises consumption, (2) “a high school, collegiate, or professional sporting



event or interscholastic event,” or (3) an “amusement park.” Tex. Penal Code § 46.03(a)(7), (8), (13).

*First*, there is no basis to conclude that the SFOT derives 51 percent of its income from alcohol sales. Indeed, if it did, there would be an entirely different problem: A search of the TABC’s website reflects that although certain *vendors* have a license to sell alcohol, the SFOT does not. App. 198 (listing search results for entities with the term “state fair” in their names).<sup>2</sup> That certain locations at the fair may even derive 51 percent or more of their revenue from the sale of alcohol does not justify a categorical exclusion for the entire 277-acre fairground. Indeed, if it did, a number of the other exceptions in the Penal Code would be entirely unnecessary—for example, as there are frequently bars in airports, Tex. Penal Code § 46.03(a)(5); racetracks, *id.* § 46.03(a)(4); and sporting events, *id.* § 46.03(a)(8). Courts do not lightly presume that the Legislature intended to create surplusage, and this is not an instance where context indicates that “the Legislature repeated itself out of an abundance of caution, for emphasis, or both.” *In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001).

*Second*, similarly, the use of some of the buildings on the fairground for sporting or interscholastic events at certain times does not allow the exclusion of handgun-license holders from all *other* buildings and grounds. Section 46.03 expressly limits exclusion to the “premises” on which the sporting event occurs while it “is taking place.” Tex. Penal Code § 46.03(a)(8). Section 46.03 also expressly limits the

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<sup>2</sup> For example, the business “Fletcher’s Original State Fair Corny Dogs” is a vendor at the State Fair and holds a license to sell alcohol. *See* App.200.

“premises” to “a building or a portion of a building”—not the entire 277-acre fairground. *See id.* § 46.03(c)(4); *see also* Texas Gov’t Code § 411.209(j) (incorporating Penal Code’s definition by reference).

*Third*, SFOT does not operate long enough each year to qualify as an “amusement park.” To the contrary, the Legislature specifically defined the amusement-park exception to apply only to parks that are “open for operation more than 120 days in each calendar year.” Texas Penal Code § 46.03(a)(8). Because the state fair lasts for only twenty-four days per year, it is not an amusement park. App. 164. Given that the State Fair predates Section 46.03 by nearly a century,<sup>3</sup> it is safe to assume that if the Texas Legislature meant to include the State Fair in this definition—or any of the others for that matter—it would have said so. Because it did not, it is “fair to suppose” that the Legislature did not intend to exclude firearms from the fair—a decision that must be respected. *J.S.*, 670 S.W.3d at 602 n.9.

**2. The City may not *indirectly* exclude a handgun-license holder by permitting SFOT to exclude holders.**

The City argues that it has not violated these principles because *it* is not the one doing the excluding—that is all SFOT’s doing. Specifically, in response to the Attorney General’s letter, the City insisted “SFOT occupies and controls the Fair Park grounds and decides who is admitted into or prohibited from entering Fair Park” and that “during the Fair Operations Period, SFOT – not the City – controls

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<sup>3</sup> Compare SFOT, *About us*, <https://perma.cc/W76B-7ET3> (citing the State Fair’s establishment in 1886), *with* Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1.

who is allowed entry into Fair Park and what they can bring with them.” App.30. Unfortunately for the City, that is not actually true for three reasons.

*First*, the Government Code prohibits the City not just from forbidding the carrying of firearms on its property but from taking “any action . . . that states or *implies* that a license holder who is carrying a handgun . . . is prohibited from entering or remaining on a premises or other place owned . . . by the governmental entity.” Tex. Gov’t Code § 411.029(a). The City has taken such action already. In its response to the Attorney General’s request for a temporary injunction, the City endorsed SFOT’s view that a lessee “generally has the right to decide not to allow visitors to carry guns and to notify visitors of that decision” and that “[a]s a result, there is no basis for any injunctive relief based on a constitutional claim or violation.” App.105.

Even if the City did not directly participate in the original decision to ban guns from the fair, its statements at least “imply” that a license holder is prohibited from bringing a gun onto property owned by the City during the state fair. And the City violates the statute by taking “any action . . . that states or implies” that a license holder carrying a handgun is prohibited from entering any premises that it “own[s].” Tex. Gov’t Code § 411.209(a). The City’s letter and pleadings imply that a license holder is prohibited from carrying a gun at the state fair simply by blessing SFOT’s decision to exclude them. For example, the State asserted in its petition that the City will continue permitting the Sections 30.06 and 30.07 signs to remain in place during the state fair. App.61–62. The City has never disclaimed this. Instead, it merely asserts that posting the notice was not the City’s decision. App.87. Additionally, the

City has continued making statements that imply that SFOT is allowed to prohibit handgun-license holders from the state fair. App.88 (“As a private actor on property that it exclusively controls during the lease period, Texas law permits SFOT (like any other private actor) to decide whether it wishes to allow individuals carrying firearms onto the leased premises and the State Fair. The City of Dallas has no role in that decision and plays no role in enforcing whatever admission policy SFOT adopts.”). The City has similarly never disclaimed this allegation. *See, e.g.*, App. 87–105.

*Second*, the City’s budget and ordinances belie its public statements that it “exercises no oversight over SFOT and has no approval rights for SFOT’s policies or actions.” App.90. Specifically, according to the City’s budget, its Parks and Recreation Department (1) “[p]rovides financial support and contract management for . . . Fair Park,” App. 255, (2) “[p]rovides for the development of projects within Fair Park” which “often are completed in partnership with the State Fair of Texas, Inc. or other institutions who have a stake in the development of the park,” App. 267, and (3) has appropriated \$400,000 for the “management and operations of Fair Park” for the next fiscal year,” App.258. That same budget disproves the City’s allegation that “[n]o City employees, officials, or appointees are members of SFOT’s board.” App.90, stating unequivocally that “[t]he Mayor and City Council appoint community members to serve . . . on the . . . South Dallas/Fair Park

Opportunity Fund Board.” City of Dall., Annual Budget FYI 2023-2024 at 46, (2023).<sup>4</sup>

For their part, the City’s ordinances extensively regulate Fair Park, many times regulating the state fair directly. *See* Dall., Tex., Code §§ 31-11.5 to 32.20, 32-21 to 32-28.3. For example, the ordinances “provide certain rules and regulations governing . . . the grounds of the state fair,” *id.* § 32-13, make it an offense to “engage[] in the business of parking motor vehicles for compensation within the Fair Park parking area *during the state fair of Texas*,” *id.* § 32-22 (emphasis added), and make temporary waste lines “the responsibility of the state fair,” *id.* § 32-17. These governmental regulations of a specific private entity evidence the City’s extensive involvement in SFOT that is well-beyond any normal landlord-tenant relationship. More importantly here, they demonstrate that the City is perfectly capable of ensuring that SFOT permits Texans who have a statutory right to carry guns can enter the state fair—the City has simply failed to do so.

The City is also wrong to rely, App.99, on the Fifth Circuit’s holding in *Rundus v. City of Dallas*, 634 F.3d 309 (5th Cir. 2011), interpreting the extent of municipal liability under 42 U.S.C. § 1983. There, the Court held that the City is not responsible for the SFOT’s decision to prohibit a person from distributing Bible tracts at the state fair in which the City was uninvolved. *Id.* at 312, 315. But that case is inapposite. “Under *Monell v. Department of Social Services of City of New York*, [436 U.S. 658 (1978)] and its progeny, a claim of ‘municipal liability under Section 1983

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<sup>4</sup> *Available at:* <https://dallascityhall.com/departments/budget/financialtransparency/AnnualBudget/FY%202023-24%20Adopted%20Annual%20Operating%20and%20Capital%20Budget.pdf>.

requires proof of three elements: a policymaker; an official policy; and a violation of constitutional rights whose ‘moving force’ is the policy or custom.’” *Doe v. Edgewood Indep. Sch. Dist.*, 964 F.3d 351, 364 (5th Cir. 2020). Section 411.209 goes much farther than prohibiting the City from adopting an official policy that infringes upon a constitutional right: It prohibits the City from even “implying” that it endorses SFOT’s decision to preclude Texans from exercising their statutory right to carry while on government property.

*Third*, the Legislature has imposed an obligation on the City to ensure that licensed gun owners may enter the state fair because it has tied the prohibition on excluding handgun license-holders to ownership of government property. *See* Tex. Gov’t Code § 411.209(a). Specifically, in addition to prohibiting the City from taking “any action” that “states or implies” that a license holder may not carry a handgun on government property, it imposes on political subdivisions the obligation to “cure[]” violations on pain of civil penalties and “other appropriate equitable relief” sought by the Attorney General. *Id.* § 411.209(g). Read in context, this provision obligates the City, as the owner of Fair Park, to ensure that handgun-license holders may enter the premises. The City has not only failed to ensure that handgun-license holders can enter Fair Park but has also defended SFOT’s decision to exclude handgun-license holders in the trial court. App.88.

### **3. The City cannot avoid its obligations based on an outdated, inapplicable, and now-withdrawn Attorney General opinion.**

In trying to avoid its legal obligations to ensure that Texans visiting the state fair are able to enjoy the rights guaranteed to them by the Constitution and secured by

the Legislature, the City points to a 2016 Attorney General opinion stating that, in certain circumstances, a private lessor could lawfully prohibit firearms on premises leased from a political subdivision. Tex. Att’y Gen. Op. No. KP-0108, at 1 (2016). Leaving aside that the opinion has now been withdrawn, it does not support the City’s arguments in this case for two independent reasons.

*First*, the opinion was never meant to cover circumstances like those presented here. To the contrary, it expressly limited its conclusion that the nonprofit entity at issue there could prohibit firearms to circumstances where the entity had “an arms-length agreement to lease city property and [was] not otherwise affiliated with the city.” *Id.* The opinion expressly noted that where “a private entity is operating jointly with a governmental entity or has been hired by the governmental entity to perform certain governmental functions, fact questions could arise about which entity effectively posted a notice prohibiting the carrying of guns.” *Id.* As discussed above, the relationship between the City and SFOT falls within that proviso: The City significantly controls and finances SFOT. *Supra* p. 11. Accordingly, because the City lacks the “arms-length agreement” with SFOT that predicated the 2016 opinion’s analysis, the City’s reliance on KP-0108 was always misplaced. App.100-03.

*Second*, the Attorney General released Opinion KP-0108 in 2016—eight years ago during which there have been significant legal changes. For example, the U.S. Supreme Court has since held that the Second Amendment prohibits firearm restrictions absent a historical analogue to the restriction. *See N. Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 29-30 (2022). This ruling followed the Legislature’s

decision in 2021 to amend Texas’s firearm laws to allow permitless carry. *See* Act of May 24, 2001, 87th R.S., ch. 809, 2021 Tex. Gen. Laws 1960. The Legislature has also barred a landlord from “prohibit[ing] a tenant or a tenant’s guest from lawfully possessing” a firearm. Texas Prop. Code § 92.026. It also prohibited the owner of a property subject to an easement from excluding an easement holder on the basis of firearm possession. *Id.* § 5.020.

Applying ordinary statutory rules of construction, these legal developments suggest that even if entirely correct at the time it was issued, KP-0108 likely cannot stand—but, at minimum, requires reconsideration.<sup>5</sup> The whole-text canon directs that an entire statutory scheme, including the “logical relation of its many parts,” should be considered in construing a statute because “[c]ontext is a primary determinant of meaning.” Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 167 (2012). This canon applies across subject-matter codes. *See City of Round Rock v. Rodriguez*, 399 S.W.3d 130, 134–35 (Tex. 2013) (construing the Labor Code together with the Government Code in constructing a Labor-Code statute’s meaning). Under this canon, the Legislature’s recent enactments demonstrate that Section 411.209(a) restricts the property rights of

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<sup>5</sup> For this reason, among others, the City is wrong to suggest that the Attorney General has improperly withdrawn KP-0108 as a result of the State’s request for a temporary injunction. *See* App.100-02. The complaints that led to the Attorney General to bring this lawsuit also caused two members of the Texas Legislature to submit a request that the Attorney General consider the issue in the light of these recent legal developments and the circumstances of the state fair. *Supra* p. 3. The Attorney General withdrew KP-0108 to prevent confusion while he conducted that analysis.



municipalities to protect the right of individuals to carry firearms. Although they predate *Bruen*, the Legislature’s recent enactments demonstrate prescience because *Bruen* held that a government must have a historical analogue to restrict firearm possession—even on its own property. *See* 597 U.S. at 29–30. Given that the state fair has itself allowed firearms for 138 years (with the full knowledge of the City), it is far from clear how the City will be able to do so.

### **B. The Attorney General has standing to seek temporary relief.**

In a last-ditch effort to avoid this conclusion, the City argued that the Attorney General does not have standing to seek equitable relief. App.95–96, 150–59. The City alleged that the Attorney General did not comply with the statutory prerequisites for seeking civil penalties under section 411.209. App.95–96, 152–55. The State disputes this claim, App.57–58, but even if true, the City conflates the question of whether the State has a cause of action—a question which is often confusingly labeled “statutory standing”—with whether it has an injury sufficient to satisfy the constitution. *Pike v. Texas EMC Mgmt., LLC*, 610 S.W.3d 763, 773-74 (Tex. 2020) (quoting *Lexmark Int’l Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 128 & n.4 (2014)) (distinguishing the two concepts). Here, regardless of whether it has a statutory claim, the State indisputably has both an *ultra vires* cause of action and the standing to bring it—as the Supreme Court of Texas has repeatedly held.

1. Starting with jurisdiction, the Supreme Court has established a three-part test: “(1) an ‘injury in fact’ that is (2) ‘fairly traceable’ to the defendant’s challenged action and (3) redressable by a favorable decision.” *Abbott v. Mex. Am. Legis. Caucus, Tex. House of Representatives*, 647 S.W.3d 681, 690 (Tex. 2022) (“MALC”). In

assessing whether the State has met that test, the Court *assumes* the State can prevail on the merits and asks whether the injury is one for which a court can “afford redress.” *Pike*, 610 S.W.3d at 774 (quoting *Meyers v. JDC Firethorn, Ltd.*, 548 S.W.3d 477, 484-85 (Tex. 2018)). Here, The State has met each of those elements.

*First*, the State has suffered a concrete, particularized, and actual or imminent injury, *Heckman v. Williamson County*, 369 S.W.3d 137, 155 (Tex. 2012), because its law is not being properly enforced. *Patel v. Texas Dep’t of Licensing & Regul.*, 469 S.W.3d 69, 77 (Tex. 2015) (quoting *Tex. Workers’ Comp. Comm’n v. Garcia*, 893 S.W.2d 504, 518 (Tex. 1995)). Specifically, the State seeks equitable relief to prevent Defendants from carrying out their intent of excluding, and implying that SFOT is allowed to exclude, handgun-license holders from the state fair.

The Texas Supreme Court has clearly held that the State has a “justiciable interest in its sovereign capacity in the maintenance and operation of its municipal corporations in accordance with law.” *Hollins*, 620 S.W.3d at 410. Where “those laws are being defied or misapplied by a local official, an ultra vires suit is a tool to reassert the control of the state.” *Id.* “That tool would be useless . . . if the State were required to demonstrate additional, particularized harm arising from a local official’s specific unauthorized actions.” *Id.*; *see also, e.g., Yett v. Cook*, 115 Tex. 205, 281 S.W. 837, 842 (1926).

*Second*, the State also adequately pleaded that its injuries are fairly traceable to the challenged actions of defendants. *Heckman*, 369 S.W.3d at 155. For example, the City has continued making statements that imply that SFOT is allowed to prohibit handgun-license holders from the state fair. App.88. The City has never disclaimed

this allegation, which alone is sufficient to show a violation of state law (and therefore traceability). *See, e.g.*, App.87–105. Additionally, the State asserted in its petition that the City will continue permitting the Sections 30.06 and 30.07 signs to remain in place during the state fair. App.61–62. The City has never disclaimed this, asserting that posting the notice was not the City’s decision. App.87. But traceability requires only that the City’s conduct be a but-for cause for the violation of state law—not the *only* cause. *See MALC*, 647 S.W.3d at 692 (applying a but-for cause standard to traceability); *Dep’t of Comm. v. New York*, 588 U.S. 752, 767–68 (2019) (same). The City’s ongoing endorsement of SFOT’s actions, its lessee and the party with which it jointly manages Fair Park, is enough to satisfy this standard.

*Third*, the State’s requested relief is likely to redress the Plaintiffs’ harms. *Heckman*, S.W.3d at 155. Importantly, this element of standing does *not* require proof to a degree of mathematical certainty; substantial likelihood is sufficient. *Id.* Moreover, the injury need not be entirely redressed to establish a justiciable controversy; partial redressability is enough. *E.g., Uzuegbunam v. Preczewski*, 141 S. Ct. 792, 798–99 (2021); *Larson v. Valente*, 456 U.S. 228, 243 (1982). Here, an order preventing the City from taking further steps to assist SFOT would remedy the damage at least in part.

For example, SFOT asserted in its response to the State’s request for a temporary injunction that it has no plans to ask Dallas police officers to arrest handgun-license holders who attempt to enter Fair Park while carrying. “SFOT has never threatened or indicated that it plans to direct law enforcement to arrest fairgoers for criminal trespass. In fact, SFOT has no desire to see anyone arrested.”

App. 138. Only if a person “somehow enters the Fair with a firearm,” and “refuses to leave would SFOT request law enforcement to assist with the removal of the individual.” App.138. But an order to the City or City Manager to prevent that last step in the enforcement chain, thereby allowing law-abiding Texans to exercise their statutory rights to carry firearms, would at least partially redress the State’s injuries. Because partial redressability is sufficient, *Larson*, 456 U.S. at 243, this affords the State standing.

2. Because “the State has an intrinsic right to . . . enforce its own laws,” Defendants’ unlawful actions also give rise to a cause of action on behalf of the State. *Hollins*, 620 S.W.3d at 410. In recent years, the Texas Supreme Court has repeatedly recognized that a violation of the State’s justiciable interest in the enforcement of its laws through “‘*ultra vires* conduct’ by local officials ‘automatically results in harm to the sovereign as a matter of law.’” *In re State*, No. 24-0325, 2024 WL 2983176, at \*4 (Tex. June 14, 2024) (quoting *Hollins*, 620 S.W.3d at 410). “Indeed, the violation of duly enacted state law by local government officials ‘clearly inflicts irreparable harm on the State.’” *Id.* (quoting *Tex. Ass’n of Bus. v. City of Austin*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied)).

That cause of action can take a number of forms, but absent a contrary action by the Legislature, the State can vindicate its right to enforce its own laws through a common-law *ultra vires* action against the relevant city official. *See, e.g., See In re State*, 2024 WL 2983176, at \*4; *Hollins*, 620 S.W.3d at 410. Created by the common law, such a cause of action “requires a plaintiff to allege, and ultimately prove, that the officer acted without authority.” *Hall v. McRaven*, 508 S.W.3d 232, 238 (2017).

But it is the traditional way to “reassert[] the control of the state,” and “enforce existing state policy” against a governmental official who has departed from the will of the Legislature. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009) (cleaned up); *see also, e.g., Hall*, 508 S.W.3d at 238. Here, far from displacing the State’s ability to bring an ultra vires suit, the Legislature supplemented it by permitting the Attorney General to seek both civil penalties and other appropriate equitable relief. *See* Tex. Gov’t Code § 411.209(g); App.39–40. Accordingly, the State is likely to succeed on the merits of—and thus is entitled to temporary relief regarding—its common law ultra vires cause of action regardless of any requirements in the State’s concurrently-filed statutory cause of action.

## **II. The Balance of Harms Warrants Temporary Relief.**

Temporary relief against Defendants’ unlawful actions is also necessary to prevent at least three irreparable harms: harm to the State’s sovereign interest in the enforcement of its statutes, harm to the status quo, and harm to this Court’s and the Texas Supreme Court’s jurisdiction to assess the legality of the Defendants’ plan.

### **A. Temporary relief will prevent irreparable harm to the State’s sovereignty because ultra vires acts inherently harm the State’s ability to enforce its laws.**

Most fundamentally, relief is necessary to prevent a harm to the State that will result from the violation of Section 411.209. “As a sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws.” *Naylor*, 466 S.W.3d at 790. Further, when “the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury

requirement for a temporary injunction,” *Hollins*, 620 S.W.3d at 410, as “the ‘inability [of a State] to enforce its duly enacted [laws] clearly inflicts irreparable harm on the State,’” *Tex. Ass’n of Bus.*, 565 S.W.3d at 441 (quoting *Abbott v. Perez*, 138 S. Ct. 2305, 2324 n.17 (2018)). For the reasons explained above, the City will violate Section 411.209 absent a temporary order and thereby inflict irreparable harm upon the State as soon as the state fair begins on September 27. Once this happens, it cannot be undone “if it is later determined” that the City’s actions violated Texas law. *See In re State*, 2024 WL 2983176, at \*5.

**B. Temporary relief will prevent irreparable harm to the status quo because it will be impossible for Defendants to un-exclude handgun license-holders once the state fair ends.**

Temporary relief is also warranted to “preserv[e] the status quo based on the unique facts and circumstances presented.” *In re Geomet Recycling LLC*, 578 S.W.3d 82, 89 (Tex. 2019). The status quo is “the last, actual, peaceable, non-contested status which preceded the pending controversy.” *Clint ISD v. Marquez*, 487 S.W.3d 538, 556 (Tex. 2016). Here, because SFOT has not excluded handgun owners in years past, *see* App.181, the status quo is that they will not be excluded. And because the state fair lasts only twenty-four days, it is effectively impossible to undo that act of exclusion if the City’s actions are allowed to proceed. Under such circumstances, the Texas Supreme Court has stated that the status quo “should remain in place while the court of appeals, and potentially this Court, examine the parties’ merits arguments to determine whether plaintiffs have demonstrated a probable right to the relief sought.” Order at 1, *In re Abbott*, No. 21-0720 (Tex. Aug. 26, 2021).

**C. Temporary relief will protect the Court’s jurisdiction to issue injunctive relief.**

For similar reasons, temporary relief is warranted to allow the Court sufficient time to consider the statutory-construction issues involved here while simultaneously protecting its own jurisdiction. *See Geomet*, 578 S.W.3d at 90. For example, in *Hollins*, the Texas Supreme Court forbade Harris County from mass-distributing unsolicited mail-in ballot applications to preserve its jurisdiction. Order, *In re State of Texas*, No. 20-0715 (Tex. Sept. 15, 2020). Similarly, in *In re TEA*, the Texas Supreme Court held that it was appropriate to issue temporary orders to prevent the installation of a board of managers in the Houston Independent School District. 619 S.W.3d 679, 681–82 (Tex. 2021) (orig. proceeding). Doing otherwise would have risked mooted the underlying dispute because the Court could never have reached the legal merits of the case. *Id.* at 688–89, 692. Similar relief is appropriate here because no injunctive relief can un-exclude handgun-license holders after they have been wrongfully excluded once the state fair ends on October 20.

**D. Temporary relief will cause no harm to the City of Dallas or SFOT because following State law is not a harm.**

By contrast, the City will suffer no harm by being prevented from excluding handgun-license holders. A city “is not harmed by being required to follow” state law. *In re State*, 2024 WL 2983176, at \*5. Furthermore, “[r]equiring the government to follow the law benefits everyone.” *Id.* Nor is there any relevant harm to SFOT because it has no authority to exclude handgun-license holders, as it operates on government property.

## PRAYER

The Court should grant emergency temporary relief prohibiting the Defendants from excluding, or stating or implying that handgun-license holders carrying a handgun may be excluded, from the state fair during the pendency of this appeal. **The Attorney General requests a ruling by Tuesday, September 24**, to allow review by the Texas Supreme Court if needed. Alternatively, **the Attorney General requests an administrative stay while the Court considers this motion.** *See, e.g.,* Order at 1, *In re the State of Texas*, No. 20-0715 (Tex. Sept. 15, 2020).

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

AARON L. NIELSON  
Solicitor General

BRENT WEBSTER  
First Assistant Attorney General

/s/ Lanora C. Pettit  
LANORA C. PETTIT  
Principal Deputy Solicitor General  
State Bar No. 24115221  
Lanora.Pettit@oag.texas.gov

Office of the Attorney General  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
Tel.: (512) 936-1700  
Fax: (512) 474-2697

Counsel for the State



**CERTIFICATE OF CONFERENCE**

I certify that on September 19, 2024, Appellant’s counsel contacted Bryan Neal, counsel for Appellee State Fair of Texas, and Jeff Tillotson, counsel for Appellees City of Dallas and the Interim City Manager, and notified them that this emergency motion for a temporary order would be filed. Appellees are opposed.

/s/ Lanora C. Pettit  
LANORA C. PETTIT

**CERTIFICATE OF COMPLIANCE**

Microsoft Word reports that this document contains 6,379 words, excluding exempted text.

/s/ Lanora C. Pettit  
LANORA C. PETTIT

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**App. 1: DISTRICT COURT'S ORDER DENYING REQUEST FOR  
TEMPORARY INJUNCTION**

STATE OF TEXAS, MAXX JUUSOLA,  
TRACY MARTIN, and ALAN CRIDER,

*Plaintiffs,*

v.

CITY OF DALLAS, KIMBERLY BIZOR  
TOLBERT, in her official capacity as the  
Interim City Manager for the City of  
Dallas, and the STATE FAIR OF  
TEXAS,

*Defendants.*

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

298th JUDICIAL DISTRICT

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**ORDER DENYING PLAINTIFFS' APPLICATION FOR TEMPORARY INJUNCTION**

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Before the Court is Plaintiffs the State of Texas, by and through Ken Paxton, Attorney General of Texas, Maxx Juusola, Tracy Martin, and Alan Crider's ("Plaintiffs") Verified Application for Temporary Injunction, filed August 29, and Motion for Temporary Injunction, filed September 13, 2024 (the "Motions"). Having considered the Motions, all responsive briefing, any arguments of counsel thereon, and the evidence submitted, the Court determines that the Motions and relief requested therein should be **DENIED**.

**IT IS THEREFORE ORDERED** that Plaintiffs' Verified Application for Temporary Injunction and Motion for Temporary Injunction, and all relief requested therein, are denied.

SIGNED this 19 day of September, 2024.

  
\_\_\_\_\_  
HONORABLE EMILY TOBOLOWSKY

**App. 2: COMPLAINTS TO ATTORNEY GENERAL REGARDING  
EXCLUSION OF FIREARMS AT STATE FAIR**

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I want to register my opinion. (No response necessary)  
**Date:** Thursday, August 8, 2024 10:46:13 PM

---

Submitted on Thu, 08/08/2024 - 22:45

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I want to register my opinion.. (No response necessary)

**Name**

Richard Fryling

**Address**

[REDACTED]  
TX. [REDACTED]

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

I am an LTC holder and I found out that the State Fair is prohibiting law abiding permit holders from carrying during the fair. What is the legality of this?

Sincerely

Richard Fryling

**From:** [Office of the Attorney General](#)  
**To:** [Violation](#)  
**Subject:** Webform Submission: Exclusion of Handgun License Holder Complaint  
**Date:** Thursday, August 8, 2024 6:44:01 PM  
**Attachments:** [1000073337.jpg](#)

---

Submitted on Thu, 08/08/2024 - 18:38

Submitted by: Anonymous

Submitted values are:

## Section 1 - Applicable Penal Codes

**Please select the following statutes applicable to your complaint:**

30.06 Penal Code, 30.07 Penal Code

## Section 2 - Complainant Information

**Name**

Heath Garner

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Address**

[REDACTED], Texas. [REDACTED]

## Section 3 - Allegations

**Owner of the building (if available)**

City of dallas

**Government entities occupying the building**

None

**Purpose of the building (if available)**

Public entertainment

**Building Address**

Parry Ave &, Exposition Ave  
Dallas, Texas. 75210

**Select Time and Date of Exclusion**

{Empty}

**Section 4 - Evidence**

**Sign Description**

State fair of texas had announced they will exclude ltc holders from accessing the state fair of texas this year. The fair is on property owned by the city of Dallas. They have announced they will use metal detectors and weapons detection equipment to stop people from lawfully carrying.

Per the home page

CAN SOMEONE WITH A LICENSE TO CARRY (LTC) BRING THEIR FIREARM TO THE FAIR?

No.

How can I stay safe if I can't use my License to Carry (LTC)?

The State Fair of Texas works with DPD, DFR, DART Police, DISD Police, regional, state, and federal partners as well as private security partners to help keep fairgoers, employees, and vendors safe. While each of the entities focuses on ensuring a safe and family-friendly environment at the State Fair of Texas, we also ask that everyone remain "Fair Aware." If you see something that doesn't look right on the fairgrounds, please say something to a uniformed police officer or State Fair Safety Team member. Let's all do our part to keep the State Fair safe.

**Photo of the Sign**



**Evidence Subject of Complaint Received Notice of Violation**

{Empty}



**From:** [Office of the Attorney General](#)  
**To:** [Violation](#)  
**Subject:** Webform Submission: Exclusion of Handgun License Holder Complaint  
**Date:** Thursday, August 8, 2024 5:49:08 PM

---

Submitted on Thu, 08/08/2024 - 17:45

Submitted by: Anonymous

Submitted values are:

## Section 1 - Applicable Penal Codes

**Please select the following statutes applicable to your complaint:**

411.209 Gov't Code

## Section 2 - Complainant Information

**Name**

maxx juusola

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Address**

[REDACTED], Texas. [REDACTED]

## Section 3 - Allegations

**Owner of the building (if available)**

{Empty}

**Government entities occupying the building**

{Empty}

**Purpose of the building (if available)**

{Empty}

**Building Address**

3809 Grand Ave  
dallas , Texas. 75201

**Select Time and Date of Exclusion**

{Empty}

## Section 4 - Evidence

### Sign Description

<https://bigtex.com/faqs/can-i-bring-any-weapons-into-the-fair/>

### Photo of the Sign

{Empty}

### Evidence Subject of Complaint Received Notice of Violation

{Empty}

**From:** [Office of the Attorney General](#)  
**To:** [Violation](#)  
**Subject:** Webform Submission: Exclusion of Handgun License Holder Complaint  
**Date:** Thursday, August 8, 2024 10:46:40 PM

---

Submitted on Thu, 08/08/2024 - 22:41

Submitted by: Anonymous

Submitted values are:

## Section 1 - Applicable Penal Codes

**Please select the following statutes applicable to your complaint:**

411.209 Gov't Code

## Section 2 - Complainant Information

**Name**

Jeff Schneider

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Address**

[REDACTED] Texas

## Section 3 - Allegations

**Owner of the building (if available)**

Fair park

**Government entities occupying the building**

{Empty}

**Purpose of the building (if available)**

{Empty}

**Building Address**

3809 Grand Ave, Dallas, TX 75210

Dallas, Texas. 75210

**Select Time and Date of Exclusion**

{Empty}

## Section 4 - Evidence

### Sign Description

On state fair of Texas website

<https://bigtex.com/faqs/can-i-bring-any-weapons-into-the-fair/>

### Photo of the Sign

{Empty}

### Evidence Subject of Complaint Received Notice of Violation

{Empty}

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I need assistance unrelated to Child Support  
**Date:** Thursday, August 8, 2024 10:38:25 PM

---

Submitted on Thu, 08/08/2024 - 22:38

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I need assistance unrelated to Child Support

**Name**

Jeff Schneider

**Address**

[REDACTED]

**Email**

[REDACTED]

**Phone Number**

{Empty}

**Message**

Announced today, the State Fair of Texas is stating that citizens possessing a valid license to carry are forbidden from carrying at the Fair. My understanding is that since Fair Park is a public park that the state fair does not have the authority to forbid this. Outside of the Cotton bowl and a few other exceptions. What is the opinion of the attorney generals office on this change?

**From:** [Office of the Attorney General](#)  
**To:** [Violation](#)  
**Subject:** Webform Submission: Exclusion of Handgun License Holder Complaint  
**Date:** Friday, August 9, 2024 3:50:20 PM

---

Submitted on Fri, 08/09/2024 - 15:44

Submitted by: Anonymous

Submitted values are:

## Section 1 - Applicable Penal Codes

**Please select the following statutes applicable to your complaint:**

30.06 Penal Code

## Section 2 - Complainant Information

**Name**

Scott Barraza

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Address**

[REDACTED]  
Texas. [REDACTED]

## Section 3 - Allegations

**Owner of the building (if available)**

{Empty}

**Government entities occupying the building**

City of Dallas

**Purpose of the building (if available)**

State fair of Texas

**Building Address**

925 S Haskell  
Dallas, Texas. 75223

**Select Time and Date of Exclusion**

## Section 4 - Evidence

### Sign Description

From their FAQs section of the State Fair of Texas website  
<https://bigtex.com/about-us/faq/>

CAN SOMEONE WITH A LICENSE TO CARRY (LTC) BRING THEIR FIREARM TO THE FAIR?

No.

How can I stay safe if I can't use my License to Carry (LTC)?

The State Fair of Texas works with DPD, DFR, DART Police, DISD Police, regional, state, and federal partners as well as private security partners to help keep fairgoers, employees, and vendors safe. While each of the entities focuses on ensuring a safe and family-friendly environment at the State Fair of Texas, we also ask that everyone remain "Fair Aware." If you see something that doesn't look right on the fairgrounds, please say something to a uniformed police officer or State Fair Safety Team member. Let's all do our part to keep the State Fair safe.

### Photo of the Sign

{Empty}

### Evidence Subject of Complaint Received Notice of Violation

{Empty}

**From:** [Office of the Attorney General](#)  
**To:** [Violation](#)  
**Subject:** Webform Submission: Exclusion of Handgun License Holder Complaint  
**Date:** Friday, August 9, 2024 12:07:24 AM

---

Submitted on Fri, 08/09/2024 - 00:01

Submitted by: Anonymous

Submitted values are:

## Section 1 - Applicable Penal Codes

**Please select the following statutes applicable to your complaint:**

30.06 Penal Code, 30.07 Penal Code, Texas State Fair

## Section 2 - Complainant Information

**Name**

Carl Carlson

**Phone**

[REDACTED]

**Email**

[REDACTED]

**Address**

[REDACTED] Texas. [REDACTED]

## Section 3 - Allegations

**Owner of the building (if available)**

State Fair Grounds

**Government entities occupying the building**

City of Dallas

**Purpose of the building (if available)**

State Fair

**Building Address**

3808 Grand Ave.

South Dallas, Texas. 75233

**Select Time and Date of Exclusion**



Thu, 08/08/2024 - 22:00

## Section 4 - Evidence

### Sign Description

Made a new media release that Dallas will ban LTC holders for the fair.

### Photo of the Sign

{Empty}

### Evidence Subject of Complaint Received Notice of Violation

{Empty}

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I need assistance unrelated to Child Support  
**Date:** Friday, August 9, 2024 2:50:42 PM

---

Submitted on Fri, 08/09/2024 - 14:50

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I need assistance unrelated to Child Support

**Name**

Scott Cermak

**Address**

[REDACTED]  
[REDACTED] TX. [REDACTED]

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

- I would like to express my concerns with the news of the State Fair of Texas not allowing licensed citizens to carry firearms into the park - <https://bigtex.com/faqs/can-i-bring-any-weapons-into-the-fair/> . The property is owned by the City of Dallas which, according to Penal Code Sec. 411.209 (a) is not allowed.

Thank you for your help in this matter,  
Scott Cermak

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I need assistance unrelated to Child Support  
**Date:** Friday, August 9, 2024 7:35:04 AM

---

Submitted on Fri, 08/09/2024 - 07:34

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I need assistance unrelated to Child Support

**Name**

Dr Michael Fulton

**Address**

[REDACTED]  
TX.

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

My rights as a concealed carry permit holder are being violated. With the announcement that the State Fair of Texas will NOT ALLOW permit holders to carry at the fair. Fair Park is a public park and therefore a NOT a prohibited LCP area. How is this possible? Can the AG help right this wrong?

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I want to register my opinion. (No response necessary)  
**Date:** Saturday, August 10, 2024 11:03:06 AM

---

Submitted on Sat, 08/10/2024 - 11:02

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I want to register my opinion.. (No response necessary)

**Name**

Max Flowers

**Address**

[REDACTED], TX. [REDACTED]

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

I asked Ray Allen (TX House) in 1996 about concealed carry laws, w.r.t. Fair Park. He specifically stated that the law was written to ensure concealed carry at Fair Park and at the State Fair of Texas.

I read this week that someone(s) in that management decided to restrict my God given right to protect myself and family at Fair Park. Can this be addressed / corrected please?

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I need assistance unrelated to Child Support  
**Date:** Saturday, August 10, 2024 10:34:23 AM

---

Submitted on Sat, 08/10/2024 - 10:34

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I need assistance unrelated to Child Support

**Name**

Billie Ingram

**Address**

[REDACTED]  
[REDACTED] TX. [REDACTED]

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

I am seeking clarification on the claimed waiver by the City of Dallas to prohibit licensed carry at the State Fair of Texas. Please provide me a copy of all communication between the city and your office including the waiver.

**From:** [Public Information](#)  
**To:** [Public Information](#)  
**Subject:** I want to register my opinion. (No response necessary)  
**Date:** Saturday, August 10, 2024 9:56:41 AM

---

Submitted on Sat, 08/10/2024 - 09:56

Submitted by: Anonymous

Submitted values are:

**Type of Request**

I want to register my opinion.. (No response necessary)

**Name**

Scott Mackler

**Address**

[REDACTED]  
[REDACTED] TX. [REDACTED]

**Email**

[REDACTED]

**Phone Number**

[REDACTED]

**Message**

Is it legal for the State Fair of Texas to prohibit LTC holders from exercising their Constitutional Right to self defense?

<http://fox4news.com/news/state-fair-texas-no-gun-policy>

**App. 3: ATTORNEY GENERAL'S LETTER TO CITY OF DALLAS**



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 13, 2024

Kimberly Bizzor Tolbert      via email to: [kimberly.tolbert@dallas.gov](mailto:kimberly.tolbert@dallas.gov)  
Interim City Manager      via fax to: (214) 670-3946  
Dallas City Hall  
1500 Marilla Street, Room 4EN  
Dallas, Texas 75201

RE:    Tex. Gov't Code § 411.209(f), Notice of Wrongful Exclusion of Handgun License Holders  
       at Fair Park in Dallas, Texas

Dear Ms. Tolbert,

Texas Government Code § 411.209(a) states that “. . . a political subdivision of the state may not take any action, including an action consisting of the provision of notice by communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.”

Regarding Fair Park, owned by the City of Dallas, our office recognizes that the Cotton Bowl and other buildings or premises located within or on Fair Park that would be used for a high school, collegiate, professional sporting or interscholastic events would be premises where weapons are prohibited. Tex. Penal Code § 46.03(8). However, the entirety, or vast majority of the 277-acre Fair Park in Dallas is not a place where weapons are prohibited under Tex. Penal Code § 46.03.

The City's letter to our office dated February 21, 2023, states that the State Fair of Texas, a nonprofit organization, operates the annual State Fair of Texas at Fair Park in Dallas.

It is our understanding that through City Council Resolution 02-2405, approved August 28, 2002, the current Fair Park lease agreement became effective January 1, 2003, by which the City of Dallas and the State Fair of Texas entered into a 25-year lease to expire December 31, 2027. Through this lease agreement, the City of Dallas authorizes the State Fair of Texas to take control of the functions of operating the public city park, various city buildings, walkways and sidewalks contained within the 277 acres over a 24-day period.

As you may know, the State Fair of Texas has announced that persons with a license to carry (LTC) cannot bring their firearm to the fair. See: <https://bigtex.com/about-us/faq/>

Our office views this statement by the State Fair of Texas as an implication that the City of Dallas (a political subdivision of the state) is prohibiting a license holder from entering or remaining on



premises or other place owned or leased by the City of Dallas in violation of Tex. Gov't Code § 411.209(a).

To the extent that the State Fair of Texas, as a nonprofit organization, may have considered Texas Attorney General Opinion KP-0108 (dated August 9, 2016), in making its decision to exclude license holders from the entirety of the 277-acre Fair Park and all of its buildings, walkways and sidewalks, such reliance was misplaced in regard to the 277-acre Fair Park.

As the Attorney General has determined that legal action is warranted based upon the above referenced violation, the City of Dallas is hereby given 15 days from receipt of this notice to cure this violation. Should the violation not be cured, our office may file suit to seek injunctive relief and collect civil penalties of not less than \$1,000 and not more than \$1,500 for each violation, with each day of a continuing violation constituting a separate violation.

Sincerely,

/s/ Ernest C. Garcia

Ernest C. Garcia  
Chief, Administrative Law Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
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cc:

Consuelo "Connie" Tankersley  
Executive Assistant City Attorney  
Chief-Real Estate / Construction Section  
Office of the City Attorney  
City Hall  
1500 Marilla Street  
Dallas, Texas 75201

via fax to: 214-670-0622

State Fair of Texas  
c/o Robert B. Smith  
General Counsel  
3838 Oak Lawn Ave., Suite 1000  
Dallas, Texas 75219

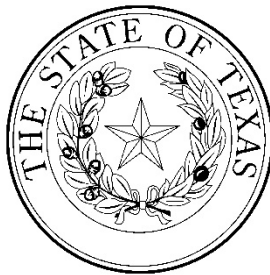
via email to: [robert@smith-firm.com](mailto:robert@smith-firm.com)

**App. 4: LEGISLATORS' REQUEST FOR ATTORNEY  
GENERAL OPINION**

**RECEIVED**

By Opinion Committee at 4:34 pm, Aug 14, 2024

**RQ-0558-KP**



August 14, 2024

Office of the Attorney General  
Via email: [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)  
Request for Opinion/Open Records Division  
P.O. Box 12548  
Austin, Texas 78701

**RE: Request for AG’s Opinion on whether local governments can create gun bans, that would be otherwise prohibited under the law, by simply working through a 501(c)(3) or other private entity.**

General Paxton:

We write to you today seeking an opinion as to whether a local government can create gun bans, that would be otherwise prohibited under the law, by simply working through a 501(c)(3) or other private entity. Specifically, whether the State Fair of Texas can lawfully deny law-abiding citizens their rights to carry, as they have recently proposed to do.

Texas law enumerates the types of government property on which firearms are prohibited (PENAL CODE § 46.03). Moreover, state agencies and political subdivisions that wrongfully exclude law-abiding gun owners are subject to fines (GOVERNMENT CODE § 411.209). Texas’ firearms preemption statute also restricts localities from enacting their own firearm restrictions (LOCAL GOVERNMENT CODE § 229.001).

In a 2016 opinion, you examined firearm prohibitions in circumstances where a private entity sought to restrict firearms on property leased from the government ([Tex. Atty. Gen. Op. KP-0108](#)). In that opinion, you suggested that in a circumstance where the lessee was sufficiently intertwined with the government, their ability to prohibit firearms may be curtailed. Specifically, you explained:

*If a private entity is operating jointly with a governmental entity or has been hired by the governmental entity to perform certain governmental functions, fact questions could arise about which entity effectively posted a notice prohibiting the carrying of guns. However, under the facts you describe, the private, nonprofit entity appears to have an arms-length agreement to lease city property and is not otherwise affiliated with the city.*

The State Fair of Texas fact pattern gives rise to a set of questions. Is the not-for-profit- “operating jointly with a government entity?” Does the entity have “an arms-length agreement to lease city property” with the City of Dallas?

For instance, the [City of Dallas Annual Budget FY 2023-2024](#) contained a portion titled “Parks and Recreation Services Descriptions.” A section on Fair Park noted, “Provides for the development of projects within Fair Park. These projects often are completed **in partnership with the State Fair of Texas, Inc.** or other institutions who have a stake in the development of the park.” (emphasis added). Further, the City Code of Dallas regulates Fair Park and specifically the State Fair, which shows where the City of Dallas exerts significant control over the operations of the fair; thus, standing for the proposition that the city and the private State Fair of Texas are intertwined in running the fair. *See* Sec. 31-11.5 – 32.20; and, 32-21 – 32-28.3 of DALLAS CITY ORDINANCES.

Respectfully submitted,



Senator Mayes Middleton  
Senate District 11



Representative Dustin Burrows  
House District 83

**App. 5: CITY OF DALLAS'S RESPONSIVE LETTER TO  
ATTORNEY GENERAL**



August 28, 2024

***Via Email: [ernest.garcia@oag.texas.gov](mailto:ernest.garcia@oag.texas.gov)***

Ernest C. Garcia  
Chief, Administrative Law Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

Re: Letter dated August 13, 2024 – State Fair of Texas

Mr. Garcia:

On behalf of the City of Dallas (the “City”), I am responding to your August 13, 2024, letter (the “Demand Letter”). According to the Demand Letter, the Office of the Attorney General (“OAG”) views the City as having committed a violation of Texas Government Code Section 411.209(a)<sup>1</sup> by “implication” because of an announcement from a separate and distinct private non-profit entity. As demonstrated more fully below, the OAG is incorrect. Be advised that the City objects to the request to provide a response to the OAG’s Demand Letter as no violation by the City has occurred; and thus, the City has nothing to cure. Moreover, the City does not agree that it has any obligation to respond by any specific deadline or at all. The City responds to the Demand Letter as a courtesy.

#### **A. Historical Background.**

The Texas State Fair (the “Fair”) is an annual private event held at Fair Park in Dallas. Although the City has owned Fair Park since 1904, the City does not and has never run the Fair. Instead, the Fair is run entirely by the State Fair of Texas (“SFOT”), a private non-profit corporation governed by its own executive committee. No City employees, officials, or appointees are members of SFOT’s executive committee. SFOT enacts its own rules and regulations. The City does not participate in SFOT’s decision-making, nor does the City exercise oversight of SFOT’s decisions. Similarly, SFOT has sole responsibility for enforcing its rules and regulations regarding the Fair.<sup>2</sup>

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<sup>1</sup> TEX. GOV’T CODE § 411.209(a) provides:

“Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.”

<sup>2</sup> While the City assigns Dallas Police Department officers to work the Fair, they are responsible only for enforcing applicable laws; they do *not* enforce the SFOT’s rules and regulations.

SFOT runs the Fair pursuant to a valid written agreement, the Fair Park Contract (the “FPC”), entered into by and between the City and SFOT. *See* City Council Resolution No. 02-2405 dated August 28, 2002. Under the FPC, SFOT pays rent and fees to the City but does not receive any payment from the City. During the Fair and for up to sixty days before and thirty days after (collectively, the “Fair Operations Period”), SFOT occupies and controls the Fair Park grounds and decides who is admitted into or prohibited from entering Fair Park. In other words, during the Fair Operations Period, SFOT – not the City – controls who is allowed entry into Fair Park and what they can bring with them.

**B. By the OAG’s own admission, the City is not and could not be in violation of Section 411.209(a) due to SFOT’s announcement.**

Section 411.209(a) expressly refers to “*a state agency or a political subdivision of the state* [taking] any action . . . that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity.” Tex. Gov’t. Code § 411.209(a) (emphasis added). Thus, the complained-of action must come from a state agency or political subdivision, not from a private entity. Given that requirement, the OAG concedes that the City has not violated Section 411.209(a) for at least three reasons:

1. SFOT is a private nonprofit organization that operates the Fair;
2. Under the FPC, SFOT “take[s] control of . . . various city buildings, walkways and sidewalks contained within the 277 acres over a 24-day period”;<sup>3</sup> and
3. “[SFOT] has announced that persons with a license to carry (LTC) cannot bring their firearm to the fair.”

*See* Demand Letter at 1. Simply put, the OAG admits that the City did not make the statement at issue, does not operate the private event at issue, and does not occupy or control the property at issue during that private event. Given the plain language of Section 411.209(a) and the OAG’s admissions, the City is not and could not be in violation of Section 411.209(a).

**C. Both the OAG and presiding courts have previously determined that the City has not violated Section 411.209(a).**

Even if the plain language of Section 411.209(a) and the OAG’s admissions were not dispositive (which they are), the United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”) and the OAG itself have issued opinions providing that, in the current matter, the City has not violated Section 411.209(a).

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<sup>3</sup> The Fair is a private event that occurs on City property. The SFOT is not “operating the public city park” during the Fair.

**1. Under controlling caselaw, SFOT’s actions cannot be attributed to the City.**

In *Rundus v. City of Dallas, Texas, et al.*, the Fifth Circuit relied on the same facts recounted above in Section A to find that SFOT’s actions were not “fairly attributable” to the City as a political subdivision of the State. 634 F.3d 309, 312-15 (5th Cir. 2011). More specifically, the Fifth Circuit examined whether SFOT’s regulation preventing the plaintiff from distributing Bible tracts at the Fair could be imputed to the City for purposes of determining municipal liability. *Id.* at 310. Because the City did not participate in SFOT’s enactment of the regulation at issue or exercise any authority over SFOT’s decisions, the court held that they could not be attributed to the City. *Id.* at 315 (“The City has no say in SFOT’s internal decision making, and had no role in enacting or enforcing the restriction on distribution of literature”; thus, SFOT’s actions could not be attributed to the City for purposes of municipal liability). As in *Rundus*, the OAG’s attempt to attribute an announcement from SFOT to the City necessarily fails. Because the City “had no role in enacting or enforcing” (or announcing) SFOT’s regulation prohibiting LTCs from carrying their firearms into the Fair, the City cannot be “implicated” by SFOT’s actions. The OAG cannot manufacture a violation of Section 411.209(a) where there is none.

**2. In two prior opinions concerning substantially similar fact patterns, the OAG found no violation of Section 411.209(a).**

In Texas Attorney General Opinion KP-0108, dated August 9, 2016, the OAG found that, when a private non-profit entity posts notice that LTCs are prohibited from carrying firearms on property the non-profit is leasing from a political subdivision, there is no violation of Section 411.209. Of particular note, the OAG opined that:

As long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to a civil penalty under section 411.209.

*See* Tex. Att’y Gen. Op. KP-0108. As demonstrated above, the City has no say in SFOT’s internal decision-making, and the City had no role in enacting SFOT’s regulation regarding LTCs or in the announcement regarding that new regulation. Tellingly, while the Demand Letter suggests that reliance on KP-0108 would be “misplaced” in the current matter, the OAG makes no effort to distinguish the reasoning in KP-0108 from the current situation. The reason for this omission is simple: there is no substantive distinction.

Confirming that KP-0108 applies to the current situation, the OAG issued a letter to the City of Fort Worth on November 10, 2016.<sup>4</sup> In that matter, the OAG received two resident complaints alleging that signs posted at the entrances to the Fort Worth Zoo prohibiting LTCs from entering

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<sup>4</sup> For brevity, the Letter from Assistant Attorney General Matthew R. Entsminger to Hon. Betsy Price, the Mayor of the City of Fort Worth, dated November 10, 2016, Re: Wrongful Exclusion of Concealed Handgun- No Violation Ft. Worth Zoo OAG Complaint Nos. 6 and 11 is referred to herein as the “Fort Worth Decision.”



with concealed weapons violated Section 411.209.<sup>5</sup> In its investigation of the resident complaints, the OAG discovered that (1) the city contracted with a non-profit corporation to provide operations and management services for the zoo; (2) the non-profit corporation was responsible for managing zoo operations and had a right to use all city property on the grounds and “ha[d] sole discretion to determine the method in which it performs its obligations and responsibilities”; and (3) the non-profit, rather than the city, posted the signs. *See* Fort Worth Decision at 2. Based on these factors, the OAG determined that the signs at the Fort Worth Zoo did not result in a violation of Section 411.209.

As shown above in Section A, these same factors are present in the current situation. Thus, as the OAG has admitted, “a reviewing court would likely conclude that under existing law, a private, non-profit corporation such as [SFOT] is not considered a political subdivision of the state for purposes of section 411.209(a)” and, therefore, the announcement at issue here is not and could not be a violation of that statute. *Id.*

In light of the foregoing, SFOT’s announcement that LTCs will not be allowed to carry firearms at the Fair is not “fairly attributable” to the City. As such, the City has not committed a violation of Section 411.209(a) “by implication” or otherwise. Given the lack of a violation, the City cannot comply with the OAG’s request to “cure” it, and the OAG would have no colorable claim based upon the City’s purported failure to do so. Further, as stated above, the City has no obligation to respond to the Demand Letter because no violation has occurred.

**D. The City is not “intertwined” or “operating jointly” with SFOT and, therefore, SFOT’s announcement cannot be attributed to the City.**

In an August 14, 2024, letter from Representative Dustin Burrows (the “Burrows Request”), Representative Burrows asked the OAG to offer an opinion on whether the City and SFOT are “intertwined in running the [F]air” such that the SFOT’s announcement can effectively be attributed to the City. Fortunately, the Fifth Circuit squarely addressed this issue in *Rundus* and found that no such “interdependent relationship” exists:

*The pervasive entwinement present in Brentwood<sup>6</sup> is not presented in the facts before us. The City has no say in SFOT's internal decision making, and had no role in enacting or enforcing the restriction on distribution of literature. Nor are we convinced by Rundus’s argument that Appellees’ mutual commitment to improve*

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<sup>5</sup> As the OAG is doubtless aware, the Fort Worth Decision outlines the intended procedure for and function of Section 411.029 – a resident files a complaint with the OAG to report potentially improper action by a governmental entity; the OAG investigates that complaint, and the OAG determines whether it has merit. The City is not aware of any resident complaints regarding SFOT’s announcement. *Waco Indep. Sch. Dist. v. Gibson*, 22 S.W.3d 849, 851-52 (Tex. 2000) (holding that a claim is not ripe if its injury depends on contingent or hypothetical facts or on events that have not yet occurred).

<sup>6</sup> *See Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass’n.*, 531 U.S. 288, 295–96, 299-300 (2001) (noting that private corporation “was created to govern public school athletics; its members were mostly public schools; its employees were treated as state employees, and were eligible for state retirement benefits; and it was supported by gate receipts from games played between public schools and from membership fees paid by those schools”).

Fair Park demonstrates state action, because SFOT improves only the portions of Fair Park that will attract more fairgoers.

634 F.3d at 315 (emphasis added). More specifically, regarding the “set of questions” in the Burrows Request, *Rundus* found as follows:

- Is SFOT “operating jointly with” the City? No, SFOT “runs a private event on public property.”<sup>7</sup>
- Does SFOT have an “arms-length agreement to lease city property”? Yes, SFOT is a “private tenant” with legal rights “representative of a long term commercial lease.”<sup>8</sup>

Finally, while the Burrows Request intimates that the City “exerts significant control over the operations of the fair” or is “intertwined in running the fair” based on enforcement of certain City ordinances,<sup>9</sup> this assertion is incorrect. The City has no control over the operation of the Fair. *Rundus* found that DPD officers’ enforcement of “applicable laws” – but *not* SFOT’s rules and regulations – did not amount to “pervasive entwinement” sufficient to attribute SFOT’s actions to the City. *See* 674 F.3d at 312, 315. Simply put, the OAG does not need to issue an opinion in response to the Burrows Request; the Fifth Circuit has already conducted the analysis in controlling caselaw.

Considering the foregoing, any further inquiries should be directed to SFOT.

Respectfully,

/s/ Tammy L. Palomino

TAMMY L. PALOMINO  
City Attorney

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<sup>7</sup> Compare Burrows Request at 1 with *Rundus*, 634 F.3d at 315.

<sup>8</sup> Compare Burrows Request at 1 with *Rundus*, 634 F.3d at 313-14.

<sup>9</sup> The Burrows Request specifically references DALLAS CITY CODE Chapters 31 and 32. Among other things, those ordinances are designed to prevent solicitation, public urination/defecation, prostitution, drug distribution, and the operation of unlicensed car-parking services at Fair Park. Presumably, neither the Burrows Request nor the OAG is recommending that the City allow any of these activities to occur at Fair Park during the Fair.

**App. 6: STATE'S ORIGINAL VERIFIED PETITION**

DC-24-14434

CAUSE NO. \_\_\_\_\_

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
CITY OF DALLAS,	§	DALLAS COUNTY, TEXAS
KIMBERLY BIZOR TOLBERT, in her	§	
official capacity as the Interim City	§	
Manager for the City of Dallas	§	
and the	§	298th
STATE FAIR OF TEXAS,	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

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**PLAINTIFF’S ORIGINAL VERIFIED PETITION FOR CIVIL PENALTIES,  
TEMPORARY INJUNCTION AND PERMANENT INJUNCTIVE RELIEF**

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TO THE HONORABLE COURT:

COMES NOW the State of Texas by and through Ken Paxton, Attorney General of Texas, and files this Original Verified Petition seeking civil penalties, a temporary injunction and permanent injunctive relief for the wrongful exclusion of handguns. The exclusion of handguns from the State Fair is an illegal *ultra vires* act because it exceeds the legal authority of the officials of the City of Dallas. In support thereof, the State of Texas would respectfully show the Court as follows:

**I. DISCOVERY CONTROL PLAN**

1.1 In accordance with Tex. R. Civ. P. 190.1, discovery in this case is intended to be conducted under Level 2 of the discovery control plan provided by Tex. R. Civ. P. 190.3.

## II. JURISDICTION AND VENUE

2.1 Plaintiff seeks monetary relief of \$250,000 or less and non-monetary relief. *See*, Tex. R. Civ. P. 47(c). The relief sought is within the jurisdiction of this court. Tex. Const. art. V, § 8, Tex. Gov't Code Ann. §§ 24.007, 24.008 and 24.011, and Tex. Civ. Prac. & Rem. Code Ann. § 65.021(a).

2.2 Venue is proper in Dallas County, Texas as the events and omissions that give rise to plaintiff's claims and request for relief occurred in Dallas County. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1). Venue is also proper in Dallas County as this is the county where the defendants have their principal offices in our state. Tex. Gov't Code Ann. § 411.209(f), Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(3). *See also gen.*, Tex. Civ. Prac. & Rem. Code Ann. § 65.023.

## III. PARTIES

3.1 Plaintiff the State of Texas by and through Ken Paxton, the Attorney General of Texas, is authorized to enforce Tex. Gov't Code Ann. § 411.209. Tex. Gov't Code Ann. § 411.209(g). The Attorney General is also authorized to prosecute all actions in which the state is interested before the courts of appeals and the supreme court. Tex. Gov't Code Ann. § 402.021.

3.2 Defendant City of Dallas is a political subdivision of the state of Texas. Defendant may be served with process by serving its interim city manager, Kimberly Bizer Tolbert, c/o Dallas City Hall, 1500 Marilla Street, Room 4EN, Dallas, Texas 75201.

3.3 Defendant Kimberly Bizer Tolbert, is the Interim City Manager for the

City of Dallas and she may be served with process at Dallas City Hall, 1500 Marilla Street, Room 4EN, Dallas, Texas 75201.

3.4 Defendant State Fair of Texas is a Texas nonprofit corporation. Defendant may be served with process by serving its registered agent, Robert B. Smith, 3838 Oak Lawn Ave., Suite 1000, Dallas, Texas 75219.

#### **IV. FACTUAL BACKGROUND**

4.1 The 277 acres known as Fair Park, at 1200 2<sup>nd</sup> Ave. / 3809 Grand Avenue, Dallas, Texas is owned by the City of Dallas and managed by Fair Park First, a domestic nonprofit corporation. However, the nonprofit corporation the State Fair of Texas operates the annual State Fair of Texas at Fair Park, in Dallas under the terms of the Fair Park Contract or lease agreement. This year's State Fair is scheduled to occur from September 27, 2024 to October 20, 2024.

4.2 Under the terms of subject lease agreement the State Fair of Texas has agreed to indemnify the City of Dallas and its officers, agents and employees harmless against any and all claims, lawsuits, judgment, costs, and expenses for harm for which recovery of damages might be sought that might arise out of or be occasioned by acts or omissions of the State Fair, its officers, agents, employees or contractors, unless the liability resulted from the sole negligence or fault of the City of Dallas. The subject lease agreement also expressly states that the agreement is governed by and construed in accordance with the laws and court decisions of the State of Texas.

## V. FIRST CAUSE OF ACTION

5.1 By August 8, 2024, Texas residents licensed to carry a handgun under Chapter 411 of the Texas Government Code filed complaints and evidence with the Attorney General regarding the City of Dallas and State Fair of Texas being in violation of the law.

5.2 The Attorney General in evaluating and investigating these complaints noted that the State Fair of Texas within the frequently asked questions (FAQs) page on its website in response to “Can Someone with a License to Carry (LTC) bring their firearm to the Fair?” has responded “No.” See, <https://bigtex.com/about-us/faq/>.

5.3 Through public comments as well as the published statement from the State Fair of Texas website, the City of Dallas as a political subdivision of the state has communicated, by implication, that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, is prohibited from entering or remaining on the premises or other place or property owned or leased by the City of Dallas, *i.e.*, the entirety of the 277-acre Fair Park.

5.4 Tex. Gov’t Code Ann. § 411.209(a) prohibits state agencies or political subdivisions of the state (such as the City of Dallas) from taking any action, including an action consisting of the provision of notice by a communication described by Tex. Penal Code Ann. §§ 30.06 or 30.07, that states or implies that a license holder who is carrying a handgun under the authority of such subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun

on the premises or other place by Tex. Penal Code Ann. § 46.03 or other law.

5.5 While there are some premises or buildings within Fair Park where a license holder is prohibited under Tex. Penal Code Ann. § 46.03(a)(8) from carrying a weapon, such as certain premises or buildings within Fair Park when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited.

5.6 On August 13, 2024, the Attorney General gave written notice to the chief administrative officer of the City of Dallas as required under Tex. Gov't Code Ann. § 411.209(f), which included a description of the violation of Tex. Gov't Code Ann. § 411.209, stated the amount of the proposed penalty for the first violation, and gave the city 15 days from receipt of the notice to cure the violation and thereby avoid the penalty. A copy of this notice was also provided to the State Fair of Texas.

5.7 On August 28, 2024, the City of Dallas provided its written response, wherein the City of Dallas asserted it had not violated Tex. Gov't Code Ann. § 411.209. To date the City of Dallas and the State Fair of Texas have not cured the violation to avoid civil penalties.

5.8 All conditions precedent have been performed or have occurred prior to the plaintiff filing suit under Tex. Gov't Code Ann. § 411.209.

5.9 Tex. Gov't Code Ann. § 411.209(b) states that a political subdivision of the state that violates Tex. Gov't Code Ann. § 411.209(a) is liable for a civil penalty of not less than \$1,000 and not more than \$1,500 for the first violation, and not less



than \$10,000 and not more than \$10,500 for the second or a subsequent violation. Tex. Gov't Code Ann. § 411.209(c) states that each day of a continuing violation of Tex. Gov't Code Ann. § 411.209(a) constitutes a separate violation.

5.10 The plaintiff has pled a valid cause of action and, as permitted by Tex. Gov't Code Ann. § 411.209(g), is requesting temporary and permanent injunctive relief. The plaintiff has a probable right to such relief because the allegations herein show the Defendants have violated the Texas Government Code. As a statute is being violated, the doctrine of balancing the equities has no application, and it is within province of the district court to restrain it. *State v. Texas Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979). Injunctive relief is proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

5.11 Pursuant to Tex. Gov't Code Ann. § 411.209(g), the Attorney General is also entitled, and hereby requests, to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees and deposition costs.

## VI. SECOND CAUSE OF ACTION

6.1 The City of Dallas assigns Dallas Police Department officers to work the State Fair, to enforce applicable laws including criminal trespass.

6.2 Tex. Penal Code Ann. § 30.06 identifies what constitutes criminal trespass by a license holder with a concealed handgun.

6.3 Tex. Penal Code Ann. § 30.06(e) however states that it is an exception to § 30.06, if a license holder carries a handgun on property that is owned or leased

by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Tex. Penal Code Ann. § 46.03.

6.4 Tex. Penal Code Ann. § 30.07 identifies what constitutes criminal trespass by a license holder with an openly carried handgun.

6.5 Tex. Penal Code Ann. § 30.07(e) however states that it is an exception to § 30.07, if a license holder openly carries a handgun on property that is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Tex. Penal Code Ann. § 46.03.

6.6 While there are some premises or buildings located within Fair Park where a license holder is prohibited under Tex. Penal Code Ann. § 46.03(a)(8) from carrying a weapon such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited, and those licensed to carry should not be subject arrest upon entering the Fair grounds or for entering most of the premises within Fair Park.

6.7 The City of Dallas and/or Kimberly Bizer Tolbert as City Manager, through the officers of the Dallas Police Department should therefore be enjoined from enforcing any criminal trespass law against licensed carry holders – except in those situations where a licensed carry holder enters premises or a building within the State Fair where such premises are specially identified in Tex. Penal Code Ann. § 46.03(a)(8).

6.8 The City of Dallas and/or Kimberly Bizer Tolbert, through law enforcement officers of the Dallas Police Department are about to perform law enforcement tasks at the State Fair, which is the subject of this litigation including the arrest of licensed carry holders, in violation of the rights of such licensed carry holders and in violation of our state law, which would render any judgment in this case ineffectual. In addition, or in the alternative the plaintiff is entitled to an injunction under the principles of equity and the penal statutes of this state. In addition, or in the alternative should these arrests occur, it will cause irreparable injury to the personal reputations of our licensed carry holders, irrespective of any remedy at law. Injunctive relief is therefore proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

## **VII. THIRD CAUSE OF ACTION**

7.1 The Texas Legislature recognized the Second Amendment of the U.S. Constitution and also recognized that Section 23, Article I, of the Texas Constitution secures for Texas citizens the right to keep and bear arms and that the Legislature has the power, by law, to regulate the wearing of arms, with a view to prevent crime. The Texas Legislature passed the Firearm Carry Act of 2021, (H.B. 1927) which was signed by Governor Abbott and became effective September 1, 2021, amending various statutory provisions allowing most people 21 and older to carry a handgun in Texas without a license to carry.

7.2 Our state government and the political subdivisions of our state, including the City of Dallas and City officials, must respect the actions of our Texas

Legislature and allow the unlicensed carry of a firearm on government property unless it is specifically prohibited by law, such as those premises or places identified in Tex. Penal Code Ann. § 46.03.

7.3 While there are some premises or buildings located within Fair Park where weapons are prohibited under Tex. Penal Code Ann. § 46.03(a)(8) such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited, and those individuals without a license to carry should be permitted to enter upon Fair grounds and should also be permitted to enter into most of the premises or buildings located within Fair Park's 277 acres.

7.4 The State Fair of Texas within the frequently asked questions (FAQs) page on its website in response to "Can I Bring Any Weapons Into the Fair?" has responded "The State Fair of Texas prohibits fairgoers from carrying all firearms, . . . This includes concealed carry and open carry of firearms anywhere on the fairgrounds . . ." See, <https://bigtex.com/about-us/faq/>

7.5 To the extent that the Kimberly Bizer Tolbert as the City Manager for the City of Dallas (and the City Attorney and/or Board President of the Park and Recreation Board of the City of Dallas), have permitted or allowed lessee the State Fair of Texas, to prevent private citizen rights of the unlicensed carry of firearms on most of Fair Park, during the State Fair of Texas, the City Manager has acted without legal or statutory authority to do so.

7.6 City Manager Tolbert, the City of Dallas and the State Fair of Texas should be enjoined under the principles of equity and the statutes of this state.

7.7 The Court should issue such an injunction because the City Manager lacks the authority to allow the State Fair of Texas to post signs to exclude those who carry handguns or to otherwise violate the rights of handgun owners by excluding them from City property, and her decision to do so is, therefore, *ultra vires*. That is particularly true here, where the City Manager signed the contract, lease agreement or amendments to the agreement with the State Fair of Texas.

7.8 The City Manager is failing to carry out the purely ministerial act of allowing handgun owners who are exercising their constitutional right to carry a handgun without a license to enter Fair Park. *See, City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

#### **VIII. FOURTH CAUSE OF ACTION**

8.1 As previously stated, the City of Dallas, and/or the City Manager assign Dallas Police Department officers to work the State Fair, to enforce applicable laws including criminal trespass.

8.2 While there are some premises or buildings located within Fair Park where carrying a weapon is prohibited under Tex. Penal Code Ann. § 46.03(a)(8) such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where the unlicensed carrying of a weapon or firearm is prohibited and those unlicensed to carry should not be subject to arrest upon entering

the Fair grounds or for entering most of the premises within Fair Park. Such actions to enforce the exclusion of those who have the right to carry a handgun without a license into Fair Park are outside the legal authority of City officials and are *ultra vires* actions.

8.3 The City of Dallas and Kimberly Bizer Tolbert as City Manager, should therefore be enjoined from enforcing any criminal trespass law against unlicensed carry – except in those situations where the person engaged in the unlicensed carry enters premises or a building within the State Fair where such premises are specially identified in Tex. Penal Code Ann. § 46.03(a)(8).

8.4 Officers of the Dallas Police Department are about to perform law enforcement tasks at the State Fair, which is the subject of this litigation, including the arrest of those who carry a handgun unlicensed, in violation of the rights of such individuals and in violation of our state law, which would render any judgment in this case ineffectual.

8.5 Plaintiff asks the Court to enjoin the defendants from acting outside their legal authority by banning guns and by allowing the police to arrest people who violate the illegal ban. The Court should also order defendants to perform the purely ministerial act of allowing people to enter the Park while exercising their constitutional right to carry a handgun and should order the police not to arrest people who exercise their constitutional right to carry a handgun.

8.6 In addition, or in the alternative, the plaintiff is entitled to an injunction under the principles of equity and the penal statutes of this state. Should these

arrests occur, it will cause irreparable injury to the personal reputations of those citizens that carry a handgun unlicensed, irrespective of any remedy at law. Injunctive relief is therefore proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

**IX. PRAYER**

WHEREFORE, plaintiff requests that it be awarded penalties, reasonable attorney fees, investigative costs, witness fees, deposition costs, and be granted injunctive relief as state above, and that it not be required to post any bond in accordance with Tex. Civ. Prac. & Rem. Code Ann. § 6.001, that it be granted temporary injunctive relief and permanent injunctive relief, as stated above, and for such other and further relief, at law or in equity, to which the plaintiff may show itself justly entitled.

Respectfully, submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy First Assistant Attorney General

JAMES LLOYD  
Deputy Attorney General for Civil Litigation

ERNEST C. GARCIA  
Chief, Administrative Law Division

/s/ Ernest C. Garcia  
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Canon Parker Hill  
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ATTORNEYS FOR PLAINTIFF



CAUSE NO. \_\_\_\_\_

STATE OF TEXAS,  
*Plaintiff,*

v.

CITY OF DALLAS,  
KIMBERLY BIZOR TOLBERT, in her  
official capacity as the Interim City  
Manager for the City of Dallas  
and the  
STATE FAIR OF TEXAS,  
*Defendants.*

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IN THE DISTRICT COURT OF

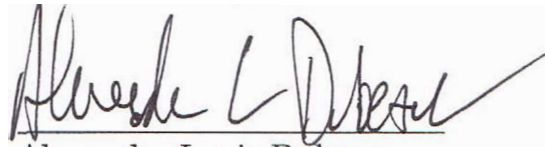
DALLAS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**Unsworn Declaration of Alexandre Louis Dubeau**

My name is Alexandre Louis Dubeau, and I am an employee / investigator of the following governmental agency: Office of the Attorney General, Administrative Law Division, located at 300 W. 15<sup>th</sup> Street, Austin, Texas 78701. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing factual statements in the Plaintiff's Petition are true and correct.

Executed in Bastrop County, Texas on this the 28 day of August, 2024.

  
Alexandre Louis Dubeau

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Paul Pruneda on behalf of Ernest Garcia  
Bar No. 7632400  
paul.pruneda@oag.texas.gov  
Envelope ID: 91490688  
Filing Code Description: Original Petition  
Filing Description:  
Status as of 9/5/2024 9:00 AM CST

Associated Case Party: STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Ernest Garcia		ernest.garcia@oag.texas.gov	8/29/2024 4:16:23 PM	SENT
Canon ParkerHill		canon.hill@oag.texas.gov	8/29/2024 4:16:23 PM	SENT
Catherine Hughes		catherine.hughes@oag.texas.gov	8/29/2024 4:16:23 PM	SENT
Paul Pruneda		paul.pruneda@oag.texas.gov	8/29/2024 4:16:23 PM	SENT

**App. 7: STATE'S FIRST AMENDED VERIFIED PETITION**

CAUSE NO. DC-24-14434

STATE OF TEXAS, MAXX	§	IN THE DISTRICT COURT OF
JUUSOLA, TRACY MARTIN, and	§	
ALAN CRIDER	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
	§	
CITY OF DALLAS,	§	
KIMBERLY BIZOR TOLBERT, in her	§	
official capacity as the Interim City	§	
Manager for the City of Dallas	§	
and the	§	298th JUDICIAL DISTRICT
STATE FAIR OF TEXAS,	§	
<i>Defendants.</i>		

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**PLAINTIFF’S FIRST AMENDED VERIFIED PETITION FOR CIVIL PENALTIES,  
TEMPORARY INJUNCTION AND PERMANENT INJUNCTIVE RELIEF**

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TO THE HONORABLE COURT:

COMES NOW the State of Texas by and through Ken Paxton, Attorney General of Texas, Maxx Juusola, Tracy Martin, and Alan Crider, and files this Plaintiff’s First Amended Verified Petition seeking civil penalties, costs and fees, declaratory relief, a temporary injunction, and a permanent injunction for the wrongful exclusion of handguns and people carrying handguns at the Texas State Fair. Defendants’ acts of excluding handguns and those who carry handguns from the State Fair and of enforcing criminal trespass laws against those who carry a handgun at the State Fair violate state law and are illegal *ultra vires* acts. In support thereof, Plaintiffs would respectfully show the Court as follows:

## I. DISCOVERY CONTROL PLAN

1.1 In accordance with Tex. R. Civ. P. 190.1, discovery in this case is intended to be conducted under Level 2 of the discovery control plan provided by Tex. R. Civ. P. 190.3.

## II. JURISDICTION AND VENUE

2.1 Plaintiff the State of Texas seeks relief under section 411.209 of the Texas Government Code. Venue is proper in this court under subsection (g) (“A suit or petition under this subsection may be filed in a district court in ... a county in which the principal office of the state agency or political subdivision is located.”) because Defendant the City of Dallas’s principal office is in Dallas County.

2.2 Plaintiff the State of Texas seeks monetary relief more than \$250,000 but not more than \$1,000,000. *See*, Tex. R. Civ. P. 47(c). The relief sought is within the jurisdiction of this court. Tex. Const. art. V, § 8, Tex. Gov’t Code Ann. §§ 24.007, 24.008, and 24.011, and Tex. Civ. Prac. & Rem. Code Ann. § 65.021(a).

2.3 Venue is proper in Dallas County, Texas as the events and omissions that give rise to plaintiff’s claims and request for relief occurred in Dallas County. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1). Venue is also proper in Dallas County as this is the county where the defendants have their principal offices in our state. Tex. Gov’t Code Ann. § 411.209(f), Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(3). *See also gen.*, Tex. Civ. Prac. & Rem. Code Ann. § 65.023.

### III. PARTIES

3.1 Plaintiff the State of Texas, by and through Ken Paxton, the Attorney General of Texas, is authorized to enforce Tex. Gov't Code Ann. § 411.209. Tex. Gov't Code Ann. § 411.209(g). The Attorney General is also authorized to prosecute all actions in which the state is interested before the courts of appeals and the supreme court. Tex. Gov't Code Ann. § 402.021.

3.2 Plaintiff Max Juusola is a citizen of Texas and a license holder under Subchapter H of Chapter 411 of the Texas Government Code who desires to exercise his right to carry a firearm, both as a license holder and constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.

3.3 Plaintiff Tracy Martin is a citizen of Texas and a license holder under Subchapter H of Chapter 411 of the Texas Government Code who desires to exercise his right to carry a firearm, both as a license holder and constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.

3.4 Plaintiff Alan Crider is a citizen of Texas who does not have a license under Subchapter H of Chapter 411 of the Texas Government Code and who desires to exercise his right to carry a firearm, constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.

3.5 Defendant City of Dallas is a political subdivision of the state of Texas and owns Fair Park, and may be served with process by serving its interim city

manager, Kimberly Bizer Tolbert, c/o Dallas City Hall, 1500 Marilla Street, Room 4EN, Dallas, Texas 75201.

3.6 Defendant Kimberly Bizer Tolbert is the Interim City Manager for the City of Dallas, and she may be served with process at Dallas City Hall, 1500 Marilla Street, Room 4EN, Dallas, Texas 75201.

3.7 Defendant State Fair of Texas is a Texas nonprofit corporation that operates the annual State Fair of Texas at Fair Park, in Dallas, under the terms of its Fair Park Contract or lease agreement with the City of Dallas, and may be served with process by serving its registered agent, Robert B. Smith, 3838 Oak Lawn Ave., Suite 1000, Dallas, Texas 75219.

#### **IV. FACTUAL BACKGROUND**

4.1 The 277 acres known as Fair Park, at 1200 2<sup>nd</sup> Ave. / 3809 Grand Avenue, Dallas, Texas is owned by the City of Dallas and managed by Fair Park First, a domestic nonprofit corporation. However, the nonprofit corporation State Fair of Texas operates the annual State Fair of Texas at Fair Park, in Dallas, under the terms of its Fair Park Contract or lease agreement with the City of Dallas. The State Fair of Texas is scheduled to conduct the State Fair from September 27, 2024 to October 20, 2024.

4.2 Under the terms of the subject lease agreement, the State Fair of Texas has agreed to indemnify the City of Dallas and its officers, agents and employees harmless against any and all claims, lawsuits, judgment, costs, and expenses for harm for which recovery of damages might be sought that might arise out of or be

occasioned by acts or omissions of the State Fair, its officers, agents, employees or contractors, unless the liability resulted from the sole negligence or fault of the City of Dallas. The subject lease agreement also expressly states that the agreement is governed by and construed in accordance with the laws and court decisions of the State of Texas.

4.3 Under the lease agreement the parties' have mutual goals and have roles in developing, maintaining, and developing the park.

#### **V. FIRST CAUSE OF ACTION PROHIBITED NOTICES AGAINST LICENSE HOLDERS**

5.1 By August 8, 2024, Texas residents , who are licensed to carry a handgun under Chapter 411 of the Texas Government Code, filed complaints and evidence with the Attorney General regarding the City of Dallas and State Fair of Texas being in violation of the law.

5.2 The Attorney General, in evaluating and investigating these complaints, noted that the State Fair of Texas, within the frequently asked questions (FAQs) page on its website, responded “No” to the question “Can Someone with a License to Carry (LTC) bring their firearm to the Fair?” Further, the website indicates that a new technology “OPENGATE” has been purchased to help screen fair goers for weapons. See, <https://bigtex.com/about-us/faq/>.

5.3 The State Fair of Texas, through its public comments as well as the published statement on its website, as the lessee or designee of the City of Dallas, has communicated that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, is prohibited from entering or



remaining on the premises or other place or property owned or leased by the City of Dallas, *i.e.*, the entirety of the 277-acre Fair Park. In addition, or in the alternative, through the statements made by the State Fair of Texas, the City of Dallas has communicated, by implication, that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, is prohibited from entering or remaining on the premises or other place or property owned or leased by the City of Dallas, *i.e.*, the entirety of the 277-acre Fair Park.

5.4 Tex. Gov't Code Ann. § 411.209(a) prohibits state agencies or political subdivisions of the state (such as the City of Dallas) from taking any action, including the act of providing notice by a communication described by Tex. Penal Code Ann. §§ 30.06 or 30.07, that states or implies that a license holder who is carrying a handgun under the authority of such subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Tex. Penal Code Ann. § 46.03 or other law.

5.5 The State Fair of Texas acts under authority of the City of Dallas. Any action taken by the State Fair of Texas must rely on the authority that the City of Dallas has delegated to it in order to operate on city property. The City of Dallas may not delegate to the State Fair of Texas the authority to take any action, including the act of providing notice by a communication described by Tex. Penal Code Ann. §§ 30.06 or 30.07, that states or implies that a license holder who is carrying a handgun under the authority of such subchapter is prohibited from entering or

remaining in Fair Park, unless license holders are prohibited from carrying a handgun on the premises or other place by Tex. Penal Code Ann. § 46.03 or other law—because the City does not have that authority to begin with. Therefore, the State Fair of Texas also does not have that authority under Texas law. The State Fair of Texas does not and cannot have “apparent authority to act for the owner [by] provid[ing] notice,” Tex. Penal Code Ann. §§ 30.06(b), 30.07((b), because the City has no such authority to delegate it, *id.* §§ 30.06(e), 30.07(e). The lease agreement between the City of Dallas and the State Fair of Texas does not and cannot supersede state law. The lease agreement correctly expressly states that the agreement is governed by and construed in accordance with the laws and court decisions of the State of Texas.

5.6 While there are some premises or buildings within Fair Park where a license holder is prohibited under Tex. Penal Code Ann. § 46.03(a)(8) from carrying a weapon, such as certain premises or buildings within Fair Park when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited.

5.7 On August 13, 2024, the Attorney General gave written notice to the chief administrative officer of the City of Dallas as required under Tex. Gov’t Code Ann. § 411.209(f), which included a description of the violation of Tex. Gov’t Code Ann. § 411.209, stated the amount of the proposed penalty for the first violation, and

gave the city 15 days from receipt of the notice to cure the violation and thereby avoid the penalty. A copy of this notice was also provided to the State Fair of Texas.

5.8 On August 28, 2024, the City of Dallas provided its written response, wherein the City of Dallas asserted it had not violated Tex. Gov't Code Ann. § 411.209 and that any further inquiries from the Attorney General should be directed to the State Fair of Texas. To date, the City of Dallas and the State Fair of Texas have not cured the violation to avoid civil penalties.

5.9 All conditions precedent have been performed or have occurred prior to the plaintiff filing suit under Tex. Gov't Code Ann. § 411.209.

5.10 Tex. Gov't Code Ann. § 411.209(b) states that a political subdivision of the state that violates Tex. Gov't Code Ann. § 411.209(a) is liable for a civil penalty of not less than \$1,000 and not more than \$1,500 for the first violation, and not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation. Tex. Gov't Code Ann. § 411.209(c) states that each day of a continuing violation of Tex. Gov't Code Ann. § 411.209(a) constitutes a separate violation.

5.11 The plaintiff has pled a valid cause of action and, as permitted by Tex. Gov't Code Ann. § 411.209(g), is requesting temporary and permanent injunctive relief. The plaintiff has a probable right to such relief because the allegations herein show the Defendants have violated the Texas Government Code. As a statute is being violated, the doctrine of balancing the equities has no application, and it is within the province of the district court to restrain it. *State v. Texas Pet Foods, Inc.*, 591 S.W.2d

800, 805 (Tex. 1979). Injunctive relief is proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

5.12 Pursuant to Tex. Gov't Code Ann. § 411.209(g), the Attorney General is also entitled, and hereby requests, to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees and deposition costs.

**VI. SECOND CAUSE OF ACTION  
ENFORCING INAPPLICABLE TRESPASS LAWS AGAINST LICENSE HOLDERS**

6.1 The City of Dallas and the City Manager assign Dallas Police Department officers to work the State Fair and to enforce applicable laws, including criminal trespass.

6.2 Tex. Penal Code Ann. § 30.06 identifies what constitutes criminal trespass by a license holder with a concealed handgun.

6.3 Tex. Penal Code Ann. § 30.06(e), however, states that it is an exception to § 30.06 if a license holder carries a handgun on property that is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Tex. Penal Code Ann. § 46.03.

6.4 Tex. Penal Code Ann. § 30.07 identifies what constitutes criminal trespass by a license holder with an openly carried handgun.

6.5 Tex. Penal Code Ann. § 30.07(e), however, states that it is an exception to § 30.07 if a license holder openly carries a handgun on property that is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Tex. Penal Code Ann. § 46.03.

6.6 While there are some premises or buildings located within Fair Park where a license holder is prohibited, under Tex. Penal Code Ann. § 46.03(a)(8), from carrying a weapon, such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited, and those licensed to carry should not be subject to arrest upon entering the Fair grounds or for entering most of the premises within Fair Park..7

6.7 The City of Dallas and Kimberly Bizer Tolbert as City Manager, through the officers of the Dallas Police Department, therefore, should be enjoined from enforcing any criminal trespass law against a license holder who is carrying a handgun – except in those situations where such a license holder carrying a handgun enters a premises or a building within the State Fair where such premises are specifically identified in Tex. Penal Code Ann. § 46.03(a)(8).

6.8 The City of Dallas and Kimberly Bizer Tolbert, through law enforcement officers of the Dallas Police Department, are preparing to perform law enforcement tasks at the State Fair, which is the subject of this litigation, including the arrest of license holders who are carrying handguns, in violation of their rights and in violation of our state law, which in the absence of temporary injunction would render any judgment in this case ineffectual. In addition, or in the alternative, the plaintiff is entitled to an injunction under the principles of equity and the penal statutes of this state. In addition, or in the alternative, should these arrests occur, it will cause irreparable injury to the personal reputations of license holders who carry handguns,

irrespective of any potential remedy at law. Injunctive relief, therefore, is proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

**VII. THIRD CAUSE OF ACTION**  
**DECLARATION THAT THE STATE FAIR OF TEXAS MAY NOT POST 30.06 OR 30.07**  
**SIGNS OR GIVE OTHER NOTICE THAT FIREARMS ARE PROHIBITED**

7.1 The City of Dallas may not post 30.06 sign or 30.07 signs on City property, including Fair Park, except where license holders are prohibited from carrying handgun under Tex. Penal Code § 46.03. Tex. Penal Code Ann. §§ 30.06(e), 30.07(e).

7.2 The City of Dallas may not take any action that states or implies that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code § 46.03. Tex. Gov't Code Ann. § 411.209(a).

7.3 The City of Dallas may not contract with the State Fair of Texas to allow a violation of state law by putatively authorizing the State Fair to post 30.06 signs, 30.07 signs, or to state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code

§ 46.03, because the City of Dallas does not have such authority and cannot and has not delegated such authority.

7.4 The Court should declare that the State Fair of Texas may not post 30.06 signs, 30.07 signs, or state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code § 46.03.

7.5 The Court should enjoin the State Fair of Texas from posting 30.06 signs, 30.07 signs, or stating or implying that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code § 46.03.

**VIII. FOURTH CAUSE OF ACTION  
VIOLATION OF THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS**

8.1 The Texas Legislature recognized the Second Amendment of the U.S. Constitution and also recognized that Section 23, Article I, of the Texas Constitution secures for Texas citizens the right to keep and bear arms and that the Legislature has the power, by law, to regulate the wearing of arms, with a view to prevent crime. The Texas Legislature passed the Firearm Carry Act of 2021, (H.B. 1927), which was signed by Governor Abbott and became effective September 1, 2021, amending

various statutory provisions and allowing most people 21 years of age and older to carry a handgun in Texas without a license to carry.

8.2 Our state government, the political subdivisions of our state (including the City of Dallas and City officials) and their lessees (including the State Fair of Texas), must respect the actions of our Texas Legislature and allow the unlicensed carry of a firearm on government property, unless it is specifically prohibited by law, such as those premises or places identified in Tex. Penal Code Ann. § 46.03.

8.3 While there are some premises or buildings located within Fair Park where weapons are prohibited under Tex. Penal Code Ann. § 46.03(a)(8), such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where weapons or firearms are prohibited, and those individuals without a license to carry should be permitted to enter upon Fair grounds and should also be permitted to enter into most of the premises or buildings located within Fair Park's 277 acres.

8.4 The State Fair of Texas, within the frequently asked questions (FAQs) page on its website, responded “The State Fair of Texas prohibits fairgoers from carrying all firearms . . .” to the question “Can I Bring Any Weapons into the Fair?” Further, the website indicates that a new technology “OPENGATE” has been purchased to help screen fair goers for weapons. See, <https://bigtex.com/about-us/faq/>.



8.5 To the extent that officials of the City of Dallas, including Kimberly Bizzor Tolbert as the City Manager for the City of Dallas, the City Attorney, and the Board President of the Park and Recreation Board of the City of Dallas have permitted or allowed the City of Dallas's lessee, the State Fair of Texas, to prevent private citizens from exercising their right to carry firearms on most of Fair Park, the City Manager and other officials have acted without legal or statutory authority to do so.

8.6 City Manager Tolbert, the City of Dallas and the State Fair of Texas should be enjoined under the principles of equity and the statutes of this state.

8.7 The Court should issue such an injunction because the City Manager and other City of Dallas officials lack the authority to allow the State Fair of Texas to post signs to exclude those who carry handguns or to otherwise violate the rights of handgun owners by excluding them from City property, and the City Manager and other officials' decision to do so is, therefore, *ultra vires*. That is particularly true here, where the City Manager signed the contract, lease agreement or amendments to the agreement with the State Fair of Texas.

8.8 The City Manager and other City of Dallas officials are failing to carry out the purely ministerial act of allowing handgun owners who are exercising their constitutional right to carry a handgun without a license to enter Fair Park. *See, City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

**IX. FIFTH CAUSE OF ACTION  
ENFORCING INAPPLICABLE TRESPASS LAWS AGAINST NON-LICENSED CITIZENS**

9.1 As previously stated, the City of Dallas, the City Manager, and other City of Dallas officials assign Dallas Police Department officers to work the State Fair to enforce laws, including criminal trespass.

9.2 The State Fair of Texas is inviting or allowing Dallas Police Department officers to work the State Fair to enforce laws, including criminal trespass.

9.3 While there are some premises or buildings located within Fair Park where carrying a weapon is prohibited under Tex. Penal Code Ann. § 46.03(a)(8), such as certain premises or buildings when they are used for a high school, collegiate, professional sporting or interscholastic events, the vast majority of the 277-acre Fair Park in Dallas is not a place where the unlicensed carrying of a weapon or firearm is prohibited, and those who are unlicensed to carry should not be subject to arrest upon entering the Fair grounds or for entering most of the premises within Fair Park with a handgun. Such actions to enforce the exclusion of those who have the right to carry a handgun without a license into Fair Park are outside the legal authority of City officials and are *ultra vires* actions.

9.4 The City of Dallas, Kimberly Bizer Tolbert as Interim City Manager, and all agents, contractors, lessees, employees, or others working on their behalf or in concert with them, therefore, should be enjoined from enforcing any criminal trespass law against those who are not licensed to carry, except in those situations where the person engaged in the unlicensed carry enters premises or a building

within the State Fair where such premises or building is specifically identified in Tex. Penal Code Ann. § 46.03(a)(8).

9.5 Officers of the Dallas Police Department are preparing to perform law enforcement tasks at the State Fair, which is the subject of this litigation, including the arrest of those who carry a handgun unlicensed, in violation of the rights of such individuals and in violation of our state law, which in the absence of injunctive relief would render any judgment in this case ineffectual.

9.6 In addition, or in the alternative, the plaintiff is entitled to an injunction under the principles of equity and the penal statutes of this state. Should these arrests occur, it will cause irreparable injury to the personal reputations of those citizens that carry a handgun unlicensed, irrespective of any remedy at law. Injunctive relief, therefore, is proper under Tex. Civ. Prac. & Rem. Code Ann. § 65.011.

**X. SIXTH CAUSE OF ACTION  
THE STATE FAIR MAY NOT POST 30.05 SIGNS**

10.1 The City of Dallas may not post 30.05 signs on City property, including Fair Park, except where license holders are prohibited from carrying handgun under Tex. Penal Code § 46.03, because the City of Dallas is not a “person.” Tex. Penal Code Ann. §§ 30.05(c), 1.07(a)(38).

10.2 The City of Dallas may not contract with the State Fair of Texas to allow a violation of state law by putatively authorizing the State Fair of Texas to post 30.05 signs on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code § 46.03, because the City

of Dallas does not have such authority and cannot and has not delegated such authority.

10.3 Defendants should be enjoined from posting 30.05 signs on City Property, including Fair Park, except where persons are prohibited from carrying a handgun under Tex. Penal Code § 46.03.

10.4 The Court should declare that the State Fair of Texas may not post 30.05 signs on City Property, including Fair Park, except where persons are prohibited from carrying a handgun under Tex. Penal Code § 46.03.

## **XI. DECLARATORY RELIEF**

11.1 Plaintiffs Maxx Juusola and Tracy Martin request a declaration under Chapter 37 of the Civil Practice and Remedies Code that the State Fair of Texas may not post 30.06 signs, 30.07 signs, or state or imply that a license holder who is carrying a handgun under the authority of Chapter 411, Subchapter H of the Texas Government Code is prohibited from entering or remaining on City Property, including Fair Park, except where license holders are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.

11.2 Plaintiff Alan Crider requests a declaration under Chapter 37 of the Civil Practice and Remedies Code that the State Fair of Texas may not post 30.05 signs, except where persons are prohibited from carrying a handgun under Tex. Penal Code Ann. § 46.03.

## **XII. TEMPORARY AND PERMANENT INJUNCTION**

12.1 Plaintiffs ask the Court to:

(a) Enjoin defendants from acting outside their legal authority, violating Tex. Gov't Code Ann. § 411.209, and violating the constitutional right of Texas citizens to keep and bear arms, and specifically enjoining defendants from: (1) posting or allowing the State Fair of Texas to post any notice on a City of Dallas website, State Fair of Texas website, or in or near Fair Park that states or implies that handguns are not permitted at the Texas State Fair; (2) taking action or allowing other persons, working on one or more defendants' behalf or in concert with them, to take any action banning handguns, including stating or implying to another, by any act, that handguns are not permitted at the Texas State Fair; and (3) directing or allowing the police to arrest people who violate the illegal ban;

(b) Order defendants to perform the purely ministerial act of allowing people to enter Fair Park while exercising their constitutional right to carry a handgun; and

(c) Order defendants to direct the police not to arrest people who exercise their constitutional right to carry a handgun, regardless of whether the person is licensed to carry.

### **XIII. PRAYER**

WHEREFORE, plaintiff requests that the Court award penalties, reasonable attorney fees, investigative costs, witness fees, and deposition costs; and that the Court grant plaintiff temporary injunctive relief and permanent injunctive relief, as stated in paragraph 12.1, above; that plaintiff not be required to post any bond in accordance with Tex. Civ. Prac. & Rem. Code Ann. § 6.001; and for such other and further relief, at law or in equity, to which the plaintiff may show itself justly entitled.

Respectfully, submitted,

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Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy First Assistant Attorney General

JAMES LLOYD  
Deputy Attorney General for Civil Litigation

ERNEST C. GARCIA  
Chief, Administrative Law Division

*/s/ Ernest C. Garcia*

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CERTIFICATE OF SERVICE

I hereby certify that in accordance with Tex. R. Civ. P. 21a, and Local Court Rule 2.05 this instrument was served on this 6th day of September 2024, upon the on the following via e-service or e-mail:

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COUNSEL FOR STATE FAIR OF TEXAS

/s/ Ernest C. Garcia  
Ernest C. Garcia



STATE OF TEXAS, MAXX  
JUUSOLA, TRACY MARTIN, and  
ALAN CRIDER  
*Plaintiffs,*

§  
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IN THE DISTRICT COURT OF

v.

DALLAS COUNTY, TEXAS

CITY OF DALLAS,  
KIMBERLY BIZOR TOLBERT, in her  
official capacity as the Interim City  
Manager for the City of Dallas  
and the  
STATE FAIR OF TEXAS,  
*Defendants.*

298th JUDICIAL DISTRICT

**Unsworn Declaration of Alexandre Louis Dubeau**

My name is Alexandre Louis Dubeau, and I am an employee / investigator of the following governmental agency: Office of the Attorney General, Administrative Law Division, located at 300 W. 15<sup>th</sup> Street, Austin, Texas 78701. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing factual statements in the Plaintiffs' First Amended Petition are true and correct.

Executed in Bastrop County, Texas on this the 6<sup>th</sup> day of September, 2024.



Alexandre Louis Dubeau

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Paul Pruneda on behalf of Ernest Garcia

Bar No. 7632400

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Envelope ID: 91759474

Filing Code Description: Amended Petition

Filing Description: PLAINTIFF'S FIRST AMENDED VERIFIED PETITION FOR CIVIL PENALTIES, TEMPORARY INJUNCTION AND PERMANENT INJUNCTIVE RELIEF

Status as of 9/9/2024 8:22 AM CST

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Paul Pruneda on behalf of Ernest Garcia

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Envelope ID: 91759474

Filing Code Description: Amended Petition

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Status as of 9/9/2024 8:22 AM CST

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#### Associated Case Party: STATE OF TEXAS

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**App. 8: STATE'S REQUEST FOR TEMPORARY INJUNCTION**

CAUSE NO. DC-24-14434

<p><b>STATE OF TEXAS, MAXX JUUSOLA, TRACY MARTIN, and ALAN CRIDER, <i>Plaintiffs,</i></b></p>	§ § § § § § § § § § § § § § § §	<p style="text-align: right;"><b>IN THE DISTRICT COURT OF</b></p> <p style="text-align: right;"><b>DALLAS COUNTY, TEXAS</b></p> <p style="text-align: right;"><b>298th JUDICIAL DISTRICT</b></p>
<p>v.</p>		
<p><b>CITY OF DALLAS, KIMBERLY BIZOR TOLBERT, in her official capacity as the Interim City Manager for the City of Dallas, and the STATE FAIR OF TEXAS, <i>Defendants.</i></b></p>		

**STATE OF TEXAS’S MOTION FOR TEMPORARY INJUNCTION  
AND NOTICE OF TEMPORARY INJUNCTION HEARING**

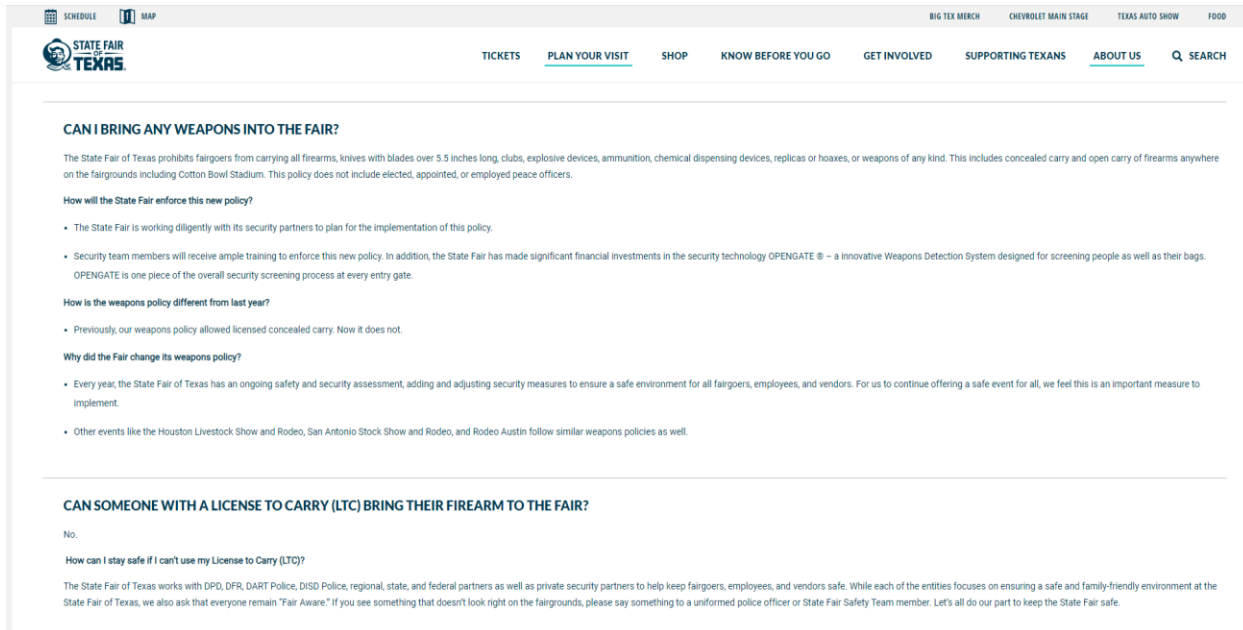
The State of Texas, by and through Ken Paxton, Attorney General of Texas, files this as its Motion for Temporary Injunction and Notice of Temporary Injunction Hearing.

**Introduction and Notice of Hearing**

1. Plaintiff, the State of Texas, filed its Original Verified Petition requesting civil penalties, a temporary injunction and permanent injunctive relief on August 29, 2024, and its First Amended Verified Petition requesting civil penalties, a temporary injunction and permanent injunctive relief on September 6, 2024. Plaintiff incorporates the First Amended Verified Petition and the request or application contained therein for a temporary injunction, herein by reference, including but not limited to the facts and legal arguments referenced therein supporting the issuance of an injunction.
  
2. During the hearing on September 10, 2024, the court rescheduled the hearing on the State’s request or application for injunction to be held at 9:00 a.m. on Thursday, September 19, 2024 before the 298<sup>th</sup> Judicial District Court of Dallas County, Texas.

### **Undisputed Facts**

3. It is undisputed that the City of Dallas, is a governmental entity / political subdivision of this state and that the City of Dallas owns Fair Park, and that it has numerous buildings, premises, sidewalks, walkways, parking lots or parking areas within the park.
4. It is also undisputed that the City of Dallas has entered into a Fair Park Contract or lease agreement to lease the 277 acres known as Fair Park to the entity known as the State Fair of Texas and that the State Fair of Texas is scheduled to be open for 24 days from Friday, September 27, 2024 until October 20, 2024.
5. It is also undisputed that the entirety of Fair Park, that is, all its buildings, premises, sidewalks, walkways, parking lots or parking areas do not constitute places where weapons are prohibited under Tex. Penal Code Ann. § 46.03(a).
6. It is also undisputed that the State Fair of Texas has communicated through its big.tex.com website that residents or citizens with a handgun may not enter or remain on government property, i.e., Fair Park, during the State Fair. The following is a true, accurate and correct excerpt from the State Fair of Texas / Big Tex FAQs page:



7. In addition to the City of Dallas’ statement or implied communication prohibiting handguns through the State Fair of Texas website publication, the City of Dallas, on its Music Hall at Fair Park premises or building, expressly communicates or states on signage affixed to the exterior of the city building that handguns are prohibited by the City of Dallas and that the City of Dallas threatens residents or citizens with prosecution for criminal trespass under Texas Penal Code §§ 30.05, 30.06 and 30.07 should one enter or remain on such government building within Fair Park with a handgun. The following is a true, accurate and correct photograph of the signage posted and affixed to the wall at the entrance to Music Hall at Fair Park.



**Argument**

8. As the prohibition of handguns on the majority of Fair Park and its walkways is without legal authority and is contrary to our state constitution and state statutes and because residents or citizens cannot be charged with criminal trespass under our Texas Penal Code for entering in or remaining in the majority of the premises or buildings within Fair Park and the sidewalks, walkways, parking lots or parking areas within Fair Park (other than those premises specifically identified in Tex. Penal Code § 46.03(a)), the court has



statutory authority to enter a temporary injunction. *See*, Tex. Civ. Prac. & Rem. Code Ann. § 65.011 and Tex. Gov't Code Ann. § 411.209(g).

9. In addition, or in the alternative, as the State Fair is scheduled to open September 27, 2024, the State of Texas submits that imminent harm and irreparable injury will result if the court does not grant a temporary injunction, in advance of September 27, 2024, and that there is no other adequate remedy at law.

**Prayer**

Plaintiff, State of Texas, requests that the court grant the State's request for a Temporary Injunction and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

**KEN PAXTON**  
Attorney General of Texas

**BRENT WEBSTER**  
First Assistant Attorney General

**RALPH MOLINA**  
Deputy First Assistant Attorney General

**JAMES LLOYD**  
Deputy Attorney General for Civil Litigation

**ERNEST C. GARCIA**  
Chief, Administrative Law Division

*/s/ Ernest C. Garcia*  
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*Attorneys for Plaintiff State of Texas*

**CERTIFICATE OF SERVICE**

I hereby certify that this document was served via electronic service on September 13, 2024, on the following:

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***Counsel for Defendant State Fair of Texas***

/s/ Ernest C. Garcia  
Ernest C. Garcia  
Assistant Attorney General

CAUSE NO. DC-24-14434

STATE OF TEXAS, MAXX JUUSOLA,  
TRACY MARTIN, and ALAN CRIDER,  
*Plaintiffs,*

v.

CITY OF DALLAS,  
KIMBERLY BIZOR TOLBERT, in her  
official capacity as the Interim City  
Manager for the City of Dallas,  
and the  
STATE FAIR OF TEXAS,  
*Defendants.*

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

298th JUDICIAL DISTRICT

**Unsworn Declaration of Alexandre Louis Dubeau**

My name is Alexandre Louis Dubeau, and I am an employee / investigator of the following governmental agency: Office of the Attorney General, Administrative Law Division, located at 300 W. 15<sup>th</sup> Street, Austin, Texas 78701. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing factual statements in the State of Texas’s Motion for Temporary Injunction and Notice of Temporary Injunction Hearing are true and correct.

Executed in Bastrop County, Texas on this the 12th day of September, 2024.



Alexandre Louis Dubeau

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Filing Code Description: Motion - Temporary Injunction

Filing Description: STATE OF TEXAS'S MOTION FOR TEMPORARY INJUNCTION AND NOTICE OF TEMPORARY INJUNCTION HEARING

Status as of 9/16/2024 12:57 PM CST

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Paul Pruneda on behalf of Ernest Garcia

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Envelope ID: 92003069

Filing Code Description: Motion - Temporary Injunction

Filing Description: STATE OF TEXAS'S MOTION FOR TEMPORARY INJUNCTION AND NOTICE OF TEMPORARY INJUNCTION HEARING

Status as of 9/16/2024 12:57 PM CST

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**App. 9: CITY OF DALLAS'S RESPONSE TO REQUEST FOR  
TEMPORARY INJUNCTION**

STATE OF TEXAS, MAXX JUUSOLA,  
TRACY MARTIN, and ALAN CRIDER,

*Plaintiffs,*

v.

CITY OF DALLAS, KIMBERLY BIZOR  
TOLBERT, in her official capacity as the  
Interim City Manager for the City of Dallas,  
and the STATE FAIR OF TEXAS,

*Defendants.*

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

298<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANTS CITY OF DALLAS AND KIMBERLY BIZOR TOLBERT'S  
OPPOSITION TO PLAINTIFFS' REQUEST FOR TEMPORARY INJUNCTION**

Defendants City of Dallas and Kimberly Bazor Tolbert, in her capacity as Interim City manager, (collectively, the "City" or "City of Dallas") file this Opposition to Plaintiffs' request for a temporary injunction, as set out in Plaintiffs' First Amended Verified Petition for Civil Penalties, Temporary Injunction and Permanent Injunctive Relief (Sept. 6, 2024) and Motion for Temporary Injunction (Sept. 13, 2024), and state as follows:

**SUMMARY OF ARGUMENT**

This case is not about gun rights; it is about private property rights. For 24 days in September and October of each year, the City of Dallas leases Fair Park to the State Fair of Texas, a private nonprofit entity ("SFOT"). Under that lease, SFOT has exclusive use of the premises and has total authority to operate the State Fair. The City of Dallas has no control over or input on SFOT's operations during that period, nor how SFOT chooses to run the iconic State Fair. It has been this way for many, many years.



As a private actor on property that it exclusively controls during the lease period, Texas law permits SFOT (like any other private actor) to decide whether it wishes to allow individuals carrying firearms onto the leased premises and the State Fair. The City of Dallas has no role in that decision and plays no role in enforcing whatever admission policy SFOT adopts. As a result, SFOT's policy on admitting patrons carrying firearms to the State Fair is solely up to SFOT. The City makes no such decisions and has taken no action whatsoever with respect to this matter.

Nonetheless, asserting that it received "complaints" from citizens (which were neither documented nor directed to nor timely shared with the City), the State of Texas, acting through the Attorney General, now claims that the City has violated state law because SFOT has apparently elected not to allow firearms at the State Fair this year. Specifically, the Attorney General contends that the City has violated Tex. Gov't Code § 411.209(a) and seeks injunctive relief as to the City to somehow force the SFOT, a private actor, to change or otherwise not enforce the SFOT's own admissions policy for a private event (the State Fair) that the SFOT exclusively operates. That is improper on its face, and the Attorney General's request for an injunction should be denied for several reasons.

**First**, Section 411.209(a) only prohibits a "state agency or political subdivision" from taking "any action" that "states or implies that a license holder who is carrying a handgun ... is prohibited from entering or remaining on a premises or other place owner or leased by the governmental entity." It is undisputed that the City has taken no such action. The action complained about by the Attorney General was undertaken by SFOT, a private entity, not the City. As a result, the City is not violating Section 411.209(a) and there is nothing relevant to "enjoin" the City from doing because it is not doing anything related to Section 411.209(a).

**Second**, nor could the City take any action that runs afoul of Section 411.209(a) while the State Fair is underway (which is the only time period at issue here). This is because, throughout that time, the premises are leased to and exclusively controlled and used by the SFOT. The SFOT runs and

operates the State Fair through its own board of directors, not the City. Indeed, the City cannot (and does not) direct or control the SFOT during the State Fair, throughout the term of the SFOT's lease. Thus, the requested injunction (requiring the City to allow guns into the State Fair or direct SFOT to so allow) is not possible as Fair Park, the SFOT, and the City's relationship is configured and contractually defined.

**Third**, the Attorney General's contention that the SFOT's actions and decisions are somehow imputable or attributable to the City is not only unsupported, but runs counter to established law and Attorney General's own prior opinions. For over eight years, this same Attorney General told Texans that Section 411.209(a) does not prohibit a leaseholder of government property such as SFOT from having its own policy regarding whether to allow visitors carrying guns on the leased premises. The United States Court of Appeals for the Fifth Circuit agrees. The Attorney General's sudden pivot days after filing this lawsuit does not and, indeed, should not in equity and good faith change that.

**Fourth**, Plaintiffs' request for other injunctive relief (primarily to prohibit Dallas Police Department officers from arresting individuals who violate trespass laws at the State Fair) do not even satisfy the requisite elements. Most notably, there is no showing of any imminent injury, and the relief sought is plainly unnecessary or overbroad.

**Fifth**, the Attorney General's generic and purportedly constitutional claim falls flat (*see* Fourth Cause of Action; "Violation of Constitutional Right to Keep and Bear Arms"). It does not challenge any ordinance or law passed or adopted by the City, and the actions of SFOT are those of a private actor. Thus, there is no "state action" required for a constitutional claim. Moreover, even the Attorney General does not argue there is a "constitutional right" to carry firearms onto every government-owned property (a proposition unsupported by Texas or federal law), nor to carry firearms onto another's private property without its consent.

*Finally*, the Attorney General has not established that it satisfied all conditions necessary to bring this lawsuit. The statutory scheme provides that “a resident of this state licensed to carry a handgun under this [Tex. Gov’t Code § 411] subchapter may file a complaint with the Attorney General” but that complaint “must include evidence of the violation and a copy of the written notice that a resident” or complaining license holder provided to the agency or subdivision. *See* Tex. Gov’t Code § 411.209(d). The Attorney General does not plead any such qualifying complaint, and the City has never received notice of one. *Id.* § 411.209(e). Without a valid and qualifying complaint, the Attorney General is not even authorized to investigate, which itself is a pre-requisite to filing this suit. *Id.* § 411.209(f).

### **Background Facts**

#### **A. Background on Fair Park.**

1. The Texas State Fair (the “Fair”) is an annual private event held at Fair Park in Dallas every fall.

2. The City of Dallas has owned Fair Park since 1904.

#### **B. The State Fair’s operations.**

3. However, the City does not and has never run the Fair. Instead, the Fair is run entirely by the SFOT, a private nonprofit corporation governed by its own board of directors. No City employees, officials, or appointees are members of SFOT’s board. The City exercises no oversight over SFOT and has no approval rights for SFOT’s policies or actions.

4. Thus, the State Fair is a private event controlled and operated exclusively by SFOT, a private entity that has the right to and does enact its own rules and regulations for that private event. The City has no authority or oversight as to the SFOT’s exercise of its own rules and regulations and does not participate in SFOT’s decision-making.

5. Similarly, the SFOT has the sole responsibility for enforcing its rules, regulations, and policies regarding the Fair. Although the City does assign Dallas Police Department officers to work during the Fair, as it would for any large event, those public safety officers are responsible only for enforcing applicable laws and City ordinances. They do *not* enforce the SFOT's private rules and regulations.

**C. The Parties' Lease Agreement.**

6. The SFOT runs the Fair at Fair Park pursuant to a written lease and contract agreement (the "Agreement"). In exchange for rent and other fee payments, the SFOT is given exclusive possession and occupancy over a specified portion of Fair Park for the duration of the Fair. The Agreement specifically provides that:

4.01 Period of the Fair. The City agrees that the State Fair shall have possession and occupancy of Fair Park . . . for the Period of the Fair[.]”

*See* Agreement, as amended, § 4.01 (Aug. 28, 2002).

7. Thus, the SFOT occupies and controls the specified Fair Park grounds during the “Period of the Fair.” *Id.* As operator of the Fair and lessee of the property, the SFOT has the exclusive authority to decide who is admitted or prohibited from entering the leased premises during that period.

8. This year, on its own authority—and with no input from the City of Dallas—the SFOT decided to exercise its right under Texas law to not allow visitors who are carrying firearms to enter the State Fair premises (which it exclusively operates). Texas law allows SFOT, as a private entity, to make this decision.

**D. SFOT's Policies.**

9. The SFOT determined on its own to adopt a policy refusing admission to individuals carrying firearms. The City had no involvement, participation, input or authority over this decision. It

was made by the SFOT, as a private actor, in connection with the SFOT's occupied premises per the Agreement.

10. The City has taken no position on the SFOT's policy, nor does it have any authority to "approve" or "revoke" any such policy. Because the SFOT remains in compliance with the parties' Agreement, the City can and must continue to honor the terms of the Agreement.

**E. The Attorney General's Involvement.**

11. On August 13, 2024, Attorney General Ken Paxton sent Ms. Kimberly Bizer Tolbert, the City of Dallas's Interim City Manager, a "Notice of Wrongful Exclusion of Handgun License Holders at Fair Park."

12. In that Letter, the Attorney General complained about the SFOT's "announcement" on its website that "persons with a license to carry (LTC) cannot bring their firearms to the fair." *Id.* The Attorney General did not mention receiving any complaints about the City of Dallas, and none were directed or provided to the City by the Attorney General in its Letter.

13. The Attorney General went on to contend that, "[t]hrough this lease agreement, the City of Dallas authorizes the State Fair of Texas to take control of the functions of operating the public city park, various city buildings, walkways and sidewalks contained within the 277 acres over a 24-day period." On that erroneous basis (SFOT is *not* operating a public park), the Attorney General contended that "[o]ur office views this statement by the State Fair of Texas as an implication that the City of Dallas (a political subdivision of the State) is prohibiting a license holder from entering or remaining on premises or other place owned or leased by the City of Dallas in violation of Tex. Gov't Code § 411.209(a)." This City was given 15 days to cure "the violation" pursuant to § 411.209(a).

14. The City responded that it did not believe it had committed a violation, making many of the same arguments set out in this brief.

15. Prior to the Attorney General’s August 13, 2024 Letter, no citizen or resident had provided the City with written notice—or any notice whatsoever—of any purported violation arising from the SFOT’s policy relating to any of the issues raised in the Letter or this lawsuit.

16. Instead, the Attorney General filed this lawsuit.

**F. The Lawsuit and Applicable Claims.**

17. The lawsuit asserts six causes of action, all centered around Section 411.209(a).

18. The Attorney General amended his Petition on September 6, 2024, adding new claims (all also based on Section 411.209(a)) and three individual plaintiffs.

19. The individual plaintiffs are citizens who claim they wish to exercise “their right to carry a firearm, both as a license holder and constitutionally, on government property, including Fair Park, except where prohibited under Tex. Penal Code § 46.03.” *See* Am. Pet. ¶¶ 3.2-3.4.

20. Two of the individual plaintiffs also seek declaratory relief that the SFOT may not post signs under Tex. Penal Code §§ 30.06 or 30.07 stating or implying that that a license holder carrying a handgun is prohibiting from entering or remaining on City property. *Id.* ¶ 11.1.

**G. The Injunctive Relief Sought.**

21. In their Amended Petition, Plaintiffs seek a laundry list of possible injunctive relief. Essentially, that relief falls into a few “buckets”:

- An injunction prohibiting all “Defendants” from “posting or allowing the State Fair of Texas to post any notices on a City of Dallas website, State Fair of Texas website or in or near Fair Park that states or implies that handguns are not permitted at the Texas State Fair.” Am. Pet. ¶ 12.1(a)(1). This includes a request to enjoin Defendants from allowing any other person working on their behalf from taking any action stating or implying that handguns are not permitted at the Texas State Fair. *Id.* ¶ 12.1(a)(2).
- Enjoining Defendants from directing or allowing the police to arrest people who violate what the Attorney General describes as an “illegal ban.” *Id.* ¶ 12.1(a)(3), (c). This includes “order[ing] defendants to direct the police to not arrest people who exercise their constitutional right to carry a handgun[.]” *Id.*

- The above relief also seeks an injunction “[o]rder[ing] Defendants to perform the purely ministerial act of allowing people to enter Fair Park while exercising their constitutional right to carry a handgun.” *Id.* ¶ 12.1(b).

## ARGUMENT & AUTHORITIES

### A. Legal Standards.

**Temporary Injunction.** “A temporary injunction is an extraordinary remedy and does not issue as a matter of right.” *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). “To obtain a temporary injunction, the applicant must plead and prove (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.” *State v. Loe*, 692 S.W.3d 215, 226 (Tex. 2024).

**Constitutional Right to Bear Arms.** Although Texas and the United States provide various constitutional and statutory rights to carry guns, those rights are not absolute and focus on government regulation of guns, not private corporations’ rights to prohibit visitors from carrying guns at events they organize on property they lease and occupy. *See, e.g., State v. Villanueva*, 686 S.W.3d 752, 758-61 (Tex. Crim. App. 2024) (summarizing history of right to bear arms under Texas Constitution); *United States v. Rahimi*, 602 U.S. ---, 144 S. Ct. 1889, 1924 (2024) (Barrett, J., concurring) (“Despite its unqualified text, the Second Amendment is not absolute. It codified a pre-existing right, and pre-existing limits on that right are part and parcel of it.”). In fact, the Texas Constitution explicitly grants “the Legislature [the] power, by law, to regulate the wearing of arms, with a view to prevent crime,” TEX. CONST. art. I, § 23, and as Plaintiffs themselves concede, the Texas Legislature has exercised that power by prohibiting even licensed individuals from carrying guns in a variety of locations, including schools, places where school activities are occurring, racetracks, airports, bars, and many others, Tex. Penal Code § 46.03; 1st Am. Pet. ¶ 5.6.

**B. The Attorney General has Not Satisfied the Preconditions Necessary for this Lawsuit.**

As a threshold matter, the Attorney General does not have a power to bring enforcement actions under Tex. Gov't Code § 411.209, as he purports to do here, without complying with specific statutory preconditions. Section 411.209 sets forth the exclusive process that applies to this action:

1. A resident of Texas or “person licensed to carry a handgun under this subchapter” must provide notice in writing to the state agency or political subdivision that describes the “location and general facts of the violation”;
2. The state agency or political subdivision has three business days from “the day of receiving the written notice” to cure the violation;
3. If the state agency or political subdivision does cure the violation, the resident or Texas or licensed firearm carrier “may file a complaint with the attorney general” alleging the same state agency or political subdivision received notice and failed to cure the violation within the three day period and the complaint “must include evidence of the violation and a copy of the written notice provided to the agency or subdivision”;
4. The Attorney General then “must investigate the complaint to determine whether legal action is warranted”;
5. If the Attorney General decides that legal action is warranted, he “must give the chief administrative officer of the agency or political subdivision charged with the violation written notice” describing the violation, stating the proposed penalty, and providing a fifteen-day cure period”; and
6. Only if those steps have all been followed and the state agency or political subdivision did not cure the violation during the fifteen-day period may the Attorney General file suit to “collect the civil penalty” or “apply for other appropriate equitable relief” from the state agency or political subdivision.

*Id.*<sup>1</sup> Here, Plaintiffs have short-circuited and disregarded the procedural steps mandated by Texas law.

There was no written notice served on the City,<sup>2</sup> no showing of any complaint filed with the Attorney General that included the mandatory components (the written notice to the City and evidence of the

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<sup>1</sup> The same instructions are set forth on the Attorney General’s own webpage under the heading “Exclusion of Handgun License Holder Complaints” available at <https://www.texasattorneygeneral.gov/exclusion-handgun-license-holder-complaints> and accessed by the City of Dallas on Friday, September 13, 2024 at 2:23 p.m.

<sup>2</sup> The three new individual plaintiffs do not allege they made complaints with the City. It is therefore unclear what standing they have to seek any relief. The statutory scheme gives the City three days to cure any violation raised in a complaint they have received. *Id.*



violation), no showing of an investigation by the Attorney General, and no written notice and attendant cure period from the Attorney General to the City.

These steps are not optional. They are statutorily required procedures that are mandatory before initiating legal action, and the Attorney General plainly disregarded them. Plaintiffs' requested relief should be denied on this basis, alone, because the Attorney General necessarily has not shown he has a probable right to the relief sought when he has not even satisfied the procedural preconditions to filing suit.

**C. The City Has Not Violated § 411.209(a), So No Injunction Is Warranted.**

The cornerstone of Plaintiffs' case is that the City is in violation of Texas Gov't Code § 411.209(a). Because that is plainly incorrect, Plaintiffs cannot satisfy the second element required to obtain a temporary injunction—that they have a probable right to recovery against the City.

Section 411.209(a) provides as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF HANDGUN LICENSE HOLDER. (a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.

*First*, an explanation of the Penal Code sections referenced in 411.209(a) above provides critical context. Penal Code § 30.06 (for licensed carrying of concealed handguns) and § 30.07 (for licensed openly carrying of handguns) are criminal trespass statutes that provide for a violation if a licensed holder (1) carries a handgun onto the property of another without effective consent *and* (2) receives notice that entry on the property with a concealed handgun was forbidden. *Id.* Under these provisions, any property owner may post signs on their property forbidding guns on the premises, although notice

can also be oral (meaning a private actor can tell someone orally they are not allowed on their property with a handgun). It is Section 411.209(a) that prevents governmental entities from posting that signage or restrictions on the government's property.

Meanwhile. Sections 46.03 and 46.035 specify where handguns are prohibited, regardless of Section 411.209(a). This includes places such as courthouses, governmental meetings, establishments that derive more than 50% of their revenues from alcohol sales, scholastic events, high school or collegiate sporting events, etc. *See* Tex. Penal Code § 46.03. This is why, as even Plaintiffs admit and despite Section 411.209(a), at a minimum, guns can be and are legally prohibited in certain areas within Fair Park (such as the Cotton Bowl and scholastic events involving farm animals).

*Second*, as is apparent from its plain language, Section 411.209(a) applies only to a “state agency or political subdivision,” and then only to an “action” by that agency or subdivision “that states or implies that a license holder who is carrying a handgun” is “prohibited from entering or remaining on [the government] premises.” Accordingly, for Section 411.209(a) to apply in this or any other case, the conduct or actions at issue must be performed by an agency or political subdivision, not a private actor.

*Third*, here, the City of Dallas has not taken any “action” at all, much less one stating or implying anything about whether license holders are prohibited from entering government premises while carrying a handgun. It was the SFOT who made the statement at issue here about the SFOT's private event, not the City. The City does not operate the Fair and does not occupy or control the property at issue during the Fair; the SFOT does. As a result, there is no violation of Section 411.209(a) by the City, period.

Notably, as discussed below, the Attorney General himself has repeatedly reached that same conclusion under materially identical facts. The Attorney General conveniently withdrew one of those opinions earlier this week, but that does not change the law he analyzed therein. In any event, Plaintiffs

certainly cannot establish a probable right to the relief they seek when the Attorney General’s own prior opinions—withdrawn or otherwise—are directly to the contrary.

*Fourth*, the party that has taken some action—the SFOT—is a private corporation that is distinct and entirely separate from the City. Thus, Section 411.209(a) does not apply to the SFOT, either. Once the City leases the property (Fair Park) to the SFOT, the SFOT has exclusive use and possession of the property for the defined period of time. The Attorney General’s opinions discussed above reinforce the inapplicability of Section 411.209(a) to the SFOT under these circumstances, too.

Plaintiffs have purposefully misconstrued the lease between the City and the SFOT. In his August Letter, the Attorney General falsely contended that the SFOT was operating a “public park.” That is not accurate. The SFOT operates a private event (the Fair) on property leased from the City. It does not and never has “operated a city park” or performed any other governmental function.

Plaintiffs’ allegation that the “State Fair of Texas acts under the authority of the City of Dallas” and, therefore, “[a]ny action taken by the State Fair of Texas must rely on the authority that the City of Dallas has delegated to it in order to operate on city property,” is more of the same. *See* Am. Pet. ¶ 5.5. This, too, is inaccurate. The control of the leased premises comes from the terms of the lease itself, not some generic alleged grant of authority from the City. The SFOT has control of the property under the Agreement and the application of the law to those rights.

**D. The SFOT’s Actions Cannot Be Implied or Attributed to the City.**

In the Attorney General’s Letter to the City and now in the Amended Petition, the Attorney General argues that because *the SFOT* has made a statement about not admitting individuals who are carrying firearms, with guns, *the City* must somehow have implied that it too has such a policy with respect to government property. That is nonsensical, inaccurate, and contrary to both established law involving this very issue and prior opinions issued by this very Attorney General.

At the outset, it should be noted that the Attorney General cannot and does not point to *any* action by the City that states or implies that the City's policies are in any way the policies of the SFOT (or vice versa). The SFOT's actions as a private actor regarding a private event on premises it contractually leases and controls imply nothing about any City policy. That is the crux of both the case law and the Attorney General's own opinions.

**1. Fifth Circuit Precedent Supports the City's Position.**

In *Rundus v. City of Dallas, Texas, et al.*, an individual tried to distribute Bible tracts at the Fair in violation of SFOT policy. 634 F.3d 309, 312-15 (5th Cir. 2011). After being excluded from the Fair, Rundus brought an action under 42 U.S.C. § 1983, claiming the City and the SFOT had violated his First Amendment rights. The threshold issue was whether the SFOT's actions constituted state action. This required the that either (i) the restriction represented an official City of Dallas policy, *see Monell v. Dep't. of Soc. Servs.*, 436 U.S. 658, 691 (1978); or (ii) the SFOT's conduct in enacting and enforcing the restriction was "fairly attributable" to the City of Dallas, *see Lugar v. Edmondson Oil*, 457 U.S. 922, 937 (1982). Rundus's claim focused solely on the latter theory. *Rundus*, 634 F.3d at 313.

On materially identical facts as those presented here, the Fifth Circuit found that the "SFOT is not a state actor" and declined to impute or imply its actions to the City. *Id.* at 315. The court concluded that the SFOT "runs a private event on public property" and the "City has no say in SFOT's internal decision making and had no role in enacting or enforcing the restriction on distribution of literature." *Id.*

The Fifth Circuit's holding should govern here. Like the restriction on distributing Bible tracts, the City had no role in enacting or enforcing the SFOT's statement regarding who may be admitted to the Fair carrying what. Because the City plays no such role (and cannot play a role given the SFOT's exclusive use of the premises during the Fair), its policy and statement regarding prohibiting fairgoers from bringing firearms into the Fair cannot be attributed to the City.

**2. Prior Opinions from the Attorney General.**

*First*, in Texas Attorney General Opinion KP-0108 (Aug. 9, 2016), this very same Attorney General, Ken Paxton, addressed the very issue presented here and found that there was no violation of Section 411.209(a). KP-0108 involved two nonprofits with offices on land owned by a city. The issue raised was whether the nonprofits could prohibit handguns on property owned by a city or government entity, the exact issue presented here. The facts were further similar, in that the nonprofits had exclusive use of the property, were run by a board of directors, and the city had no authority as to the operations of the nonprofits. On these facts, the Attorney General concluded:

As long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to a civil penalty under section 411.209.

*See* Tex. Att’y Gen. Op. KP-0108. Material to the Attorney General’s conclusion was that Section 411.209(a) does not “address whether a private entity, including an independent nonprofit entity, may provide notice to license holders that the carrying of handguns is prohibited in its offices.” *Id.* Noting that a lessor relinquishes possession or occupancy of the premises to the lessee, the Attorney General concluded that Section 411.209(a) does not apply to a city that leases property to a nonprofit entity. Indeed, the Attorney General specifically emphasized that: “Section 411.209 does not address whether a private entity, including an independent nonprofit entity, may provide notice to license holders that the carrying of handguns is prohibited in its offices,” but the “fact that the Legislature created a civil penalty in section 411.209 of the Government Code only for state agencies and political subdivisions provides some contextual support for the idea that the Legislature may not have intended to require private lessees of governmental property to allow handguns on that property.” *Id.* at \*2.

The Attorney General presciently concluded that “a court would likely conclude that a license holder carrying a handgun on property that is not a premises or other place from which the license holder is prohibited from carrying under sections 46.03 or 46.035 of the Penal Code and that is owned by a governmental entity but leased to a private entity is excepted from the offenses in 30.06(a) and 30.07(a).” *Id.* at \*2. In sum, *the Attorney General conceded the City’s argument here.*

The facts in this case mirror those in KP-0108, as discussed extensively above. Like in KP-0108, the City has leased the premises to a nonprofit and has no control or authority over their actions. Like the nonprofits in KP-0108, the SFOT operates exclusively on City property for a period of time and during that period the City has no control or authority over the nonprofit. On its face, KP-0108 clearly supports the denial if any injunctive relief.

Somewhat comically but also very revealing, after filing this case, the Attorney General withdrew Opinion KP-0108. His purported justification was a request filed on August 14, 2024 (again, after this lawsuit was filed) conveniently seeking clarification on the same issue subject of KP-0108. Recognizing that the Attorney General’s position since 2016 has firmly landed in support of the City’s posture here, the Attorney General withdrew KP-0108—on which municipalities and nonprofits have relied on for years—with the blatant intent of changing course to obtain a different outcome here. Doing so only confirms that the opinion expressed therein was correct and Plaintiffs’ claims in this case are necessarily inapposite to and unsupportable by that opinion.<sup>3</sup>

**Second**, given the Attorney General’s shifting positions, it bears particular note that KP-0108 was not the only time the Attorney General confirmed that Section 411.209(a) does not apply under these circumstances. On November 10, 2016, the Attorney General also issued a letter to the City of Fort Worth addressing two resident complaints alleging that signs posted at the entrances to the Fort

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<sup>3</sup> Ironically, it is Notice Letter, the Attorney General referenced KP-0108 (noting that the City may have considered KP-0108) but simply said such reliance “was misplaced.” It did not indicate the opinion was wrong or would be withdrawn, nor that there was any other “request” that was being considered.

Worth Zoo prohibiting LTCs from entering with concealed weapons violated Section 411.209. Nov. 10, 2016, Letter from Attorney General to City of Fort Worth (the “Fort Worth Letter”).<sup>4</sup>

In its investigation of the resident complaints, the Attorney General discovered that (1) the city contracted with a nonprofit corporation to provide operations and management services for the zoo; (2) the nonprofit corporation was responsible for managing zoo operations and had a right to use all city property on the grounds and “ha[d] sole discretion to determine the method in which it performs its obligations and responsibilities”; and (3) the nonprofit, rather than the city, posted the signs. *See* Fort Worth Ltr. at 2. Based on these factors, the Attorney General determined that the signs at the Fort Worth Zoo did not violate § 411.209.<sup>5</sup>

The facts in KP-0108 and the Fort Worth investigation and Letter are virtually identical to the facts here. Thus, the Attorney General’s conclusion, that “a reviewing court would likely conclude that under existing law, a private, non-profit corporation such as [SFOT] is not considered a political subdivision of the state for purposes of section 411.209(a)” applies here. Therefore, the announcement by the SFOT at issue here is not and could not be a violation of that statute. *Id.*

In light of the foregoing, the SFOT’s announcement that LTCs will not be allowed to carry firearms at the Fair is not “fairly attributable” to the City and the City has not committed a violation of Section 411.209(a) “by implication” or otherwise. Critically, given the lack of a violation, the City cannot even comply with the Attorney General’s request to “cure” it, and the Attorney General would have no colorable claim based upon the City’s purported failure to do so. Thus, the Court should deny Plaintiffs’ request for a temporary injunction because they do not plead and cannot

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<sup>4</sup> The Fort Worth Letter was issued *after* the Request that the Attorney General’s office has leveraged as necessitating withdrawal of KP-0108. That the Fort Worth Letter soundly addressed the same issues raised by RQ-0097-KP, casts further question on the Attorney General’s abrupt disavowal of KP-0108 only days ago.

<sup>5</sup> Notably, the proper § 411.209 process was followed in the Fort Worth investigation. That only makes more dispositive that the Attorney General has not taken the proper procedural steps here.

prove a viable claim, a probable right to the relief they seek, or a probable, imminent, irreparable injury absent the requested injunction.

**E. Injunctive Relief Is Not Warranted for the Trespass Claims.**

Plaintiffs also request an injunction based on their Second, Fourth, and Fifth Causes of Action, which allege that Tex. Penal Code §§ 30.06 and 30.07 and other unidentified “criminal trespass laws” do not apply to individuals who violate an independent nonprofit’s decision to prohibit visitors to the property on which the nonprofit operates from carrying handguns. *See* Am. Pet. ¶¶ 6.1-6.8, 9.1-9.6. This request should be denied.

***No Probable, Imminent, Irreparable Injury.*** Plaintiffs do not plead, and cannot prove, that the City of Dallas or Interim City Manager will probably or imminently engage in any act that would cause Plaintiffs any harm here. *See* Am. Pet. Nor is there any allegation, let alone evidence, that any Plaintiff (or anyone else) faces imminent arrest for criminal trespass. In fact, the word “imminent” appears nowhere in Plaintiffs’ pleading. *See id.* Nor do Plaintiffs plead any facts to support their conclusory allegation that they will suffer “irreparable injury to [their] personal reputations” if they were, hypothetically, to be arrested for criminal trespass. *See id.* ¶¶ 6.8, 9.6. Even actual “evidence of fear, apprehension, and possibilities is not sufficient to establish any injury, let alone irreparable injury,” and Plaintiffs do not even allege that much. *Marketshare Telecom, L.L.C. v. Ericsson, Inc.*, 198 S.W.3d 908, 925 (Tex. App.—Dallas 2006, no pet.). In fact, Plaintiffs do not even allege any intention to attend the State Fair, let alone to carry a firearm there, let alone any facts to indicate that an arrest for criminal trespass would have any impact on their reputations, which are necessarily unique to each individual person. Finally, even if arrested, Plaintiffs could not be convicted if they assert the defense provided in § 30.05(f).

***No probable right of recovery.*** Nor can Plaintiffs show a probable right to recovery. As the Attorney General noted in KP-0108, the trespass provisions do not apply to nonprofits operating on



property leased from a governmental subdivision where, as here, the nonprofit has exclusive control over the premises. Op. KP-0108 at 2 (“Nothing in the text of the statute itself nor in the legislative history suggests that the Legislature considered whether private entities that leased property from a governmental entity were required to allow the carrying of handguns on the property they lease.”).

Based on that accurate description of the statute, this Court should conclude as the Attorney General did in Opinion KP-0108:

[A] court would likely conclude that a license holder carrying a handgun on property that is not a premise or other place from which the license holder is prohibited from carrying under sections 46.03 or 46.025 of the Penal Code and this is owned by a governmental entity but leased to a private entity is *excepted* from the offenses in 30.06 and 30.07(a).

*Id.*

In addition, and as detailed by the SFOT in their brief, the statutory scheme works not to bar someone from being arrested but to give them a defense to that arrest (*e.g.*, they were carrying a handgun on governmental property in a manner that did not run afoul of §§ 46.03 or 46.035). Thus, barring anyone from being arrested, as the Attorney General requests, is far too broad (and not supported by the law).

**F. No Injunction Is Warranted based on a Constitutional Claim.**

Finally, a word about Plaintiffs’ Fourth Cause of Action, which is entitled “Violation of the Constitutional Right to Keep and Bear Arms.” Am. Pet. ¶¶ 8.1-8.8. Despite the title, Plaintiffs allege virtually nothing about any constitutional right. Instead, they briefly mention the Second Amendment to the U.S. Constitution and Article I, Section 23, of the Texas Constitution, then return to the same allegations about what the SFOT said on its website, and how firearms are banned by statute in at least some areas of the fairgrounds. *See id.* No ordinance or statute is challenged. Moreover, there is no meaningful claim that the SFOT is a “state actor,” and if there were, *Rundus* would dispose of it.

Additionally, although both constitutions contain a right to bear arms, neither is absolute. *See supra*. In fact, Plaintiffs admit that at least some areas of the State Fair itself are off-limits to those carrying guns. *See* Am. Pet. ¶ 5.6. Moreover, the very criminal trespass statutes Plaintiffs cite make clear that the non-governmental “owner” of a property—including a lessee in “possession” of the property, Tex. Penal Code § 1.07(1)(35)—generally has the right to decide not to allow visitors to carry guns and to notify visitors of that decision. *See* Tex. Penal Code §§ 30.05-30.07. As a result, there is no basis for any injunctive relief based on a constitutional claim or violation.

#### **CONCLUSION & PRAYER**

For all of these reasons, the City of Dallas and Ms. Tolbert respectfully request that the Court deny Plaintiffs’ request for a temporary injunction and award the City of Dallas and Ms. Tolbert any further relief to which it may be entitled.

Dated: September 13, 2024

Respectfully submitted,

/s/ Jeffrey M. Tillotson

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TOLBERT**

**CERTIFICATE OF SERVICE**

In accordance with the Texas Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing has been served on all counsel of record by e-service on September 13, 2024.

/s/ Jeffrey M. Tillotson

Jeffrey M. Tillotson

**App. 10: STATE FAIR OF TEXAS'S RESPONSE TO REQUEST  
FOR TEMPORARY INJUNCTION**

STATE OF TEXAS, MAXX JUUSOLA,  
TRACY MARTIN, and ALAN CRIDER

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IN THE DISTRICT COURT

*Plaintiffs,*

v.

CITY OF DALLAS, KIMBERLY  
BIZOR TOLBERT, in her official  
capacity as the Interim City Manager for  
the City of Dallas, and the STATE FAIR  
OF TEXAS,

298TH JUDICIAL DISTRICT

*Defendants.*

DALLAS COUNTY, TEXAS

**DEFENDANT STATE FAIR OF TEXAS’S RESPONSE IN OPPOSITION TO  
PLAINTIFFS’ VERIFIED APPLICATION FOR TEMPORARY INJUNCTION**

Defendant State Fair of Texas (“SFOT”) responds in opposition to Plaintiffs’ request for a temporary injunction set out in Plaintiffs’ First Amended Verified Petition for Civil Penalties, Temporary Injunction and Permanent Injunctive Relief.

**I. Summary of Claims and Grounds for Denial of Injunctive Relief**

The State of Texas (the “State”) along with individuals Maxx Juusola, Tracy Martin, and Alan Crider (collectively the “Plaintiffs”), seek an injunction prohibiting SFOT from exercising its private property rights as a landholder under a lease agreement to prohibit firearms at the State Fair of Texas (the “Fair”), held at Fair Park in Dallas, except for active or retired peace officers and properly licensed security personnel hired by SFOT. The State alleges that statutes spread over multiple provisions in the Penal Code and the Government Code prohibit SFOT from implementing its firearms policy. Those statutes can be cumbersome to wade through. SFOT describes them in detail below and also has included a summary at Appendix A.

The State and the individual plaintiffs also assert a constitutional right to take firearms on any property owned or leased by the State or its political subdivisions unless the Legislature has imposed restrictions that comport with constitutional protections on the right to bear arms found in the state or federal constitutions. Both assertions are without merit.

The main point of the first set of laws relied on by the State—contained in Penal Code sections 30.05, 30.06, and 30.07—is to define in what circumstances the tort of trespass constitutes a crime and to identify in what circumstances such a crime exists when a handgun is involved. Basically, under section 30.05 and in the case of property owned<sup>1</sup> by a private party or the government, if proper notice has been given, a person with a firearm, including a handgun and even if the person is licensed to possess that handgun, can be cited for criminal trespass, but the individual with a license to carry has a defense to prosecution. Somewhat confusingly, under sections 30.06 and 30.07 someone licensed to carry a handgun cannot even be cited under those sections for criminal trespass, even if they have received notice not to enter with a handgun, if the government owns the property, unless the property is of a type that falls into a special list of prohibited areas under Penal Code section 46.03. In those places it generally is unlawful to take a firearm even with a license.

Importantly sections 30.05, 30.06, and 30.07 do not grant individuals with or without a license to carry the right to enter private or governmental property with a firearm. In other words, the owner, whether a private party or a government, can post signs and prevent entry and even if entry is obtained can always ask the person to leave, and refusing to leave is a type of criminal

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<sup>1</sup> The Penal Code broadly defines owner to include: “a person who: (A) has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor; . . .” Tex. Penal Code § 1.07(a)(35). A “person” is defined in the Penal Code to include an “association” a “corporation” and an “association” in turn is defined to include “a government or governmental subdivision or agency.” Tex. Penal Code §§ 1.07(a)(6) and (38).

trespass—as it always is, regardless of the reason for the request to leave. That is where Government Code section 411.209 comes in. That section prohibits the government—and only the government—from taking action that states or implies that a person carrying a handgun under a license (so not unlicensed “constitutional carry”) may not enter or remain on property owned or leased by the government other than those areas covered by Penal Code section 46.03. In other words, section 411.209 fills in a gap left by sections 30.05, 30.06, and 30.07 but in a limited way. It prevents a government and only a government from preventing someone with a license to carry from entering property, other than the type of governmental property described in section 46.03 of the Penal Code, or asking someone with a license to carry to leave that property because they have a handgun.

That makes the analysis here simple. The statutes the State must rely on prohibit *only the government* from taking action to prevent people licensed to carry from entering and visiting property owned by the government (other than the property described in section 46.03 of the Penal Code). So as long as it is not the City of Dallas (the “City”) that has imposed and implemented the prohibition on firearms at Fair Park during the Fair, there has not been and there cannot have been any violation of section 411.209. As will be established at the Temporary Injunction Hearing, the City had nothing to do with SFOT’s decision to prohibit firearms at Fair Park during the Fair. That was solely the SFOT’s decision as the lessee of Fair Park during the Fair; and under the Penal Code, SFOT is an “owner” because it has possession of Fair Park during the Fair.

The constitutional claims are as easily disposed of. The federal and state constitutions apply only to “state action.” The operation of the Fair is not state action, as the Fifth Circuit has already determined. That disposes of the constitutional claims. Even if state action were present, however, the federal and state constitutions would not bar the type of restrictions that SFOT has imposed—

reasonable restrictions in a sensitive place such as a fair. To say otherwise, would raise questions about the constitutionality of Penal Code section 46.03, which itself imposes restrictions on where firearms may be carried. But because there is no state action, the Court need not delve into those questions. There is no viable constitutional claim here.

In sum, the laws Plaintiffs rely on do not apply to SFOT as a private lessee and owner of Fair Park during the Fair. Accordingly, the Court should deny Plaintiffs' application for temporary injunction.

## **II. Factual Background**

SFOT is a private nonprofit entity. It organizes and operates the annual Fair. SFOT, or a predecessor entity, has done so for over 100 years. SFOT currently conducts the Fair on property it leases from the City, specifically Fair Park.

The Fair is a 24-day private event operated by a private entity. During the time of the Fair, the grounds are gated. Fair Park is not an open "park" during that time period. Admission requires a ticket and entry through one of the ticketing gates and security checkpoints.

SFOT operates the Fair autonomously. Every court that has reviewed the relationship between SFOT and the City—including as explained further below, the U.S. Court of Appeals for the Fifth Circuit—has determined that SFOT and the City do not jointly operate the Fair. *See, e.g., Rundus v. City of Dallas and State Fair of Texas*, 634 F.3d 309 (5th Cir.), *cert. denied*, 565 U.S. 821 (2011).

With respect to operation of the SFOT and the Fair, the City is merely a landlord. There is no overlapping leadership structure between SFOT and the City. SFOT is currently governed by a 20-person board of directors, none of whom are government employees, government officials, or government appointees. SFOT is also financially independent and does not receive any money



from the City to host the Fair. In fact, SFOT pays substantial sums *to* the City. SFOT pays rent and other fees, makes certain tenant improvements in Fair Park, and provides funds to the City to pay for capital improvements, though only ones that benefit the Fair, all outside the lease period.

SFOT likewise reimburses the City for the services it receives. For example, the Dallas Police Department (“DPD”) maintains a significant presence at the Fair. It does so because there are a large number of people within a relatively small area at the Fair. DPD’s general policy is to staff events where there are large public gatherings and crowds of people. SFOT fully reimburses the City for all DPD officers at the Fair, among other services.

SFOT leases Fair Park pursuant to an agreement with the City, known as the Fair Park Contract (the “FPC”). In all respects, the FPC is an arms-length agreement, similar to a long-term commercial lease.

Pursuant to the FPC, SFOT controls certain portions of Fair Park on a year-round, full-time basis and other portions are controlled by the City on a year-round, full-time basis. The leased property expands during the 24-day period of the Fair, with SFOT taking possession and control of all other areas of Fair Park, except for certain venues referred to as the Cultural Facilities, which are owned by the City but operated by other private organizations.<sup>2</sup> There also is a set-up period for a number of days leading up to the Fair and then a take-down period for a number of days after the Fair. During those times control of the property varies, with SFOT having significant control over the property.

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<sup>2</sup> Today, the State finally filed a motion seeking a temporary injunction. SFOT reserves the right to supplement its briefing as necessary to address any argument in the just-filed motion. In the meantime, SFOT notes that the State now discusses—for the first time and without an underlying pleading—Music Hall at Fair Park. Music Hall is one of the “Cultural Facilities” that is operated under a separate agreement between a private party, which SFOT does not control, and the City. Therefore, no injunction or other action could be taken as to SFOT with respect to Music Hall.

During the 24-day period of the Fair, SFOT’s control over the property is *exclusive*. SFOT maintains complete control over the areas of Fair Park it leases; decides what persons to admit, not admit, or ask to leave the areas of Fair Park it leases; pays utilities utilized in connection with the leased premises; and receives all revenues generated by activities on the leased premises.

Recently, SFOT made the independent decision to prohibit fairgoers (other than peace officers, pursuant to state law) from carrying firearms onto the fairgrounds. That limitation—not yet in effect—will apply only during the 24 days of the Fair, which is scheduled to begin September 27, 2024.

The decision to prohibit the carrying of firearms at this year’s Fair was made by SFOT, not the City. SFOT’s prohibition applies to the carrying of concealed handguns and open-carry handguns pursuant to sections 30.06 and 30.07. Those are the provisions to which Texas Government Code section 411.209, relied on by the State, applies. SFOT’s prohibition also excludes the carrying of firearms generally pursuant to section 30.05, which is neither mentioned by section 411.209 nor any other relevant legislation.

On August 13, 2024, the OAG sent a letter to the City concerning SFOT’s decision to prohibit firearms at this year’s fair as required before filing a lawsuit. *See* Tex. Gov’t Code § 411.209(f). That letter threatened “legal action;” specifically, the OAG threatened to “file suit to seek injunctive relief and collect civil penalties” if the City did not cure any alleged violation within fifteen days. On August 28, 2024, the City responded to the OAG’s letter correctly indicating no violation of section 411.209 has occurred. On August 29, 2024, the State filed this lawsuit. On September 6, 2024, the State filed its amended petition. The amended petition added causes of action, revised certain causes of action, and added three private plaintiffs as parties.

### III. Legal Background on Firearms Laws

Texas Government Code Chapter 411, Subchapter H, has long provided a framework by which certain Texas residents may apply for a license to carry a handgun (either via concealed or open carry). Tex. Gov't. Code § 411.171, *et seq.* More recently, in 2021, the legislature enacted the Firearm Carry Act, commonly referred to as the “constitutional carry bill,” which eliminated the need for Texas residents to have a license in order to carry a handgun. To balance the right to carry firearms with the rights of property owners who do not want firearms on their property, the legislature has enacted a series of interconnected statutes, which it has revised over the years. *See* Tex. Penal Code §§ 30.05–.07; Tex. Gov't Code § 411.209. These statutes must be carefully parsed to properly evaluate the scope and application of the intended regulatory scheme.

Section 30.05 of the Texas Penal Code is the state’s general criminal trespass law. That statute makes it an offense to enter *or* remain on the property of another without effective consent where the person either “had notice that the entry was forbidden” *or* “received notice to depart but failed to do so.” Tex. Penal Code § 30.05(a) (emphasis added). The language of subsection 30.05(a) delineates two distinct prohibitions: (1) entering property with notice that doing so is forbidden and (2) remaining on property after receiving notice to depart. *Compare id.* § 30.05(a)(1), *with id.* § 30.05(a)(2).

Although an individual may forbid entry on to a particular property for virtually any reason, and provide notice to that effect, section 30.05 contains specific provisions with respect to firearms. As modified by the Firearm Carry Act of 2021, subsection 30.05(c) provides guidance as to how a person may provide notice that firearms are prohibited on a particular property. *See id.* § 30.05(c)(1)–(4) (detailing a sign posting requirement). Subsection 30.05(f) additionally states that it is a defense to the prosecution of criminal trespass that “the basis on which entry on the

property or land or in the building was forbidden is that entry with *a handgun* was forbidden” if the individual has a license to carry. *Id.* § 30.05(f) (emphasis added).

Section 30.05(f) must be read in concert with Texas Penal Code sections 30.06 and 30.07, which make it a crime to carry a concealed handgun (section 30.06) or an openly-displayed handgun (section 30.07) on the property of someone else against the wishes of the property-owner. Sections 30.06 and 30.07 thus create a special category of criminal trespass separate from the general trespass law in section 30.05. Specifically, sections 30.06 or 30.07 allow a person who owns property to post notices (a “30.06 Notice” and a “30.07 Notice,” respectively) prohibiting the possession of handguns on the property. If a proper 30.06 Notice or a 30.07 Notice is posted at a given location (or if verbal notice is given) and an individual with a license nevertheless enters with a handgun onto that location, the individual has committed criminal trespass without further notice from the property owner.

Again, the Firearm Carry Act only eliminated the need for Texas residents to have a license in order to carry a handgun. As of September 1, 2021, Texas residents no longer need a license to carry as long as they are otherwise eligible to possess a firearm. Before that date, however, carrying a handgun without a license was unlawful. The Firearm Carry Act did not alter a private entity’s right to exclude firearms on its property. The only significant change to the regulatory scheme is that section 30.05 now allows a person who owns property to post a notice (a “30.05 Notice”) prohibiting the possession of firearms on the property by individuals who do not have a license: “A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property.” *Id.* § 30.05(c). In practice, those portions of section 30.05 are now the constitutional carry or unlicensed equivalent of sections 30.06 (concealed carry) and 30.07 (open

carry). Critically, the Firearm Carry Act did not repeal the license to carry program. Sections 30.06 and 30.07 are still relevant and provide unique considerations for license holders.

In 2001, Texas Attorney General Cornyn issued an opinion stating that a governmental entity could use 30.06 Notices (at the time, section 30.07 did not exist) to ban handguns from property that it owned. Tex. Att’y Gen. Op. JC-0325 (2001). In response, the legislature amended section 30.06 in 2003 to add subsection (e):

It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03.

Tex. Penal Code § 30.06(e). A substantively similar exception was included in section 30.07(e) when that section was enacted. *See id.* § 30.07(e). The legislature did *not* include a similar provision in section 30.05 when passing the Firearm Carry Act.

The effect of sections 30.06(e) and 30.07(e) is that, on property “owned or leased by a governmental entity,” a handgun license-holder will not be deemed to have committed the offense of criminal trespass under 30.06 or 30.07 simply by ignoring a 30.06 Notice or a 30.07 Notice and bringing a handgun onto that property. Instead, on property that is “owned or leased by a governmental entity,” it is a criminal offense to possess a handgun pursuant to sections 30.06 or 30.07 only if that property is a place at which Texas Penal Code section 46.03 independently prohibits the possession of handguns. *See id.* § 46.03. By its terms this provision only applies to property over which the governmental entity has exclusive control through ownership or because it is the lessee. As discussed below, confusion exists over the application of 30.06(e) and 30.07(e) to land that is owned by the government but leased to a private entity based on the statute’s silence on the matter.

Important to the entire scheme described above is that all of those statutes are about prosecution for criminal trespass. They have nothing to do with whether a landholder may lawfully exclude weapons from its property separate from any criminal trespass prosecution. *Contra* Tex. Code Crim. Pro. Art. 2.1305 (prohibiting many privately-owned establishments from restricting a peace officer or investigator from carrying a firearm regardless of whether the officer or investigator is on duty).

Related to the exceptions set forth in subsections 30.06(e) and 30.07(e), the legislature has also enacted Government Code section 411.209. That section provides:

**[A] state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.**

Tex. Gov't Code § 411.209(a) (emphasis added). By its terms, section 411.209 only applies to actions by “a state agency or a political subdivision of the state.” It does not apply to private entities.

On February 11, 2016, the Erath County Attorney submitted a request for an opinion from the OAG regarding the ability of a non-profit agency operating on land it leases from the government to prohibit handguns pursuant to sections 30.06 and 30.07. *See* Tex. Att’y Gen. Op. Req. RQ-0097-KP (2016). The non-profit agency was the only tenant on the city-owned land. The request further specified that “[t]he City has no authority as to the operation of the non-profit and all decisions are made by an independent board of directors.” *Id.* at 1. In other words, the non-profit had exclusive control over the city-owned property and made policy decisions autonomously, without government oversight.

In response to that request, the OAG issued KP-0108. *See* Tex. Att’y Gen. Op. KP-0108 (2016) (attached at Appendix B). That opinion correctly notes “the prohibition in subsection 411.209(a) applies only to ‘a state agency or political subdivision of the state.’” App’x B at 2 (quoting Tex. Gov’t Code § 411.209(a)). Op. KP-0108 suggests that in situations where “a private entity is operating jointly with a governmental entity or has been hired by the governmental entity to perform certain governmental functions, fact questions could arise about which entity effectively posted a notice prohibiting the carrying of guns.” But outside of that scenario—not at issue here as discussed further below—“[a]s long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to civil penalty under section 411.209.” App’x B at 2.

Shortly after the issuance of Op. KP-0108, the OAG reinforced its opinion in *dismissing* two citizen complaints regarding the Fort Worth Zoo: “[T]he OAG determines the 30.06 signs at issue were posted by the [Fort Worth Zoological Association], which possesses the exclusive right to post signage on the zoo premises under the terms of its fee-for-services management contract with [Fort Worth].”<sup>3</sup>

After the OAG notified the City of its belief of a section 411.209 violation with respect to SFOT’s prohibition on firearms, two legislators requested an opinion from the OAG on the issue. *See* Tex. Att’y Gen. Op. Req. RQ-0558-KP (2024). Then, three days ago—and the day before the State had originally scheduled its hearing on the temporary injunction—the OAG “withdrew” Op.

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<sup>3</sup> *See* Matthew R. Entsminger, *Wrongful Exclusion of Concealed Handgun License Holder Complaint – No Violation*, TEX. ATT’Y GEN. (Nov. 10, 2016), [https://www2.texasattorneygeneral.gov/files/opn/3006\\_letters/2016-11-10-Fort\\_Worth\\_Zoo.pdf](https://www2.texasattorneygeneral.gov/files/opn/3006_letters/2016-11-10-Fort_Worth_Zoo.pdf) (attached at Appendix C)

KP-0108, purportedly “pending issuance” of an opinion in response to that request.<sup>4</sup> This, despite longstanding policy of the OAG *not* to issue opinions involving disputed facts or during litigation.<sup>5</sup> Although it is well-settled that OAG opinions are not binding on the courts or anyone else, this Court should take special note of the apparent gamesmanship here when the public has relied on an opinion and that opinion happens to be withdrawn in the midst of litigation that the OAG itself has chosen to prosecute that is directly contrary to its own opinion.<sup>6</sup>

In any event, opinion or not, the OAG’s position here is meritless. That is because the underlying law relied on in the opinion remains as it was and the conclusion reached in Op. KP-0108 was undeniably correct. That conclusion was an express recognition of longstanding Texas property laws: “As a general rule, a lessor relinquishes possession or occupancy of the premises to the lessee.” App’x B at 2 (quoting *Levesque v. Wilkens*, 57 S.W.3d 499, 504 (Tex. App.—Houston [14th Dist.] 2001, no pet.)). *Levesque* reinforces that Op. KP-0108 is a correct interpretation of the law:

The law is well settled that when land is leased, the lessee becomes the possessor and occupier of the land, and the lessor’s liability for . . . conditions on the premises generally terminates. A lease grants a tenant exclusive possession of the premises as against the owner. . . . When the lessor has no control over the premises, the lessor has no liability for injuries stemming from leased premises within the control of a tenant.

*Levesque*, 57 S.W.3d at 504–05 (internal citations omitted); *see also Johnson Cty. Sheriff’s Posse, Inc. v. Endsley*, 926 S.W.2d 284, 285 (Tex. 1996) (“[A] lessor relinquishes possession or

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<sup>4</sup> See *KP-0108*, TEX. ATT’Y GEN., <https://www.texasattorneygeneral.gov/opinions/ken-paxton/kp-0108> [<https://perma.cc/VGW8-HVX4>].

<sup>5</sup> Tex. Att’y Gen. Op. No. KP-0240 (2019) at 1 (“The attorney general opinion process does not resolve disputed fact questions or settle private disputes.”); Tex. Att’y Gen. Op. KP-0118 (2016) at 2 (explaining that “[d]eclining to answer a question that is the subject of pending litigation is a long-standing policy of this agency” and citing attorney general opinions dating back to 1947).

<sup>6</sup> It also is SFOT’s counsel’s experience that withdrawal of an opinion does not generally occur other than in the situation of a statutory amendment or change in the law by a supreme court.



occupancy of the premises to the lessee.”); *Kukis v. Newman*, 123 S.W.3d 636, 639 (Tex. App.—Houston [14th Dist.] 2003, no pet.) (same); *Craig v. Mixon*, No. 07-97-0350-CV, 1998 WL 466133, at \*4 (Tex. App.—Amarillo Aug. 11, 1998, pet. denied) (same).

With respect to sections 30.06 and 30.07, Op. KP-0108 correctly noted that whether those sections “make it an offense for a person carrying a handgun to enter property leased by a nonprofit entity from a state agency or political subdivision is a separate question” from whether there is a 411.209 violation when a property holder under an agreement with the government entity posts a notice. App’x B at 2. On the former, the OAG determined correctly that there was no violation as discussed above. On the latter—whether trespassing under 30.06 or 30.07 applies—the opinion suggested there is ample evidence to conclude the legislature did not intend for the exceptions in sections 30.06(e) and 30.07(e) to “apply to property that is owned by a governmental entity but leased to a private, nonprofit organization.” App’x B at 2. Nevertheless, the OAG explained, the meaning of the statutory provisions is clear and unambiguous:

Subsections 30.06(a) and 30.07(a) make it an offense for a license holder to carry a handgun, either concealed or openly, “on property of another without effective consent,” when the license holder “received notice that entry on the property by a license holder . . . was forbidden.” Subsections 30.06(e) and 30.07(e) create exceptions to the application of those sections if “the property on which the license holder . . . carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03.”

App’x B at 2 (internal citations omitted) (alterations in original).

Because there is nothing in the statute itself indicating the exceptions in subsections 30.06(e) and 30.07(e) are not intended to apply to land that is leased to a private, non-profit organization, Op. KP-0108 stated that neither the OAG nor a court would be inclined to read-in such a carveout. Accordingly, the OAG concluded that—even though there is reason to believe the result is contrary to the intent of the legislature—there is no special exception to the application

of subsections 30.06(e) and 30.07(e) when the government-owned land is leased to a private, non-profit organization. In other words, despite the landholder's right to exclude an individual, the OAG concluded that an individual violating that prohibition would not be prosecuted for criminal trespass under the special trespass categories set up in sections 30.06 or 30.07.

That conclusion followed from the well-settled principle that “[e]nforcing the law as written is a court’s safest refuge in matters of statutory construction, and we should always refrain from rewriting text that lawmakers chose.” *Entergy Gulf States, Inc. v. Summers*, 282 S.W.3d 433, 443 (Tex. 2009). The role of the judiciary with respect to statutory interpretation is indisputable:

The meaning of a statute is a legal question, which we review *de novo* to ascertain and give effect to the Legislature’s intent. Where text is clear, text is determinative of that intent. This general rule applies unless enforcing the plain language of the statute as written would produce absurd results. Therefore, our practice when construing a statute is to recognize that “the words [the Legislature] chooses should be the surest guide to legislative intent.” Only when those words are ambiguous do we “resort to rules of construction or extrinsic aids.”

*Id.* at 437 (internal citations omitted) (alterations in original). That unfortunately, is a principle the State now is disregarding in seeking to rewrite section 411.209 to apply to conduct engaged in purely by a private entity on land that happens to be owned by the state but placed under the control of that private entity at the relevant time.

SFOT also notes that although Op. KP-0108 made sense from a statutory interpretation standpoint with respect to subsections 30.06(e) and 30.07(e) and the special categories of trespass created in those sections, the opinion failed to consider the general trespass law in section 30.05. Again, section 30.05 makes it an offense to enter or remain on the property of another without effective consent where the person either “had notice that the entry was forbidden” or “received notice to depart but failed to do so.” Tex. Penal Code § 30.05(a). That section does not contain the same exclusion for government property that sections 30.06 and 30.07 do. Subsection 30.05(f) does, however, provide a defense to prosecution of criminal trespass under section 30.05 when

“the basis on which *entry* on the property . . . was forbidden is that entry with a handgun was forbidden” if the individual has a license to carry. *Id.* § 30.05(f) (emphasis added).

That scheme highlights three important points. First, subsection 30.05(f), in contrast with subsections 30.06(e) and 30.07(e), is a *defense* to prosecution not an *exception* to the application of the section. In other words, an individual can still be cited for the offense of criminal trespass under 30.05 although he or she may not ultimately be prosecuted or convicted. Moreover, that defense is limited to those with a license to carry so it does not cover open or constitutional carry. Second, by its express language referring to “entry,” subsection 30.05(f) appears to be limited to trespassing under 30.05(a)(1), which applies to unlawful *entry* onto property. It does not provide a defense where the criminal trespass violation arises out of subsection 30.05(a)(2) for *remaining* on property after the actor “received notice to depart but failed to do so.” Third, section 30.05 does not contain an exception for property that is owned or leased by the government. Taken together, these points indicate an individual may be cited and prosecuted for criminal trespass under section 30.05(a)(2) if the individual fails to leave property after receiving notice to do so, even if the property is government owned and even if the individual has a license to carry.

In any event, again, that is about prosecution for criminal trespassing, not a landholder’s fundamental right to exclude individuals from its property. Op. KP-0108 rightly emphasized that point. It explained that, apart from whether criminal trespassing occurred, a private entity still has a right to exclude others from the property it controls:

Such a conclusion would not necessarily preclude a private entity’s claim for civil trespass. “Generally, an owner of realty has the right to exclude all others from use of the property[.]” “[E]very unauthorized entry upon land of another is a trespass[.], even if no damage is done or injury is slight.” Thus, while criminal enforcement may not be available, we find no authority that prohibits the private entity from restricting entry onto that leased property for individuals carrying handguns.

App’x B at 3 n.2 (internal citations omitted) (alterations in original).

In sum, as the OAG explained before this dispute arose, sections 30.06(e) and 30.07(e) simply define how and when someone with a handgun license can be held criminally liable for trespass. And criminal liability is not a prerequisite to excluding someone from property—control is. As noted, a private entity may therefore prohibit firearms at its discretion so long as a state agency or political subdivision has no control over that decision regardless of whether the carrying of firearms constitutes criminal trespass. In direct contrast with its prior well-reasoned opinion, the State filed the present application for injunctive relief.

#### **IV. Argument**

Under Texas law, “[a] temporary injunction is an extraordinary remedy and does not issue as a matter of right.” *Abbott v. Anti-Defamation League Austin, Sw., & Texoma Regions*, 610 S.W.3d 911, 916 (Tex. 2020). The party applying for a temporary injunction “must plead and prove three specific elements: (1) a cause of action against the defendant, (2) a probable right to the relief sought, and (3) a probable imminent, and irreparable injury in the interim.” *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

Although the amended petition is unclear, Plaintiffs essentially request four separate injunctions: (1) an injunction prohibiting Defendants from banning the carrying of handguns by individuals with a license to carry based on an alleged violation of section 411.209; (2) an injunction prohibiting Defendants from banning the carrying of firearms based on an alleged violation of the U.S. and Texas constitutions as recognized by the Firearm Carry Act; (3) an injunction prohibiting Defendants from directing or allowing law enforcement to arrest individuals for criminal trespass under sections 30.06 and 30.07 based on a speculative violation of subsections 30.06(e) and 30.07(e); and (4) an injunction prohibiting Defendants from directing or allowing law enforcement to arrest individuals for criminal trespass under section 30.05 based on a speculative

violation of the U.S. and Texas constitutions and the Firearm Carry Act. Each of these requests is discussed below in turn.

The application does not merit injunctive relief. First, the State has failed to show a probability of success on the merits of an underlying cause of action. Second, there is no imminent irreparable injury here. In fact, the Plaintiffs' request is based on multiple levels of speculation.

**A. Plaintiffs Cannot Establish a Probable Right to Relief.**

The Plaintiffs are not entitled to a temporary injunction because they cannot demonstrate a probable right to the relief sought. To show a probable right of recovery, “the applicant must raise a bona fide issue as to its right to ultimate relief, and it cannot do this without presenting some evidence to support every element of at least one valid legal theory.” *Tex. Health Res. v. Pham*, No. 05-15-01283-CV, 2016 WL 4205732, at \*3 (Tex. App.—Dallas Aug. 3, 2016, no pet.) (mem. op.). “[T]he preliminary determination of whether an applicant has shown a probable right to the relief it seeks—that is, whether the applicant furnished some evidence tending to support at least one of the legal theories it will urge at trial—entails a thorough review of the law applicable to the parties’ claims and defenses.” *Cameron Int’l Corp. v. Guillory*, 445 S.W.3d 840, 846 (Tex. App.—Houston [1st Dist.] 2014, no pet.).

**1. The State cannot establish a probable right to relief because no violation of section 411.209 has occurred.**

The State cannot establish a violation of section 411.209. That section only prohibits actions by governmental entities: “*a state agency or a political subdivision of the state may not take any action ... that states or implies that a license holder ... is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.*” Tex. Gov’t Code § 411.209(a). On its face the statute prohibits

only actions by a state agency or political subdivision. It does not apply to private entities such as SFOT. It limits *actions* by the government.

The OAG—the legal representative of the State in this case—previously said exactly that in the context of a private entity that leased land from a political subdivision:

As long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to civil penalty under section 411.209.

App’x B at 2.

The State incorrectly alleges, without any factual basis, that SFOT “acts under authority of the City.” Am. Petition at ¶ 5.5. Even then, the OAG apparently understands the problem with its section 411.209 argument—that SFOT and not the City is the party prohibiting firearms. To avoid the problem, the OAG seemingly relies on the “states or implies” language in the statute to suggest that the SFOT’s action somehow constitutes the City “imply[ing]” something. It says the City “has communicated, *by implication*, that a license holder carrying a handgun under the authority of Subchapter H, Chapter 411, Texas Government Code, is prohibited from entering or remaining on the premises or other place or property owned or leased by the City.” Am. Petition at ¶ 5.3 (emphasis added). But how? The State never identifies what *action* the City took that communicated anything about firearms—either directly or “by implication.” The theory stands out as one grasping at straws when the plain language of the statute does not cover the plainly undisputed facts. None of the possibilities the State suggests hold up.

First, to the extent the OAG contends that, similar to the exception in Op. KP-0108, that SFOT and the City are intertwined in the operation of the Fair, it is wrong. The same issue of alleged intertwinement between the City and SFOT in connection with the Fair has been heavily litigated in the context of determining whether SFOT was a “state actor” for federal constitutional

purposes. In *Rundus v. City of Dallas and State Fair of Texas*, 634 F.3d 309 (5th Cir.), *cert. denied*, 565 U.S. 821 (2011), the Fifth Circuit affirmed a Texas federal court’s determination that SFOT is not a state actor for purposes of the U.S. Constitution. Much like the State does here, Rundus, the plaintiff, “essentially argue[d] that SFOT is a shell corporation, allowing the City to run the Fair and inject funds into Fair Park while avoiding liability.” *Id.* at 313. He relied on alleged entanglement between the City and SFOT. The Fifth Circuit rejected the arguments: “We hold that the facts here clearly indicate SFOT is not a state actor; it runs a private event on public property.” *Id.* at 315.

In that case, Rundus advanced several arguments in support of his claim that “SFOT’s conduct in enacting and enforcing the restriction [was] ‘fairly attributable’ to the City,” some of which are identical to those posed by the State. *See* Am. Petition at ¶ 4.3 (ambiguously alleging SFOT and the City “have mutual goals and have roles in developing, maintaining, and developing [sic] the park”). For example, Rundus argued the City and SFOT were financially intertwined as a result of the substantial financial sums contributed by each party to improve Fair Park. *Rundus*, 634 F.3d at 313. The Fifth Circuit rejected that argument, however, because SFOT “improves only the areas it utilizes during the Fair, and cannot make any improvements without prior written consent from the City.” *Id.* at 311.

The Fifth Circuit noted several other factors supporting the conclusion that SFOT runs the Fair autonomously and is not a state actor:

- SFOT is governed by an Executive Committee; no government employees, officials, or appointees serve on the Committee;
- SFOT does not receive any payments from the City;
- To the contrary, SFOT pays the City rent and a marketing fee;

- During the Fair . . . SFOT has primary control over the ground, and it also decides who to admit into Fair Park in the days immediately preceding and following the Fair;
- A ticket is required for admission to the Fair, and ticket prices are within SFOT's sole discretion;
- SFOT enacts its own rules and regulations;
- The City assigns around 160 police officers to work the Fair. They enforce applicable laws, including criminal trespass, but do not enforce SFOT's rules and regulations;
- SFOT attempts to remove unwelcome individuals without police intervention, involving the police only if the individual refuses to leave.

*Id.* at 311–12. Based on those factors, the Fifth Circuit concluded SFOT acted independently, and the City was not simply acting through a non-profit as argued by the plaintiff in that case and now similarly suggested in the Request:

The City has no say in SFOT's internal decision making, and had no role in enacting or enforcing the restriction on distribution of literature. Nor are we convinced by Rundus's argument that Appellees' mutual commitment to improve Fair Park demonstrates state action, because SFOT improves only the portions of Fair Park that will attract more fairgoers.

*Id.* at 315.<sup>7</sup>

The same holds true today. The changes in the structure and operation since that decision are minimal. Today, SFOT is governed by a Board of Directors instead of an Executive Committee. But there still is no overlapping leadership structure between SFOT and the City. SFOT is also financially independent and does not receive any money from the City to host the Fair. And as in *Rundus*, SFOT pays substantial sums *to* the City. SFOT pays rent, makes certain tenant improvements in Fair Park (though only if they benefit the Fair), and provides funds to the City to

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<sup>7</sup> See also *State Fair of Tex. v. Riggs & Ray, P.C.*, No. 05-15-00973-CV, 2016 WL 4131824, at \*4 n.3 (Tex. App.—Dallas Aug. 2, 2016, no pet.) (mem. op.) (holding that SFOT made a sufficient merits showing in Texas Citizens Participation Act proceeding to demonstrate that it was not covered by the Texas Public Information Act).



pay for capital improvements that benefit the Fair, all outside the lease period. SFOT also reimburses the City for all DPD officers at the Fair, which it did not do at the time of the *Rundus* decision. That further underscores the holding of *Rundus* that SFOT operates separate from the City.

Additionally, during the 24-day period of the Fair—the only time within which the firearm prohibition applies—SFOT’s control over the leased property is exclusive. SFOT maintains complete control over the areas of Fair Park it leases; decides what persons to admit, not admit, or ask to leave the areas of Fair Park it leases; pays utilities utilized in connection with the leased premises; and receives all revenues generated by activities on the leased premises. These facts bolster the conclusion from *Rundus* that SFOT and the City are not jointly operating the Fair such that SFOT’s communications can be fairly attributed to the City.

These facts also indicate the present situation is no different than the one in Op. KP-0108. In both instances, the nonprofit exercises exclusive control over the city-owned property it leases and makes decisions autonomously without government oversight. There is therefore no reason for the OAG’s discrepancy in treatment.

Second, to the extent the State’s claim is premised on the fact that the City entered into a lease agreement with SFOT, it easily fails. The FPC was entered into in 2003—12 years before section 411.209 was first enacted and almost 20 years before it was adopted in its present form. In addition, the FPC does not mention firearms. The State does not explain how entering into a lease 20 years before the statute at issue and that does not address firearms somehow constituted the City communicating something about firearms. Moreover, that theory would apply to any lease agreement, including the one at issue in Op. KP-0108 where the OAG determined that private tenants can exclude firearms without the government violating section 411.209.

Third, the State’s latest theory appears to be that because the City is subject to a limitation on its actions a tenant on City property is subject to those same limitations. The State points to no authority supporting that theory and SFOT is not aware of any authority. Certainly there is no support for the State’s argument within the statute itself. The statute prohibits only action by the government. It does not purport to transfer those limitations on government action to nongovernment tenants on government property. It would have been a simple matter for the Legislature to say that the statutory provision applied to private parties, and it did not. The Texas Supreme Court has made clear that courts are to interpret statutes as they find them. Words are not to be added and omitted words are to be understood to be missing for a purpose. *Harris Cty. Appraisal Dist. v. IQ Life Scis. Corp.*, 612 S.W.3d 93, 97 (Tex. App.—Houston [14th Dist.] 2020, no pet.).

Nor does the type of restriction imposed by section 411.209, which is specific to an entity, not a property, transfer automatically to a tenant. Consider a private landowner who is prohibited from lawful possession a firearm because of a felony conviction. When that landowner leases the property to a tenant is that tenant somehow prohibited from possessing a firearm? Or, consider a homeowner subject to an order of protection that required it to be 100 yards away from a next door neighbor. When the homeowner moved and leased the property to a tenant would that order somehow apply to the tenant? Or, consider a retailer that is under a court order to not discriminate on the basis of race that changes locations. Is the next retailer at that location subject to that order and need the retailer that is subject to the order no longer comply at its new location (separate from statutes that prohibit the same conduct, of course)? In all three cases, the answer is no. That is because “personal” restrictions on conduct do not transfer with the property; they are personal to

the actor subject to the restrictions. The same is true of section 411.209, just as the OAG previously ruled.

What the State actually is seeking is judicial amendment of section 411.209. The OAG may *want* the statute to provide simply that, “Firearms may not be prohibited on government-owned property.” Or, perhaps they want to take the federal approach and impose a statutory obligation on the government when it contracts to require that parties entering into contracts with it adhere to certain requirements, including accepting an obligation not to prohibit firearms on the property. But the statute says neither. It prohibits action by the government that states or implies that a person with a license cannot come onto government property with a handgun. That is all.

Because the City has not taken any such action there is no viable claim under section 411.209 and no probable right of recovery. The Court therefore must deny the requested injunction as to all causes of action tied to the section 411.209 cause of action.

**2. Plaintiffs cannot establish a probable right to relief because no violation of the U.S. or Texas constitutions has occurred.**

Plaintiffs also request an injunction prohibiting Defendants from banning the carrying of firearms without a license pursuant to section 30.05 based on an alleged violation of the U.S. and Texas constitutions as recognized by the Firearm Carry Act. No such violation has occurred.

**a. Plaintiffs cannot establish state action as required to sustain their constitutional claims.**

At the outset, any alleged constitutional violation must sufficiently establish state action on the part of SFOT. “[T]he guarantees of the Texas Bill of Rights generally apply only against the *government*.” *Republican Party of Tex. v. Dietz*, 940 S.W.2d 86, 89 (Tex. 1997) (emphasis added). The same is true for claims under the U.S. constitution. *Rundus*, 634 F.3d at 312; *see also United States v. Flores*, 652 F. Supp. 3d 796, 799 (S.D. Tex. 2023) (“[T]he Second Amendment

protects—*from federal and state governments*—the right to possess and carry a handgun in or outside the home for self-defense.”) (emphasis added).

Generally, state action is only present for otherwise private conduct when the conduct can be fairly attributed to the government.” *Dietz*, 940 S.W.2d at 91 (citing *Blum v. Yaretsky*, 457 U.S. 991, 1004 (1982)). “An action is fairly attributed to a state if there is a sufficiently close nexus between the state and the challenged action so that the action may be treated as an action of the state.” *Reynoso v. Dibs US, Inc.*, 541 S.W.3d 331, 339 (Tex. App.—Houston [14th Dist.] 2017, no pet.) (citing *Jackson v. Metro. Edison Co.*, 419 U.S. 345, 350 (1974)). A private actor must be “so substantially involved with state and federal activity, that its action should be treated as those of a public entity for the purposes of constitutional adjudication.” *Jones v. Mem’l Hosp. Sys.*, 746 S.W.2d 891, 893 (Tex. App.—Houston [1<sup>st</sup> Dist.] 1988, no pet.); *Rundus*, 634 F.3d at 312.

The question of state action as to the operation of the Fair has already been resolved. The Fifth Circuit squarely held that there is no state action under federal law in the operation of the Fair. *Rundus*, 634 F.3d at 315. There has been no change in operations or the relationship that would change that outcome. As to state law, the Texas standard for state action is the same as the federal standard. Therefore, there is no arguable constitutional violation in this case, whether by way of the federal or state constitutions or the Firearm Carry Act. Plaintiffs’ constitutional claims are legally baseless.

**b. Even if Plaintiffs could establish state action, the proposed prohibition on the carrying of firearms is constitutional.**

Even if there were state action, there is still no constitutional violation in the particular exclusion here for two reasons.

First, even if operating the Fair were state action it would be a proprietary function, not a government function. A state may impose restrictions even on constitutional rights when it is

engaging in proprietary functions. *See Bldg. & Constr. Trades Council v. Associated Builders & Contractors of Mass./R.I., Inc.*, 507 U.S. 218, 231 (1993) (explaining that a State generally may “manage its own property when it pursues its purely proprietary interests . . . where analogous private conduct would be permitted”). Thus, even if SFOT were the government it would not violate the constitution to prohibit firearms at the Fair.

Second, Plaintiffs’ apparent premise—that there is a constitutional right to enter any government property with a firearm is mistaken. To be sure, Plaintiffs cite no authority recognizing that premise. It is equivalent to arguing that the First Amendment protects all speech in any form, no matter what.

But as with all constitutional rights, the federal right to keep and bear arms “is not unlimited.” *District of Columbia v. Heller*, 557 U.S. 570, 626 (2008). A regulation of that right is permissible so long as it “is consistent with the principles that underpin our regulatory tradition.” *United States v. Rahimi*, 144 S. Ct. 1889, 1898 (2024). In reviewing a challenged regulation, courts “must ascertain whether the new law is ‘relevantly similar’ to laws that our tradition is understood to permit, ‘apply[ing] faithfully the balance struck by the founding generation to modern circumstances.’” *Id.* (quoting *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 29 (2022)).

In *Heller*, the United States Supreme Court described certain “longstanding prohibitions” as “presumptively lawful.” *Heller*, 557 U.S. at 626–27 & n.26. Such presumptively lawful prohibitions include “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” *Id.* at 626. The Court explained that there are other presumptively lawful prohibitions as well: “We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.” *Id.* at 627 n.26.

The Fair is analogous to historical protected sensitive places. During the Fair, the gated area of Fair Park contains thousands of people—many of which are young, school-age children—in a crowded environment. Many of those children are in fact on school-sanctioned trips to the Fair. Moreover, the Fair hosts several college football events each year, which are attended by thousands of current and prospective students and take place at a venue within the fairgrounds.

A brief prohibition on the carrying of firearms that is confined to a small, crowded, gated portion of Fair Park during the Fair aligns with our longstanding traditions. *Bruen*, 597 U.S. at 30 (“[C]ourts can use analogies to those historical regulations of ‘sensitive places’ to determine that modern regulations prohibiting the carrying of firearms in *new* and analogous sensitive places are constitutionally permissible.”) (emphasis in original). Other courts that have considered similar regulations agree. *Christopher v. Ramsey County*, 621 F. Supp. 3d 972, 981 & n.3 (D. Minn. 2022) (gathering cases and concluding the Minnesota state fair is a sensitive place location where firearms may be regulated); *see also Wolford v. Lopez*, 2024 WL 4097462, at \*3 (9th Cir. Sept. 6, 2024) (“Parks in modern form . . . first arose in the middle of the 19th century; governments throughout the nation immediately imposed prohibitions on firearms in parks; the constitutionality of those bans was unquestioned; and those regulations are akin to laws recognized by *Bruen* as sufficiently representative to qualify a location as a ‘sensitive place.’ States permissibly may prohibit firearms in most parks.”); *Kipke v. Moore*, No. GLR-23-1293, 2024 WL 3638025, at \* 5 (D. Md. Aug. 2, 2024) (upholding gun prohibitions on summary judgment as to specific locations, including state parks, based on being analogous to sensitive places or aligning with history and tradition); *LaFave v. County of Fairfax*, No. 1:23-CV-1605, 2024 WL 3928883, at \*14 (E.D. Va. Aug. 23, 2024) (“[T]he County’s Parks are analogous to schools and other sensitive places, satisfying constitutional muster.”). Because the Fair is analogous to historically-recognized

sensitive places, Plaintiffs constitutional claims would fail even if they were able to establish SFOT is a state actor. Because it is beyond dispute that SFOT is not a state actor the Court need not reach that issue, however.

Numerous Texas statutes themselves recognize limitations on the right to carry firearms. Penal Code section 46.03 regulates the carrying of firearms in schools, racetracks, airports, places where alcohol is sold, sporting events, and amusement parks. If the constitution allowed for firearms on all government property that section itself would be unconstitutional. But it does not. There is no such unlimited right.

Plaintiffs constitutional claims also are irreconcilable with the language of the Firearm Carry Act and the clear intent of the legislature. As discussed above, the Firearm Carry Act did not alter property owners' right to exclude firearms from their property. It merely eliminated the need for Texas residents to have a license in order to carry a handgun. Plaintiffs have not pointed to a single statutory provision or shred of evidence indicating the Firearm Carry Act or U.S. or Texas constitutions prevents either private or governmental entities from excluding firearms from their property. The reason for that is clear—none exists.

The legislature's intent on this point is equally clear. Unlike when the legislature enacted section 30.07, when it passed the Firearm Carry Act, it did not include in section 30.05 an exception equivalent to 30.06(e) and 30.07(e). Instead, the Firearm Carry Act expressly added a provision to section 30.05 allowing for the *exclusion of firearms* carried without a license: "A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property." Tex. Penal Code § 30.05(c). Unlike sections 30.06 and 30.07, that provision does not contain an exclusion for land that is owned or leased by the government.

Also unlike when the legislature enacted section 30.07, when it passed the Firearm Carry Act, it did not revise subsection 411.209(a) to prohibit state agencies or political subdivisions from excluding firearms carried without a license under section 30.05. By its terms, subsection 411.209(a) only prevents a state agency or political subdivision from excluding firearms carried with a license pursuant to sections 30.06 and 30.07.

In the past, the legislature has shown the willingness and ability to revise the complex regulatory scheme balancing the rights of property owners and gun owners. The legislature's decision not to mirror the exceptions in subsections 30.06(e) and 30.07(e) in section 30.05 and its decision not to again amend subsection 411.209(a) to address constitutional carry under section 30.05 reflects its clear intent to treat constitutional carry differently from concealed or open carry. And there is good reason for that decision. Unlike firearms carried pursuant to section 30.05, individuals that have attained a license to carry a firearm have undoubtedly received at least *some* training on how to properly carry, treat, and operate a firearm. There is no such guarantee with respect to constitutional carry.

Plaintiffs' claims that Defendants have violated the Firearm Carry Act is based on pure speculation regarding the intent of the legislature. But there is no need to speculate where the legislature's intent has been made clear by its actions and—in this case—subsequent inaction. When read together, subsections 30.05(a) and 30.05(c) plainly allow a private or governmental entity to prohibit the unlicensed carrying of firearms. Plaintiffs have failed to show otherwise. Their request for an injunction with respect to the exclusion of the carrying of firearms without a license should therefore be denied.



**3. Plaintiffs' requests to enjoin law enforcement from enforcing criminal trespass laws outlined in their second and fifth causes of action are without merit.**

Plaintiffs' requests to enjoin law enforcement from enforcing criminal trespass laws are based on their assumption that such arrests would be unlawful. Plaintiffs are incorrect. Although the OAG explained in Op. KP-0108 that subsections 30.06(e) and 30.07(e) likely prevent the government from charging someone with criminal trespass for ignoring a notice that handguns cannot be brought onto the government's property, even if it is leased to a private entity, that opinion did not consider whether license holders can be arrested and prosecuted under section 30.05, if proper notices have been posted or a license holder is asked to leave the property but refuses to do so.<sup>8</sup> As mentioned above, subsection 30.05(f) states that it is a defense to the prosecution of criminal trespass that "the basis on which *entry* on the property or land or in the building was forbidden is that entry with a handgun was forbidden" if the individual has a license to carry. Tex. Penal Code § 30.05(f).

As discussed above, the statutory language demonstrates three important points. First, subsection 30.05(f) does *not* provide a defense to prosecution of criminal trespass if the individual *remains on* the property after having received notice that possession of firearms was not allowed. Subsection 30.05(f) only applies if the underlying offense is for a violation of subsection 30.05(a)(1). Simply put, a license to carry is not a license to remain on the property of another against their wishes. Second, even if subsection 30.05(f) does apply to such individuals that disregard a request to leave, it is only a defense to prosecution not an exception to application of the section. In other words, it is not an outright exception to the offense of criminal trespass.

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<sup>8</sup> The State asserts that a government cannot post the notice required by section 30.05(c) because it is not a "person" under the Penal Code. Not so. As discussed in footnote 1, the Penal Code defines a person to include an association and an association includes a government or government subdivision.

*Compare id.* § 30.06(e) (stating that “[i]t is an exception to the application of this section”), *with id.* § 30.06(e-1) (stating that “[i]t is a defense to prosecution under this section”). Ultimately, whether the defense applied would be an entirely separate issue from whether the arrest was lawful. There is nothing in the statute itself that indicates section 30.05 does not apply to license holders.

Third, section 30.05 does not have an exception for government-owned property. In fact, when the legislature modified section 30.05 through the Firearm Carry Act, it *added* a provision dictating the method for excluding firearms. *See id.* § 30.05(c). The Firearm Carry Act also added subsection 30.05(d-3), which specifies that criminal trespass for possession of a firearm is a Class C misdemeanor if it arises under subsection 30.05(a)(1). *Id.* § 30.05(d-3). But that offense increases to a Class A misdemeanor if it arises under subsection 30.05(a)(2) because the actor failed to depart after receiving notice to do so. The legislature’s decision to repeatedly highlight the distinction between offenses under 30.05(a)(1) and 30.05(a)(2) cannot be ignored.

Taken together, these points indicate an individual may be cited and prosecuted for criminal trespass under section 30.05(a)(2) if the individual fails to leave property after receiving notice to do so, even if the property is government owned and even if the individual has a license to carry. As explained below, that is not SFOT’s intent. But the premise of the request for an injunction against arrests indisputably is wrong and thus the request should be denied for that reason.

**B. Plaintiffs Cannot Establish a Threat of Imminent Irreparable Injury.**

The Plaintiffs’ requests for injunctions fail for the additional reason that they are based on rank speculation: “[A]n injunction will not lie to prevent an alleged threatened act, the commission of which is speculative and the injury from which is purely conjectural.” *Huynh v. Blanchard*, No. 21-0676, 2024 WL 2869423, at \*16 (Tex. June 7, 2024). “Moreover, fear or apprehension of the

possibility of injury alone is not a basis for injunctive relief.” *Frey v. DeCordova Bend Estates Owners Ass’n*, 647 S.W.2d 246, 248 (Tex. 1983).

Plaintiffs have requested injunctions prohibiting Defendants from directing law enforcement to enforce sections 30.05, 30.06, and 30.07 by arresting fairgoers for criminal trespass if they violate SFOT’s proposed prohibition on the carrying of firearms. In support of their requested injunctions, Plaintiffs effectively assume (1) fairgoers will violate SFOT’s policy and enter or remain inside the Fair; (2) SFOT will direct law enforcement to arrest violators for criminal trespass; (3) law enforcement will in fact arrest fairgoers; and (4) such arrests would be unlawful. These requests for injunctive relief are speculative on multiple levels and Plaintiffs have therefore failed to show any threat of imminent, irreparable injury.

SFOT has never threatened or indicated that it plans to direct law enforcement to arrest fairgoers for criminal trespass. In fact, SFOT has no desire to see anyone arrested. SFOT merely announced that fairgoers will not be allowed to carry firearms at this year’s Fair, which is its right.

In any event, Plaintiffs’ hypothetical concerns should never come to fruition as any fairgoers carrying firearms will not be allowed access to the gated event in the first place. In the event an individual attempts to enter the Fair with a firearm, he or she will be informed that firearms are not allowed and denied access. In the unlikely instance the fairgoer violates SFOT policy and somehow enters the Fair with a firearm, he or she will be asked to leave. Only if the violator refuses to leave would SFOT request law enforcement to assist with the removal of the individual. But the basis would be the refusal to leave when asked by the landholder—a classic and longtime ground for criminal trespass. Plaintiffs do not have a constitutional right to attend the private event with or without a firearm. And the Firearm Carry Act did not dissolve longstanding property rights of private entities.

**V. Prayer**

For the reasons set out above, SFOT asks that this Court denies Plaintiffs' requests for injunctive relief and grant SFOT such other and further relief to which it may be justly entitled.

Dated: September 13, 2024.

Respectfully submitted:

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was filed and served electronically through eFile.TXCourts.gov this 13th day of September 2024, on all counsel of record.

/s/ Bryan P. Neal

Bryan P. Neal

## Chart of Key Firearm Statutes

### Tex. Penal Code § 30.05: Criminal Trespass

Criminal trespassing = entering or remaining on property of another without consent if:

- (1) the actor had notice that entry was forbidden; or
- (2) the actor received notice to depart but failed to do so.

Allows posting of a notice that firearms are prohibited.

Provides a defense to prosecution if:

- (1) the basis on which entry was forbidden was that entry with a handgun was forbidden; and
- (2) the person had a license to carry a handgun.

### Tex. Penal Code § 30.06: Trespass by License Holder with a Concealed Handgun

Special category of criminal trespassing for a person with license to carry a concealed handgun

Criminal trespassing =

- (1) carrying a concealed handgun on the property of another without consent; and
- (2) after notice that entry with a concealed handgun was forbidden.

Does *not apply* if the property is owned by a governmental entity and does not fall under a specific prohibition under Section 46.03.

### Tex. Penal Code § 30.07: Trespass by License Holder with an Openly Carried Handgun

Special category of criminal trespassing for a person with license to carry a handgun openly

Criminal trespassing =

- (1) openly carrying a handgun on the property of another without consent
- (2) after notice that entry with an openly carried handgun was forbidden.

Does *not apply* if the property is owned by a governmental entity and does not fall under a specific prohibition under Section 46.03.

### Tex. Penal Code § 46.03: Places Weapons Prohibited

Provides list of specific locations where firearms are prohibited—regardless of owner, such as:

schools; election polls; courts; racetracks; airports; prisons; bars; sporting events; hospitals; and amusement parks

### Tex. Gov't Code § 411.209: Wrongful Exclusion of Handgun License Holder

A political subdivision *may not take any action that states or implies that a license holder who is carrying a handgun is prohibited from entering or remaining on property that is owned or leased by the governmental entity* — other than property subject to a specific prohibition under Section 46.03 or other law.



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 9, 2016

The Honorable Lisa Pence  
Erath County Attorney  
100 West Washington  
Stephenville, Texas 76401

Opinion No. KP-0108

Re: Whether a nonprofit entity that has offices on land owned by a municipality may restrict the licensed carrying of handguns on the property (RQ-0097-KP)

Dear Ms. Pence:

You explain that in your county “at least two non-profit agencies . . . have offices located on land owned” by a city.<sup>1</sup> You further explain that those agencies are the only entities located on the specific properties in question, that no governmental offices are located on the properties, and that the city “has no authority as to the operation of the non-profit and all decisions are made by an independent board of directors.” Request Letter at 1. Given these facts you ask whether handguns may be prohibited by a nonprofit entity when the entity’s offices are located on property owned by a city or governmental entity. *Id.* at 2. You base your questions on section 411.209 of the Government Code and sections 30.06 and 30.07 of the Penal Code, and we will address each of these provisions in turn.

The Eighty-fourth Legislature enacted section 411.209 of the Government Code, which prohibits state agencies and political subdivisions from providing notice that a licensed handgun carrier is prohibited from entry to a location other than those articulated in the Penal Code:

A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

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<sup>1</sup>Letter from Honorable Lisa Pence, Erath Cty. Att’y, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Feb. 11, 2016), <https://www.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs> (“Request Letter”).

TEX. GOV'T CODE § 411.209(a). A state agency or political subdivision found in violation of this provision is liable for a civil penalty administered by the attorney general. *Id.* § 411.209(b)–(h).

Relevant to your request, the prohibition in subsection 411.209(a) applies only to “a state agency or political subdivision of the state.” *Id.* § 411.209(a). Section 411.209 does not address whether a private entity, including an independent nonprofit entity, may provide notice to license holders that the carrying of handguns is prohibited in its offices. If a private entity is operating jointly with a governmental entity or has been hired by the governmental entity to perform certain governmental functions, fact questions could arise about which entity effectively posted a notice prohibiting the carrying of guns. However, under the facts you describe, the private, nonprofit entity appears to have an arms-length agreement to lease city property and is not otherwise affiliated with the city. *See* Request Letter at 1. “As a general rule, a lessor relinquishes possession or occupancy of the premises to the lessee.” *Levesque v. Wilkens*, 57 S.W.3d 499, 504 (Tex. App.—Houston [14th Dist.] 2001, no pet.). In such circumstances, section 411.209 does not apply to a city that leases property to a nonprofit entity that provides notice that a license holder carrying a handgun is prohibited from entry. As long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to a civil penalty under section 411.209. *See* TEX. GOV'T CODE § 411.209(a).

Whether sections 30.06 and 30.07 of the Penal Code make it an offense for a person carrying a handgun to enter property leased by a nonprofit entity from a state agency or political subdivision is a separate question. *See* Request Letter at 1. Subsections 30.06(a) and 30.07(a) make it an offense for a license holder to carry a handgun, either concealed or openly, “on property of another without effective consent,” when the license holder “received notice that entry on the property by a license holder . . . was forbidden.” TEX. PENAL CODE §§ 30.06(a), .07(a). Subsections 30.06(e) and 30.07(e) create exceptions to the application of those sections if “the property on which the license holder . . . carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.” *Id.* § 30.06(e); *see id.* § 30.07(e). We must therefore determine whether these exceptions to the offenses apply to property that is owned by a governmental entity but leased to a private, nonprofit organization.

When the Legislature enacted subsection 30.06(e), its stated focus was on local governmental entities that were prohibiting concealed handguns from public places. *See* House Research Org., Bill Analysis, Tex. S.B. 501, 78th Leg., R.S. (May 9, 2003) at 4 (“A city’s ban on concealed handguns in public buildings could make it needlessly difficult for a person lawfully carrying a concealed handgun to perform necessary tasks such as paying a utility bill or renewing a car registration.”). Nothing in the text of the statute itself nor in the legislative history suggests that the Legislature considered whether private entities that leased property from a governmental entity were required to allow the carrying of handguns on the property that they lease. The fact that the Legislature created a civil penalty in section 411.209 of the Government Code only for state agencies and political subdivisions provides some contextual support for the idea that the Legislature may not have intended to require private lessees of governmental property to allow handguns on that property. *See* TEX. GOV'T CODE § 411.209(a).



Nevertheless, when construing statutes, courts recognize that the words the Legislature chooses are “the surest guide to legislative intent.” *Fitzgerald v. Advanced Spine Fixation Sys., Inc.*, 996 S.W.2d 864, 866 (Tex. 1999). When possible, courts will discern legislative intent from the plain meaning of the words chosen, and only when words are ambiguous will courts “resort to rules of construction or extrinsic aids.” *Entergy Gulf States, Inc.*, 282 S.W.3d 433, 437 (Tex. 2009). The plain language of subsections 30.06(e) and 30.07(e) make an exception if the property on which the license holder carries a gun “is owned or leased by a governmental entity.” TEX. PENAL CODE §§ 30.06(e), .07(e). These statutes make no exception to that exception for property owned by a governmental entity but leased to a private entity, and to conclude that carrying a handgun on such property is prohibited would therefore require reading language into the statute beyond what the Legislature included. *See Entergy Gulf States, Inc.*, 282 S.W.3d at 443 (noting that courts “refrain from rewriting text that lawmakers chose”). Thus, a court would likely conclude that a license holder carrying a handgun on property that is not a premises or other place from which the license holder is prohibited from carrying under sections 46.03 or 46.035 of the Penal Code and that is owned by a governmental entity but leased to a private entity is excepted from the offenses in 30.06(a) and 30.07(a).<sup>2</sup>

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<sup>2</sup>Such a conclusion would not necessarily preclude a private entity’s claim for civil trespass. “Generally, an owner of realty has the right to exclude all others from use of the property[.]” *Severance v. Patterson*, 370 S.W.3d 705, 709 (Tex. 2012). “[E]very unauthorized entry upon land of another is a trespass[,], even if no damage is done or injury is slight.” *Coastal Oil & Gas Corp. v. Garza Energy Tr.*, 268 S.W.3d 1, 12 n.36 (Tex. 2008) (quotation marks omitted). Thus, while criminal enforcement may not be available, we find no authority that prohibits the private entity from restricting entry onto that leased property for individuals carrying handguns.

S U M M A R Y

Section 411.209 of the Government Code creates a civil penalty for a state agency or a political subdivision that provides notice that a license holder carrying a handgun is prohibited on property owned by the governmental entity unless carrying a handgun in such locations is expressly prohibited under the Penal Code. Section 411.209 applies only to a state agency or political subdivision of the State and does not address whether a private entity, including an independent nonprofit entity, may provide notice to license holders that the carrying of handguns is prohibited in the private entity's offices. As long as the state agency or political subdivision leasing the property to the private entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to a civil penalty under section 411.209.

A court would likely conclude that a license holder who carries a handgun on property that is owned by a governmental entity but leased to a private entity and that is not a premises or other place from which the license holder is prohibited from carrying a handgun under sections 46.03 or 46.035 of the Penal Code is excepted from the offenses in subsections 30.06(a) and 30.07(a) of the Penal Code.

Very truly yours,



KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

BRANTLEY STARR  
Deputy First Assistant Attorney General

VIRGINIA K. HOELSCHER  
Chair, Opinion Committee



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 10, 2016

The Honorable Betsy Price  
The Mayor of the City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102

RE: Wrongful Exclusion of Concealed Handgun License Holder Complaint – No Violation  
Fort Worth Zoo  
OAG Complaint Nos. 6 & 11

Dear Mayor Price:

The Office of the Attorney General (“OAG”) received two citizen complaints, pursuant to section 411.209 of the Government Code, concerning the wrongful exclusion of handgun license holders from the Fort Worth Zoo. After reviewing the citizen complaint, the OAG has determined the Fort Worth Zoo is not in violation of section 411.209.

Section 411.209(a) of the Government Code states as follows:

A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other places by Section 46.03 or 46.035, Penal Code.

TEX. GOV’T CODE § 411.209(a).

By its express terms the prohibition in subsection 411.209(a) applies only to “[a] state agency or political subdivision of the state.” Though “political subdivision of the state” is not otherwise defined by section 411.209, similar terms have been construed in other contexts. *See, e.g.*, TEX. CONST. art. III, § 52(a)–(b) (defining “political corporation or subdivision of the state” to include county, city, or town); TEX. GOV’T CODE § 305.026(b) (defining “political subdivision” to include municipality, county, district, or other governmental entity with definite geographic boundary that exists for purpose of discharging functions of government); *see also Guaranty Petro. Corp. v. Armstrong*, 609 S.W.2d 529, 531 (Tex. 1980) (finding a “political subdivision” has jurisdiction over portion of the state, is governed by officials elected in local elections or appointed locally by elected officials, and has power to assess and collect taxes).

Regarding properties leased to a nonprofit entity by a state agency or a political subdivision of the state, Attorney General Opinion KP-0108 (2016) stated “section 411.209 does not apply to a city

The Honorable Betsy Price

November 10, 2016

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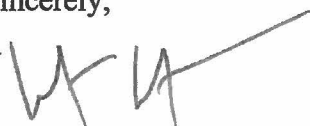
that leases property to a nonprofit entity that provides notice that a license holder carrying a handgun is prohibited from entry.” Attorney General Opinion KP-0108 further concluded “[a]s long as the state agency or political subdivision leasing the property to the nonprofit entity has no control over the decision to post such notice, the state agency or political subdivision lessor would not be the entity responsible for the posting and would therefore not be subject to a civil penalty under section 411.209.”

In this instance the citizen complaints allege that, at the entrances of the Fort Worth Zoo (the “zoo”) located at 1989 Colonial Parkway, Fort Worth, Texas 76109, there are 30.06 signs warning handgun license holders not to enter the premises with a concealed handgun or they will be prosecuted. After reviewing the complaints, the OAG notes the City of Fort Worth (the “city”) owns the parcel of land upon which the zoo is located, as well as the buildings on that land. However, the city contracts with the Fort Worth Zoological Association (the “association”), a non-profit corporation, to provide operations and management services for the zoo.

The OAG has received responses to the complaint from both the city and the association. By letter dated April 21, 2016, the city asserts it did not post the 30.06 signs nor otherwise provide notice by a communication that a license holder carrying a handgun is prohibited from entering the zoo. The city further states that city personnel “did not advise, direct, or require [the association] to post any signs prohibiting licensed handgun holders” from the premises. By letter dated April 21, 2016, the association states it is a private, non-profit corporation that runs the zoo under a fee-for-services management contract with the city. The association provided the OAG a copy of the management contract. By its terms, the association is responsible for managing all service operations, personnel, janitorial and grounds keeping services, and property security, and has a right of use to all city property within the zoo grounds. Further, the contract states the association “shall have the sole discretion to determine the method in which it performs its obligations and responsibilities[.]”

After review, the OAG determines the 30.06 signs at issue were posted by the association, which possesses the exclusive right to post signage on the zoo premises under the terms of its fee-for-services management contract with the city. Further, a reviewing court would likely conclude that under existing law, a private, non-profit corporation such as the association is not considered a political subdivision of the state for purposes of section 411.209(a) of the Government Code. Accordingly, the OAG finds signage posted at the entrance to the zoo is not in violation of section 411.209 of the Government Code. The OAG is closing these complaints.

Sincerely,



Matthew R. Entsminger  
Assistant Attorney General  
Administrative Law Division  
P.O. Box 12548, Capitol Station

The Honorable Betsy Price

November 10, 2016

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Austin, Texas 78711-2548

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matthew.entsminger@oag.texas.gov

CC: Complainants

**App. 11: CITY OF DALLAS'S PLEA TO THE JURISDICTION**

STATE OF TEXAS, MAXX  
JUUSOLA, TRACY MARTIN, and  
ALAN CRIDER,

*Plaintiffs,*

v.

CITY OF DALLAS, KIMBERLY  
BIZOR TOLBERT, in her official  
capacity as the Interim City Manager  
for the City of Dallas, and the STATE  
FAIR OF TEXAS,

*Defendants.*

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

298th JUDICIAL DISTRICT

**DEFENDANTS CITY OF DALLAS AND KIMBERLY BIZOR TOLBERT’S  
PLEA TO THE JURISDICTION**

Defendants City of Dallas and Kimberly Bizer Tolbert, in her official capacity as the Interim City Manager for the City of Dallas, (collectively, the “City”) file this Plea to the Jurisdiction and state as follows:

**INTRODUCTION**

The Court lacks subject-matter jurisdiction over Plaintiffs’ claims in this lawsuit for multiple reasons.

*First*, Tex. Gov’t Code § 411.209 does not provide a private right of action, and Plaintiffs have not satisfied the statutory prerequisites to even the Attorney General’s right to file suit thereunder. The first of those prerequisites requires that an individual complainant provide written notice to the City and an opportunity to cure, and the second requires that the complainant file that notice with the Attorney General. Those steps must be satisfied “before

a suit may be brought.” They were not, and because Plaintiffs sue a governmental entity, that is a jurisdictional flaw.

**Second**, the City and its Interim City Manager also have sovereign/governmental immunity from suit. The narrow waiver in Section 411.209 does not apply because Plaintiffs seek relief not created or permitted under that section. The limited waiver for declaratory judgments does not apply because Plaintiffs merely seek guidance about the application of a few laws to particular facts. And although Plaintiffs conclusorily allege that the Interim City Manager engaged in “*ultra vires*” acts, that is incorrect as a matter of law.

**Third**, Plaintiffs’ requests to enjoin enforcement of and obtain declaratory judgment concerning criminal trespass laws are largely derivative of the Section 411.209 arguments, and Plaintiffs do not even allege facts that could show that, absent the requested injunction, these penal statutes would be enforced here. The Texas Supreme Court has long held that a civil court’s jurisdiction to enter injunctions and declaratory judgment on criminal laws “is plainly lacking” under those circumstances. *State v. Morales*, 869 S.W.2d 941, 946 (Tex. 1994).

### **ARGUMENT & AUTHORITIES**

“A plaintiff bears the burden to plead and establish facts affirmatively showing the court has subject matter jurisdiction.” *E.g., Dallas Med. Ctr., LLC v. Molina Healthcare of Tex., Inc.*, No. 05-19-01583-CV, 2021 WL 5071830, at \*3 (Tex. App.—Dallas Nov. 2, 2021, pet. denied). Standing is one jurisdictional requirement. *Id.* “In suits against the government, [] all statutory prerequisites to suit are jurisdictional requirements,” too. *Tex. Disposal Sys. Landfill, Inc. v. Travis Cent. Appraisal Dist.*, --- S.W.3d ---, 2024 WL 3076317, at \*4 n.33 (Tex. June 21, 2024) (citing Tex. Gov’t Code § 311.034). That “includ[es] the provision of notice.” Tex. Gov’t



Code § 311.034. Civil courts also generally lack jurisdiction to grant equitable and declaratory relief concerning criminal statutes. *State v. Morales*, 869 S.W.2d 941, 943-49 (Tex. 1994).

Plaintiffs do not plead facts establishing the Court’s subject-matter jurisdiction and, as discussed below, they cannot prove any such facts here, either.

**A. The Court Lacks Jurisdiction Because Plaintiffs Lack Standing and Failed to Satisfy the Statutory Prerequisites in Section 411.209.**

Plaintiffs seek relief primarily under Tex. Gov’t Code § 411.209. *See* 1st Am. Pet. ¶¶ 2.1, 3.1. Their First, Second, Third, Fourth, and “Declaratory Relief” claims are all directly dependent on the proposition that Section 411.209(a), including as relates to Tex. Penal Code §§ 30.06, 30.07, & 46.03, requires that fairgoers be permitted to carry guns into the State Fair. *See id.* ¶¶ 5.1-8.8, 11.1-11.2.

**The Individual Plaintiffs.** The three individual Plaintiffs lack standing to seek any relief concerning Section 411.209 because (1) that statute contains no private right of action and (2) these individuals failed to comply with all conditions precedent even to the Attorney General’s action.<sup>1</sup> Section 411.209 only empowers individual Texans to “file a complaint with the attorney general that a state agency or political subdivision is in violation of [Section 411.209(a)] *if* the resident or license holder provides the agency or subdivision a written notice that describes ... the violation and the agency or subdivision does not cure ... .” Tex. Gov’t Code § 411.209(d) (emphases added).

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<sup>1</sup> Plaintiff Alan Crider also lacks standing to sue for anything under or concerning Section 411.209 because that statute only addresses individuals licensed to carry under Subchapter 411. Mr. Crider has no license. 1st Am. Pet. ¶ 3.3

Despite bearing the burden of pleading and proving facts establishing the Court's subject-matter jurisdiction, Plaintiffs do not even plead (and certainly cannot prove) that anyone—the individual Plaintiffs or anyone else—provided the City with any such “written notice,” so they never even had authority to file a complaint with the Attorney General. Regardless, there is no authority for any individual to file legal claims in court for alleged violations of Section 411.209. On the contrary, the rest of Section 411.209 specifies a procedure by which only the *Attorney General* may file suit for such a violation.

The absence of any individual right under Section 411.209 to do anything more than file a complaint with the Attorney General also deprives the individual Plaintiffs of any cognizable interest that could grant them standing to file suit. Nor could such claim could be ripe before the individual Plaintiffs had done all that Section 411.209 empowers and requires them to do, including providing written notice to the City and a cure period before complaining to the Attorney General.

As a result, the Court lacks subject-matter jurisdiction over the individual Plaintiffs' claims for relief under or concerning Section 411.209.

**The State.** The same is true of the State. Although Section 411.209 empowers the Attorney General to file suit seeking relief under and concerning Section 411.209, it explicitly imposes a series of statutory prerequisites that must be completed “[b]efore a suit may be brought.” Tex. Gov't Code § 411.209(f). Those prerequisites include:

1. “Written notice” from an individual Texan to the state agency/subdivision allegedly violating Section 411.209(a), ***and then***
2. A three-day cure period, ***and then***

3. That individual filing a complaint with the Attorney General containing “evidence of the violation and a copy of the written notice provided to the agency or subdivision,” and then
4. An investigation by the Attorney general, and then
5. Written notice from the Attorney General to the agency or subdivision, and then
6. A 15-day cure period, and then and only then
7. The Attorney General’s decision to file suit.

*Id.* § 411.209(d)-(g).

The Court need not even consider the adequacy of the Attorney General’s alleged “investigation” and his own written notice to the City<sup>2</sup> because these claims fail to satisfy even the first of the statutory prerequisites to filing suit. No individual ever provided the City with any written notice contending that any gun policy at Fair Park violates Section 411.209(a) (nor any cure period for such allegation), nor could the Attorney General have received any actionable complaint to trigger his own investigation, since such a complaint would have had to attach a written notice that was never provided. No Plaintiff has pleaded, nor can any Plaintiff prove, compliance with those requirements. *See* 1st Am. Pet.; *see also* Orig. Pet.

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<sup>2</sup> Any “investigation” by the Attorney General appears not to have included reviewing his own prior analysis of and official opinions on this very issue. For over eight years, including at the time he accused the City of violating Section 411.209(a) in this manner and for nearly a full month thereafter, the Attorney General has opined publicly that Section 411.209 does not apply to private lessees or city lessors under these very circumstances. *See* Att’y Gen. Op. KP-0108 (2016). The Attorney General suddenly withdrew that opinion without explanation on September 10. That is virtually unprecedented. It has been over 20 years since any Attorney General withdrew an opinion that had not been superseded by statute, and that last instance was merely to modify the initial opinion a few months later, after discovering an oversight. *See* “Opinions Overruled, Modified, Affirmed, Withdrawn,” Tex. Att’y Gen’l, *available at* <https://www2.texasattorneygeneral.gov/opinion/opinions-overruled-modified-affirmed-withdrawn> (last visited Sept. 18, 2024).

The Attorney General’s “written notice” to the City also conspicuously did not even mention any complaint filed with his office under Section 411.209(f), let alone one complying with that section’s requirement that such a complaint include proof of a prior written notice to the City.

Therefore, the first prerequisite to the Attorney General filing suit under Section 411.209 is not met, and the Court lacks jurisdiction to hear his claims, too. *See* Tex. Gov't Code § 311.034.

**B. The City and Its Interim City Manager Also Have Sovereign/Governmental Immunity Because Plaintiffs Seek Relief Unavailable Under Section 411.209, and There Is No *Ultra Vires* Act.**

Plaintiffs' effort to obtain relief under Section 411.209 that the statute does not provide, *see supra*, also deprives the Court of jurisdiction for another reason. As Plaintiffs implicitly recognize by alleging that they are challenging *ultra vires* acts, *see* 1st Am. Pet. at p. 1 & ¶¶ 8.7, 9.3, the City of Dallas and its officials generally have sovereign or governmental immunity from suit. *Hall v. McRaven*, 508 S.W.3d 232, 238 (Tex. 2017). “[S]overeign immunity deprives a trial court of subject matter jurisdiction for lawsuits in which the state or certain governmental units have been sued unless the state consents to suit.” *Tex. Dept. of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 224 (Tex. 2004). Except where it has been affirmatively waived or the challenged act is *ultra vires*, state entities generally have sovereign immunity, including to suits for violation of Section 411.209. *See Hall*, 508 S.W.3d at 238. Neither exception applies here.

**No Waiver.** Although Section 411.209(h) contains an express waiver of sovereign immunity, that waiver is limited “to the extent of liability created by this section.” That plainly does not apply to any claim not predicated on Section 411.209. As for the claims that are predicated on Section 411.209, as previously discussed, that statute does not create any liability (1) to individual plaintiffs, nor (2) to the Attorney General unless and until all statutory prerequisites to suit have been followed. As a result, there is no waiver of sovereign immunity under Section 411.209(h), and the Court lacks jurisdiction over Plaintiffs' claims. *See also Waller*

*County v. Paxton*, No. 07-22-00034-CV, 2022 WL 3449497 (Tex. App.—Amarillo Aug. 17, 2022, no pet.) (finding trial court lacked jurisdiction over dispute over Section 411.209 where Attorney General failed to plead facts sufficient to establish a Section 411.209(a) violation). The limited waiver in the Declaratory Judgments Act does not apply, either. That only waives sovereign immunity for claims challenging a law as unconstitutional, preempted, or otherwise barred. *State v. Zurawski*, 690 S.W.3d 644, 660-61 (Tex. 2024). It “does not permit a suit merely seeking guidance about the application of the law to particular facts.” *Id.* at 661. Plaintiffs seek only the latter. *See* 1st Am. Pet.

**No Ultra Vires Acts.** That leaves only the exception for *ultra vires* acts. “An *ultra vires* action requires a plaintiff to allege, and ultimately prove, that [a government officer] acted without legal authority or failed to perform a purely ministerial act.” *Hall*, 508 S.W.3d at 238. “The basic justification for this *ultra vires* exception to sovereign immunity is the *ultra vires* acts—or those acts without authority—should not be considered acts of the state at all.” *Id.* This lawsuit plainly does not meet that standard.

**First**, “governmental entities themselves [are] not proper parties to an *ultra vires* suit.” *Id.* at 238-39. That disposes of the City of Dallas.

**Second**, the limited allegations Plaintiffs raise against the Interim City Manager demonstrate that this is not an *ultra vires* case against her, either. *Ultra vires* acts are those in which an official “has exceeded his or her granted authority to interpret and apply a law” or fails to act when “the law prescribes and defines the duties to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment.” *Id.* at 241, 243 (internal quotation marks omitted). Plaintiffs do not allege any such thing here. The only

factual allegations about the Interim City Manager are that “the City Manager, and other City of Dallas officials assign Dallas Police Department officers to work the State Fair to enforce laws, including criminal trespass,” and “signed the [SFOT] lease.” 1st Am. Pet. ¶¶ 6.1, 8.7, 9.1. Neither allegation is even relevant, let alone sufficient to establish any *ultra vires* act.

As discussed in SFOT’s and the City’s responses in opposition to Plaintiffs’ requests for a temporary injunction, SFOT’s lease does not grant anyone at the City any authority or discretion concerning the SFOT policy Plaintiffs challenge here. Rather, it confirms that this is the SFOT’s policy, which only the SFOT would be enforcing, if at all. Assigning police officers to work the State Fair is irrelevant because Plaintiffs do not seek to enjoin the mere assignment of police officers to work the State Fair. Instead, they presume officers will be assigned, and seek only to limit the criminal laws those officers enforce—a decision over which Plaintiffs do not allege the City Manager has authority. *See* 1st Am. Pet.

Moreover, even if the Interim City Manager had the authority Plaintiffs assume without alleging, Plaintiffs would ultimately just be complaining that she has misinterpreted Tex. Gov’t Code § 411.209 and several criminal trespass statutes. As an initial matter, no one can credibly be accused of misinterpreting Section 411.209 to have no application here when, for the past eight years and until September 10, 2024, the Attorney General’s own public opinion on that statute stated that it does not apply under these very circumstances. *See* Att’y Gen. Op. KP-0108 (2016). In any event, “[w]hen the ultimate and unrestrained objective of an official’s duty is to interpret collateral law, a misinterpretation is not overstepping such authority; it is a compliant action even if ultimately erroneous. ... Indeed, an *ultra vires* doctrine that requires nothing more than an identifiable mistake would not be a narrow exception to immunity; it

would swallow immunity.” *Hall*, 508 S.W.3d at 242-43. Interpreting Section 411.209 and criminal trespass statutes does not become an *ultra vires* act merely because Plaintiffs disagree with that interpretation. *See also, e.g., Paxton v. Waller County*, 620 S.W.3d 843, 849-50 (Tex. App.—Amarillo 2021, pet. denied) (agreeing with this same Attorney General that his own alleged misinterpretation of Section 411.209 was not an *ultra vires* act waiving sovereign immunity).

**C. The Court Lacks Jurisdiction to Enjoin Enforcement of and Grant Declaratory Judgment Concerning Criminal Laws.**

The Court also lacks jurisdiction over Plaintiffs’ Second, Third, Fourth, Fifth, Sixth, and Declaratory Judgment Causes of Action because those claims seek to enjoin enforcement of and/or grant declaratory judgment concerning criminal laws. *See* 1st Am. Pet. ¶¶ 6.1-6.8, 7.1-7.5-9.6, 10.1-10.45, 11.1-11.2. The “balance of state governmental power imposed by the framers of the Texas Constitution” requires that civil courts’ power to grant equitable or declaratory relief concerning criminal statutes be strictly limited. *See State v. Morales*, 869 S.W.2d 941, 943-49 (Tex. 1994). The Texas Supreme Court has divided cases in which a party might seek to do so into four categories:

- (1) the statute is enforced and the party is being prosecuted,
- (2) the statute is enforced and the threat of prosecution is imminent, although the party has yet to be prosecuted,
- (3) there is no actual or threatened enforcement of the statute and the party does not seek an injunction against its enforcement, but the statute is nonetheless integrally related to conduct subject to the court’s equity jurisdiction, or
- (4) there is no actual or threatened enforcement of the statute and no complaint of specific conduct remediable by injunction.

*Id.* at 944-45. This case falls into the fourth category because Plaintiffs seek injunctions and declarations concerning criminal laws that have not been enforced against them. *See* 1st Am.

Pet. ¶¶ 6.1-6.8, 7.1-7.5, 9.1-9.6, 10.1-10.45, 11.1-11.2. As the Texas Supreme Court has unambiguously concluded, in that “fourth posited scenario ... , *equity jurisdiction is plainly lacking.*” *Morales*, 869 S.W.2d at 946 (emphasis added). The same goes for declaratory relief. *Id.* at 947.

Notably, although Plaintiffs ask the Court to exercise jurisdiction over the enforcement of Tex. Penal Code §§ 30.05, 30.06, 30.07, and perhaps some other unidentified “criminal trespass law,” Plaintiffs do not even allege—and they cannot prove—that the City has engaged in any relevant enforcement of those criminal statutes, nor that it imminently will do so if the relief Plaintiffs seek is not granted. *See* 1st Am. Pet. Plaintiffs offer nothing more than rank speculation about that. And the evidence plainly establishes that there is no such risk, primarily because this is a dispute over signage and enforcement of SFOT’s policy on bringing guns to the State Fair. *See id.* As discussed in SFOT’s and the City’s responses to Plaintiffs’ request for a temporary injunction, the City plays no role in creating, communicating, or enforcing that policy. Thus, just like in *Morales*, this Court’s jurisdiction “is plainly lacking” to hear Plaintiffs’ claims seeking to enjoin, enforce, or otherwise declare rights under the Texas Penal Code.

#### **CONCLUSION & PRAYER**

For the reasons set forth above, Defendants the City of Dallas and its Interim City Manager respectfully request that the Court dismiss this lawsuit and all of Plaintiffs’ claims set forth in the First Amended Petition for lack of subject-matter jurisdiction. Defendants also request any further relief to which they may be entitled.



Dated: September 18, 2024

Respectfully submitted,

/s/ Jeffrey M. Tillotson

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**ATTORNEYS FOR DEFENDANT THE  
CITY OF DALLAS**

**CERTIFICATE OF SERVICE**

In accordance with the Texas Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing has been served on all counsel of record by e-service on September 18, 2024.

/s/ Jeffrey M. Tillotson

Jeffrey M. Tillotson

**App. 12: STATE FAIR SCHEDULE**

SEPTEMBER 27 - OCTOBER 20, 2024

★ 09 DAYS 20 HRS 52 MIN 07 SEC ★

HOME ([HTTPS://BIGTEX.COM/](https://bigtex.com/)) > SCHEDULE

# SCHEDULE

SPONSORED BY



(<https://www.statewideremodeling.com/>).



## HOWDY FOLKS, WE CAN'T WAIT TO SEE Y'ALL

Creating an EPIC State Fair of Texas experience starts here! Below you'll find schedules of every show, attraction, and musical act available FOR FREE at the 2024 Fair.



SCHEDULE  
(HTTPS://BIGTEX.COM/SCHEDULE/)

**TICKETS**  
([HTTPS://BIGTEX.COM/BUY-TICKETS-NEW/](https://bigtex.com/buy-tickets-new/))

**FOODS**  
([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/FOOD/](https://bigtex.com/plan-your-visit/food/))

**MAPS**  
([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/MAP/](https://bigtex.com/plan-your-visit/map/))



## DOWNLOAD THE SCHEDULE

24 DAYS OF FUN AWAITS

You don't have to wait until you get a visitor's guide at the Fair to plan your epic adventure at The Most Texan Place on Earth! Download the Fair schedule today!

**DOWNLOAD  
THE  
SCHEDULE**

([HTTPS://BIGTEX.COM/WP-CONTENT/UPLOADS/2024/09/2024\\_WEB\\_STATEFAIROFTexas\\_SCHEDULE\\_V2.PDF](https://bigtex.com/wp-content/uploads/2024/09/2024_WEB_STATEFAIROFTexas_SCHEDULE_V2.PDF))

# SPECIALTY SCHEDULES

<p>TICKETS (<a href="https://bigtex.com/buy-tickets-new/">HTTPS://BIGTEX.COM/BUY-TICKETS-NEW/</a>) TICKET INFORMATION</p>	<p>FOODS (<a href="https://bigtex.com/plan-your-visit/food/">HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/FOOD/</a>)</p>	<p>MAPS (<a href="https://bigtex.com/plan-your-visit/map/">HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/MAP/</a>)</p>
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# MUSIC SCHEDULE



([https://bigtex.com/wp-content/uploads/2024/09/2024\\_SFT\\_Music\\_Schedule.pdf](https://bigtex.com/wp-content/uploads/2024/09/2024_SFT_Music_Schedule.pdf))



# LIVESTOCK SCHEDULE



([https://bigtex.com/wp-content/uploads/2024/09/2024\\_SFT\\_Livestock\\_Schedule.pdf](https://bigtex.com/wp-content/uploads/2024/09/2024_SFT_Livestock_Schedule.pdf))



[FOODS](https://bigtex.com/plan-your-visit/food/) [MAPS](https://bigtex.com/plan-your-visit/map/)

[\(HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/FOOD/\)](https://bigtex.com/plan-your-visit/map/) [\(HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/MAP/\)](https://bigtex.com/plan-your-visit/map/)

# POP-UPS

# SCHEDULE

## JOIN OUR EMAIL LIST

Want to be the first to know when the online schedule for the State Fair of Texas is released and how you can save on tickets? Sign up to be a Big Tex Insider below!

## BECOME A BIG TEX INSIDER

and get early access to event info, ticket discounts, exclusive Big Tex store promos, and more!

NAME

DATE OF BIRTH

Month

Day

Year

CAPTCHA



I'm not a robot

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**TICKETS**

([HTTPS://BIGTEX.COM/BUY-TICKETS-NEW/](https://bigtex.com/buy-tickets-new/))  
**TICKET INFORMATION**

**FOODS**

([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/FOOD/](https://bigtex.com/plan-your-visit/food/))

**MAPS**

([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/MAP/](https://bigtex.com/plan-your-visit/map/))

**SUBMIT**

## MISSION STATEMENT

The State Fair of Texas celebrates all things Texan by promoting agriculture, education, and community involvement through quality entertainment in a family-friendly environment.

The State Fair of Texas is a 501(c)(3) nonprofit organization.

## CONTACT

### FAIRTIME PARKING ADDRESS

925 S. Haskell

Dallas, Texas 75223

### TELEPHONE

[469-945-FAIR \(tel:469-945-FAIR\)](tel:469-945-FAIR)



**TICKETS**

([HTTPS://BIGTEX.COM/BUY-TICKETS-NEW/](https://bigtex.com/buy-tickets-new/))  
TICKET INFORMATION

**FOODS**

([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/FOOD/](https://bigtex.com/plan-your-visit/food/))

**MAPS**

([HTTPS://BIGTEX.COM/PLAN-YOUR-VISIT/MAP/](https://bigtex.com/plan-your-visit/map/))

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**App. 13: FAIR OF TEXAS'S WEBSITE**

# FAQS

WHAT ARE YOU  
LOOKING FOR?

Search by keywords or phrases

SEARCH

## QUICK LINKS:



KNOW BEFORE  
YOU GO



INSIDE THE  
FAIR GROUNDS



AMENITIES &  
ACCESSIBILITY



FOOTBALL



TOP

## STATE FAIR OF TEXAS KNOW BEFORE YOU GO

### WHAT ARE THE FAIR'S HOURS?

The 2024 State Fair of Texas will run September 27 – October 20, 2024. Gates will open Friday, September 27, at 10 a.m.

Hours of Operation

Sundays – Thursdays: 10 a.m. – 9 p.m.

Fridays – Saturdays: 10 a.m. – 10 p.m. Last entry time is 9 p.m.

Parking Gates & Ticket Booths

Open daily at 9 a.m.

State Fair of Texas Midway and Fair Park Museum hours vary

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*La Feria Estatal de Texas de 2024 se celebrará del 27 de Septiembre al 20 de Octubre del 2024. Las puertas se abrirán el viernes 27 de Septiembre a las 10 de la mañana.*

#### ***Horario de apertura***

*De domingo a jueves 10 a.m. – 9 p.m.*

*Viernes y sábados: 10.00 a.m. – 10 p.m. Última hora de entrada: 9 p.m.*

#### ***Puertas de estacionamiento y taquillas***

*Abiertas todos los días a las 9 a.m.*

*El horario del State Fair of Texas Midway y de los Museos del Fair Park varían*

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### HOW DO I GET THERE?

To get to the Fair easily, navigate to the State Fair of Texas parking lot located at Gate 2 at 925 S. Haskell, Dallas, Texas 75223. Insert that address into your maps app or follow one of the directions below.

Directions by car:

From Sherman-Plano-Richardson



Take U.S. 75 (North Central Expressway) South toward downtown Dallas. Take exit 284A to connect to Interstate 30 East (toward Texarkana), then take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **From Austin-Waco**

Take Interstate 35E North to downtown Dallas. Take exit 428B to connect to Interstate 30 East (toward Texarkana), then take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **From Fort Worth-Abilene-Weatherford**

Take Interstate 30 East to Dallas. Follow signs for Interstate 30 East toward Texarkana. After passing downtown Dallas, take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **From Denton-Lewisville-Gainesville**

Take Interstate 35E South to downtown Dallas and exit 427E. Immediately after taking the exit, move to one of the left two lanes and enter Interstate 30, Eastbound. Follow signs for Interstate 30 East toward Texarkana. After passing Downtown Dallas, take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **From Houston-Huntsville-Corsicana**

Take Interstate 45 North to exit 284A. Move to the right lane and follow signs for Interstate 30 East. Take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **From Texarkana-Greenville-Rockwall**

Take Interstate 30 West toward downtown Dallas. Take exit 48A, towards Haskell Avenue. Turn left on Haskell, go straight through the light at Parry Avenue, and enter at Gate 2.

#### **Directions by train:**

Using the DART Rail Green Line, visitors can arrive at the State Fair of Texas from two stations – Fair Park Station, located on Parry Avenue at the entrance of the fairgrounds or MLK, Jr. Station, located south of R.B. Cullum Blvd. and convenient to the MLK fairground entrance (Gate 6).

---

## **HOW MUCH ARE TICKETS?**

Ticket prices vary depending on discounts available and day of the week.

**General admission:** \$25-\$15

**Child (ages 3 to 12):** \$18-\$5

**Child two and younger:** FREE



Senior (ages 60 and older): \$10-\$18

Seniors ½ price every Thursday: \$5

### State Fair Season Pass & Packages

The State Fair Season Pass is only \$60 and allows you attend the State Fair every day of the season. It also includes FREE State Fair gear, discounts, a bring-a-friend ticket, and much more! We also offer a variety of State Fair Combo packages. For more information check out our tickets page.

### Group Discount

If you are attending the Fair with a group of more than 25 people, advance group discount tickets are available. The earlier you buy, the more you save!

For additional discounts offered during the State Fair, visit our [discounts \(https://bigtex.com/buy-tickets/discounts/\)](https://bigtex.com/buy-tickets/discounts/) page.

---

## WHERE CAN I PARK AND HOW MUCH IS IT?

While there are several parking options at the State Fair of Texas, the easiest and most convenient parking lot can be reached by entering at Gate 2 which is located at 925 S. Haskell, Dallas, Texas 75223. Click here to find your way to this gate. State Fair parking is \$30 per space at official Fair lots. All State Fair parking is well lit and conveniently located near pedestrian gates. Bicycle racks are located inside Gates 5, 6, and 11, but they are on a first come first served basis.

### PARKING SPACES FOR THE DISABLED REQUIRE A DESIGNATED LICENSE PLATE OR HANG TAG.

Overnight parking is prohibited. The only exception is TX vs. OU weekend only in designated RV parking lots. Space is allocated on a first come first served basis. Adjacent spaces may not be reserved. Cash or credit card payment is due at the gate upon entry unless you have already pre-paid for your space.

## **[CLICK HERE \(HTTP://BIGTEX.COM/RV-PARKING-INFORMATION\)](http://bigtex.com/rv-parking-information) FOR RV OVERNIGHT PARKING INFORMATION SPECIFIC TO EACH WEEKEND.**

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## WHERE CAN I STAY NEARBY?

The Dallas-area is filled with places for visitors to stay. Our friends at Visit Dallas have compiled a list [here \(https://www.visitdallas.com/things-to-do/hotels/index.html\)](https://www.visitdallas.com/things-to-do/hotels/index.html).



## WHAT ARE COUPONS? HOW MUCH IS A COUPON WORTH?

The State Fair of Texas uses coupons as its main form of currency. Each coupon is valued at \$1. For example, a ride that costs 6 coupons is equal to \$6.

As of 2023, fairgoers may now use coupons for food, rides, AND games! Don't forget, coupons from previous Fairs are valid any year that you visit the State Fair of Texas. Coupons can be purchased online in advance or at booths inside the Fair.

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## **CAN I USE COUPONS THAT I BOUGHT AT LAST YEAR'S FAIR?**

Yes! Food and Midway coupons do not expire and can be used for future Fairs.

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## **WHAT FOOD AND DRINKS CAN I BUY AT THE FAIR?**

Small businesses from across the state sell State Fair food like corny dogs, turkey legs, cotton candy, Frito Pies, Sausage-on-a-Stick, and much more! Every year, these loyal food vendors create new Fair foods by putting a spin on gourmet, regional, national, and even international dishes. Check out our New Foods page to see this year's lineup, learn more about each dish, and where you can find them on the fairgrounds. We also sell a variety of non-alcoholic and alcoholic drinks. Be sure to purchase your coupons once you get inside the gate or order them online in advance at [BigTex.com/Tickets](https://BigTex.com/Tickets).

Additionally, the State Fair of Texas offers several vegetarian, vegan, and gluten-free food and beverage items. Visit any hospitality center or guest relations location for more information.

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## **WHAT SHOULD I WEAR TO THE FAIR?**

The State Fair of Texas is a casual, family-friendly environment. We suggest you dress comfortably, wear walking shoes – or cowboy boots if you prefer – and check the local weather report before you leave for the Fair.

Proper attire, including shoes and shirts, must always be worn. Texas themed shirts and hats are acceptable and encouraged.

The State Fair of Texas reserves the right to deny admission to or remove any person wearing attire that is considered inappropriate or could detract from the experience of other guests.

Ensuring the State Fair is family-friendly is an important part of the Fair experience. In that spirit, we ask you to use your discretion and common sense.

Attire that is not appropriate for the Fair – and may result in refusal of admittance – includes but is not limited to:

- Clothing with objectionable material, including obscene language or graphics.
- Clothing which, by nature, exposes excessive portions of the skin that may be viewed as inappropriate for a family environment.
- Clothing with multiple layers are subject to search upon entry.



- Offensive tattoos
  - Costumes or masks (unless they are for medical purposes) may not be worn by guests 12 years of age or older.
  - Costumes may not contain any weapons that resemble or could easily be mistaken for an actual weapon.
  - Masks may not cover the head and face entirely. Eyes must be visible.
  - Guests who do not adhere to these guidelines may be refused entry and/or removed from the State Fair of Texas, unless attire can be modified to meet the above standards.
- 

## **HOW DO I PAY FOR FOOD, DRINKS, RIDES, AND GAMES?**

Food, drinks, rides, and games, are all paid for using State Fair Food & Midway Coupons. State Fair Food & Midway Coupons can be purchased at the numerous coupon booths around the grounds or in advance online at [BigTex.com/Tickets \(https://bigtex.com/tickets\)](https://bigtex.com/tickets).

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## **CAN I USE CASH/CREDIT CARD TO BUY FOOD, RIDE A RIDE, OR PLAY A GAME?**

No, coupons are used to purchase food and beverages, ride rides, or play games; however, you will need cash or a credit card to purchase items from our shopping exhibitors. Several ATMs are available throughout the fairgrounds. See their locations on the map.

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## **CAN I RETURN OR EXCHANGE MY UNUSED COUPONS FOR MONEY?**

Unused Food and Midway coupons cannot be exchanged for money, as they are good year after year and never expire.

---

## **WHAT ACTIVITIES ARE FREE AT THE FAIR?**

The State Fair of Texas offers more than 100 FREE, daily activities that are included in the price of your admission ticket. Whether it be our weekend rodeos, 90-plus musical acts, or street performers, there's something for fairgoers of all ages! Read more about our FREE attractions at [BigTex.com/Attractions](https://BigTex.com/Attractions).



## **HOW MUCH DO RIDES AND GAMES COST?**



Most rides at the State Fair of Texas range from 5-12 coupons. The majority of kiddie rides located on the Kidway, are less than 6 coupons. Games at the State Fair range from 3-20 coupons. The State Fair Midway is made up of a collection of small businesses that set their own prices. And don't forget that every child wins a prize when they play select games on the State Fair of Texas Midway!

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## **CAN I BRING MY PET TO THE FAIR?**

**Pets are NOT allowed;** however, a service animal is permitted for individuals with a disability. Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. All service animals must remain on a leash or harness and may not be left unattended. Service animal behavior is the responsibility of the owner, and you will be asked to leave the Fair if their behavior becomes a threat to the safety of another guest or employee. We do not have accommodations for pets at the fairgrounds.

For more information about service animals and the ADA, please visit their website.

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## **CAN I BRING BULL HORNS, AIR HORNS, MEGAPHONES, OR SIMILAR ITEMS INTO THE FAIR?**

Bull horns, air horns, megaphones, and similar items are NOT allowed. Please leave these items at home or in your vehicle prior to entering the fairgrounds. Use of these items on the fairgrounds is strictly prohibited and will result in the item being confiscated and could result in you being removed from the Fair.

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## **CAN I BRING LARGE SIGNS, LARGE PROPS, OR SIMILAR ITEMS INTO THE FAIR?**

Large signs or props are NOT allowed. Please leave them at home or in your vehicle prior to entering the fairgrounds. Use of these items on the fairgrounds will result in confiscation of related materials and could result in you being removed from the Fair.

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## **CAN I BRING SELFIE STICKS, TRIPODS, MONOPODS, OR OTHER CAMERA EQUIPMENT INTO THE FAIR?**



Unless credentialed through the State Fair of Texas' PR office, selfie sticks, tripods, monopods, and similar items are NOT allowed. We ask that you leave your selfie sticks, tripods, monopods, and/or similar items at home or in your vehicle in the interest of the overall safety of our visitors. The use of these items on the fairgrounds is strictly prohibited and will result in the item being confiscated and could result in you being removed from the Fair. If you are a photographer interested in taking photographs with professional or extensive camera equipment, you must first visit [BigTex.com/Media \(https://BigTex.com/Media\)](https://BigTex.com/Media) and fill out the State Fair of Texas Media Credentials Request Form.

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## **CAN I FLY DRONES/UAVS/UASS AT THE FAIR?**

The State Fair of Texas is—and has always been—a private entity. The Fair leases the Fair Park property from the City of Dallas but is not part of the City or controlled by a government body.

The State Fair of Texas prohibits the use of Unmanned Aircraft Systems (UAS), commonly known as drones, within the 277 acres of Fair Park without prior written approval of State Fair's Public Relations Department. This process safeguards that the remote pilot complies with current FAA rules, provisions, and guidance by taking a responsible, risk-based approach to ensure the safety of the thousands of "non-participants" within the dynamic "open-air assembly" nature of the Fair event. Law enforcement will respond to all unauthorized UAS to identify the pilot and document the aircraft in use. The State Fair of Texas prohibits the use of all remote controlled devices of any type, including, but not limited to, aircraft, drones, quad-copters, cars or trucks, on or above property owned, leased or controlled by the Fair. Individuals violating State Fair rules are subject to ejection from the grounds and/or criminal enforcement of applicable statutes.

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## **CAN I RIDE A BICYCLE, SKATEBOARD OR ROLLER BLADE AT THE FAIR?**

In the interest of the overall safety for our guests, bicycles, skateboards, scooters, roller skates, and/or other wheeled forms of transportation are prohibited inside the gates (wagons to transport small children are approved.)

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## **CAN I BRING A WAGON INTO THE FAIR?**

Small children may be pulled in a wagon.

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## **CAN I BRING PERSONAL FOOD AND BEVERAGES, COOLERS, OR ICE CHESTS INTO THE FAIR?**



Tasting “Fair food” is a big reason why people visit the State Fair of Texas, but if you have any dietary restrictions or other reasons for wanting to bring your own food or beverages, please do. Fairgoers may only bring softshell coolers that meet the new bag policy sizing standard. Please note, loose ice is not permitted. Re-usable ice packs are recommended. Please note: Alcohol, glass containers, and metal knives and forks are prohibited, and your cooler will be searched as you enter the grounds.

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## WHEN VISITING THE STATE FAIR OF TEXAS, WHAT RULES SHOULD I EXPECT TO FOLLOW?

### *State Fair of Texas Guest Code of Conduct*

The State Fair of Texas is a nonprofit organization that’s mission is to celebrate all things Texan by promoting agriculture, education, and community involvement through quality entertainment in a family-friendly environment. We want to make sure the Fair is a fun – and safe – place for all our fairgoers, vendors, and Tex Team members.

When you join us on the fairgrounds and attend the Fair, all fairgoers are expected to respect and abide by the following rules:

- We expect all fairgoers to be Fair-friendly and respectful of your fellow fairgoers.
- Behavior that is unruly, disruptive, offensive, or illegal is not allowed on the fairgrounds.
- Disruptive running is not allowed on the fairgrounds.
- Improper or illegal use of motorized scooters or similar items will not be allowed. Dangerous behavior or failure to abide by scooter rules will result in loss of privilege to operate a scooter and subject the offender to possible eviction from the fairgrounds.
- After 5 p.m. Minors Policy: Starting at 5:00 p.m. daily, all minors, age 17 and under, must be accompanied by a parent, guardian, or chaperone (21+) when they enter the Fair. Parents, guardians, or chaperones may accompany no more than six minors 17 years of age and under.
- In addition to our safety measures on the fairgrounds, we also encourage guests to lock their vehicles and ensure they have properly stowed away any personal items or valuables.
- Entry to the fairgrounds is contingent on a security screening process. All guests will be screened for weapons either by a walk-through or hand-held detection device. Bags, purses, coolers, and similar containers will be searched to determine if any illegal, prohibited, or suspicious items are present that may pose a safety or security concern within the property. For a full list of prohibited items, visit: [BigTex.com/FAQ](http://BigTex.com/FAQ).



- We ask that everyone remain “Fair Aware.” If you see something that doesn’t look right on the fairgrounds, please say something to a uniformed police officer or State Fair Safety Team member. Let’s all do our part to keep the State Fair safe.
- Dress appropriately for a family-oriented and mostly outdoor event. Clothing must adequately cover the body. Visible undergarments are not permitted. Guests may be asked to remove masks, hoods, or other clothing that obscures the entire face of the person. Clothing likely to provoke a disturbance or involve other guests in open conflict is not permitted. Shoes must be worn at all times.
- Not staging any form of public event or protest, soliciting, or distributing information of any kind without the prior written approval of State Fair of Texas management or security personnel.
- Not leaving bags or baggage unattended. Any unattended bags are subject to search and possible seizure.
- Only registered service animals that comply with the Americans with Disabilities Act (ADA) requirements are allowed. No pets are allowed. Dogs and other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The State Fair of Texas reserves the right to deny access or require removal of any service animal that is disruptive or poses a direct threat to the health and safety of others.
- Observing the hours of operation of the State Fair of Texas and its vendors, and promptly leaving at the close of business hours or as otherwise directed by State Fair of Texas management or security personnel.

By attending the State Fair of Texas, you agree to abide by all the Fair’s rules, including all health and safety rules. Violation of these rules may cause forfeiture of your admission ticket and removal from the premises. For additional rules and legal disclosures, please refer to the back of your State Fair of Texas admission ticket or visit [BigTex.com/FAQ](http://BigTex.com/FAQ). State Fair of Texas management and public safety personnel reserve the right at any time to disperse crowds or remove any person or groups of people from any area of the property when necessary or otherwise deemed appropriate. Any person engaged in any unlawful activity may face criminal prosecution.

The State Fair of Texas respects the rights of all individuals and pledges the equitable enforcement of these rules, reserving the right to define and interpret conduct that may be unacceptable and to modify the terms of the Guest Code of Conduct at any time. The State Fair of Texas appreciates your cooperation in adhering to the Guest Code of Conduct.

---

## **AFTER 5 P.M. MINORS POLICY**



During the 2024 State Fair of Texas, starting at 5 p.m. daily, all minors, age 17 and under, must be accompanied by a parent, guardian, or chaperone (21+) when entering the Fair. Parents, guardians, or chaperones may accompany no more than six minors 17 years of age and under.

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## HOW CAN I PURCHASE FOOD AND MIDWAY COUPONS?

You may purchase Food and Midway coupons online in advance, or inside the fairgrounds. Cash and credit cards are accepted. We also accept Apple Pay on our automated coupon kiosks.

If you choose to purchase your coupons in advance online, please know the following criteria **MUST** be met in order to redeem your online coupon pickup order:

- Coupon vouchers must be presented by the original purchaser only.
- Original purchaser must present a valid state issued photo ID & physical credit card used for purchase. No temporary IDs accepted.
- Name & address on ID and credit card information must match billing address on order.
- Coupon vouchers **CAN NOT** be transferred or gifted to another individual for use. i.e. cannot be purchased by a parent for pick-up by a child.
- No PO Box billing addresses allowed for digital pick-up.
- No Corporate Credit Cards allowed for digital pick-up.
- No Virtual Credit Cards allowed for digital pick-up.

All sales are final sales and not eligible for refunds, exchanges, reschedule, or transfer.

All sales are final and are not eligible for refunds, exchanges, reschedules, or transfers.

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## DOES THE FAIR TAKE PHOTOS OR VIDEO OF ITS GUESTS FOR VARIOUS PURPOSES?

When entering the fairgrounds during the annual State Fair of Texas, you hereby grant permission to SFT, its affiliates, and licensees, without compensation, to capture, film, video, photograph, publish, transmit, stream, display, reproduce, and otherwise use your image or likeness captured while attending the Fair or on the fairgrounds with or without your knowledge.



## CAN I BRING ANY WEAPONS INTO THE FAIR?

The State Fair of Texas prohibits fairgoers from carrying all firearms, knives with blades over 5.5 inches long, clubs, explosive devices, ammunition, chemical dispensing devices, replicas or hoaxes, or weapons of any kind. This includes concealed carry and open carry of firearms anywhere on the fairgrounds including Cotton Bowl Stadium. This policy does not include elected, appointed, or employed peace officers.

### How will the State Fair enforce this new policy?

- The State Fair is working diligently with its security partners to plan for the implementation of this policy.
- Security team members will receive ample training to enforce this new policy. In addition, the State Fair has made significant financial investments in the security technology OPENGATE® – a innovative Weapons Detection System designed for screening people as well as their bags. OPENGATE is one piece of the overall security screening process at every entry gate.

### How is the weapons policy different from last year?

- Previously, our weapons policy allowed licensed concealed carry. Now it does not.

### Why did the Fair change its weapons policy?

- Every year, the State Fair of Texas has an ongoing safety and security assessment, adding and adjusting security measures to ensure a safe environment for all fairgoers, employees, and vendors. For us to continue offering a safe event for all, we feel this is an important measure to implement.
- Other events like the Houston Livestock Show and Rodeo, San Antonio Stock Show and Rodeo, and Rodeo Austin follow similar weapons policies as well.

---

## CAN SOMEONE WITH A LICENSE TO CARRY (LTC) BRING THEIR FIREARM TO THE FAIR?

No.

How can I stay safe if I can't use my License to Carry (LTC)?



The State Fair of Texas works with DPD, DFR, DART Police, DISD Police, regional, state, and federal partners as well as private security partners to help keep fairgoers, employees, and vendors safe. While each of the entities focuses on ensuring a safe and family-friendly environment at the State Fair of Texas, we also ask that everyone remain “Fair Aware.” If you see something that doesn’t look right on the fairgrounds, please say something to a uniformed police officer or State Fair Safety Team member. Let’s all do our part to keep the State Fair safe.

---

## **CAN A LICENSED PEACE OFFICER BRING THEIR FIREARM TO THE FAIR?**

Yes. Whether on or off duty, peace officers from any jurisdiction must provide the appropriate credentials to the Dallas Police Officer posted at the entry gate for verification.

---

## **ASIDE FROM FIREARMS, AND KNIVES WITH BLADES OVER 5.5 INCHES LONG, WHAT WEAPONS ARE NOT ALLOWED INTO THE FAIR?**

Other prohibited items include firearms and/or ammunition; air guns, BB guns, pellet guns, paintball guns, slingshots; firearm replicas, including non-firing imitations, toys, and their components. Other weapons of any kind. Any items deemed inappropriate or hazardous by the State Fair of Texas.

---

## **IS THERE A BAG POLICY FOR FAIRGOERS?**

To continue providing a safe environment for the public and significantly expedite fairgoers’ entry into the park, the State Fair has implemented a policy that limits the size of bags that may be brought into the State Fair. Exceptions to this policy will be made for medical bags and parenting bags after proper inspection.

- **Approved Bags | The following outlines bags that are permitted:**
- Bags and soft-shell coolers that are 9 inches x 10 inches x 12 inches (9” x 10” x 12”) or smaller.
- Medical bags and parenting/childcare bags.
- These medical and parenting/childcare bags do not have to be 9” x 10” x 12” or smaller but will be searched at all entry gates.
- All permitted bags are subject to search.

### **How will the State Fair enforce this new policy?**

- The State Fair is working diligently with its security partners to plan for the implementation of this policy.



- Security team members will receive training to enforce this new policy. In addition, the State Fair has made significant financial investments in technology OPENGATE® – a Weapons Detection System designed for screening people as well as their bags. OPENGATE is one piece of the overall security screening process at every entry gate.

### **What about bags for the football games in the Cotton Bowl?**

The Cotton Bowl has followed a clear-bag policy for several years and will continue to. Please note the Cotton Bowl does not allow childcare/diaper bags, but items normally carried in a diaper bag may be put into a clear plastic bag for venue entry. For specific details prior to attending a football game in the Cotton Bowl we encourage fans to visit [BigTex.com/Football](https://bigtex.com/football).

---

## **WHAT BAGS ARE PROHIBITED FOR FAIRGOERS?**

Prohibited Bags | Prohibited items include, but are not limited to:

- All bags larger than 9" x 10" x 12."
- Hardshell coolers (Unless medically necessary.)
- Medical bags are subject to search.

---

## **CAN FAIRGOERS BRING A MEDICAL BAG?**

Yes. Medical bags may be brought into the Fair and do not have to be under 9" x 10" x 12" but will be searched at all entry gates.

### **What is considered an approved "medical bag?"**

Medical bags contain medically necessary items, including but not limited to insulin, medication, portable oxygen, small soft pack coolers, and breast pumps.

### **How does a fairgoer ensure they can bring their medical bag in?**

Upon entry, fairgoers should inform the security member who checks their bags that they or someone in their party has a bag containing medically necessary items.

---

## **CAN FAIRGOERS BRING A PARENTING/CHILDCARE/DIAPER BAG?**

Yes. Parenting, childcare, or diaper bags may be brought into the Fair and do not have to be 9" x 10" x 12" or smaller but they will be searched at all entry gates.





## What is considered an approved "Parenting, childcare, or diaper bag"?

Parenting, childcare, or diaper bags contain necessary items for childcare including but not limited to diapers, wipes, baby formula, and small snacks.

---

## WILL THERE BE LOCKERS TO STORE ITEMS IF SOMEONE BRINGS A PROHIBITED BAG OR ITEM?

No. There are no lockers or bag checks at the State Fair. Guests with a prohibited bag or item must return it to their vehicle or discard it properly. Prohibited items can NOT be held by security, staff, or volunteers.

---

## WHAT ITEMS ARE PROHIBITED AT THE FAIR?

The following prohibited items list is by no means exhaustive and may be modified at any time by the State Fair of Texas.

- Bags, backpacks, and soft-sided coolers larger than 9 inches x 10 inches x 12 inches (9" x 10" x 12"). Soft-sided coolers **cannot** contain loose or dry ice. (Re-usable ice packs recommended)
- Collapsible and folding chairs.
- Hard-sided coolers and baskets of any size.
- Hydration packs larger than 9" x 10" x 12".
- Firearms, ammunition, a knife with a blade over five and one-half inches, lasers and weapons of any kind including replicas, facsimiles, toys, and likenesses.
- Costume, mask or face covering not for medical reasons
- Chemical dispensing device for personal protection.
- Aerosol cans (except sunscreen)
- Illegal drug, substance, enriched product, or paraphernalia
- Fireworks, sparklers, or explosives.
- Smoke, fog, or haze emitting machine or device.
- Alcoholic beverages. Glass containers (excluding baby food jars or similar.)

- Horns, whistles, megaphones, or artificial noise makers.
- UAV or UAS (unmanned aircraft – “drone”)
- Skateboards, Hoverboards, roller and inline skates, and shoes installed with wheels.
- Foot or electrically powered scooters, bicycles, tricycles, and unicycles.
- Balloons, Beach balls, and Hula Hoops.
- Any trailer-like object that is pushed, pulled, or towed by an Electric Conveyance Vehicle, wheelchair, stroller, or person.
- Selfie sticks or camera extensions of any kind.
- Commercial Audio, Video, or Camera equipment (Holders of State Fair Media Credentials exempted.)
- Long stick, Golf-style umbrellas.
- Sticks, bats, and poles.
- Pets. (ADA certified service animals are exempt.)
- Other carry-in deemed inappropriate by State Fair Management.

We reserve the right to prohibit the use or storage of any other item not listed above that we determine may be harmful or disruptive in our sole and absolute discretion.

---

## **WHAT ACTIVITIES ARE PROHIBITED AT THE FAIR?**

- The sale of goods or services, or the display of goods or services, unless prior written approval has been obtained.
- The distribution or posting of printed or recorded materials of any kind unless prior written approval has been obtained.
- Engaging with other guests or impeding operations while posing as or portraying any character in costume.
- Engaging in any unsafe act or other act that may impede the operation of the State Fair of Texas or any part thereof.
- Unauthorized access or entry into backstage areas or areas designated only for State Fair of Texas personnel.



- Unauthorized events, speeches, or use of any flag, banner, sign or other material for commercial purposes, or as part of a demonstration.
- Photography, videotaping or recording of any kind, or otherwise engaging in any activity, for unapproved commercial purposes.
- Unauthorized solicitations of any kind, whether commercial, religious, educational or otherwise, or conducting any unauthorized commercial activities, including solicitations of money or other contributions or donations.
- Obstructing sidewalks, entrances, driveways, patios, vestibules, stairways, corridors, halls or landings.

We reserve the right to prohibit the use or storage of any other item not listed above that we determine may be harmful or disruptive, in our sole and absolute discretion.

---

## **STATE FAIR OF TEXAS INSIDE THE FAIR GROUNDS**

### **WHAT RIDES AND GAMES ARE AVAILABLE AT THE FAIR?**

#### **Rides**

The State Fair Midway features more than 70 rides including the iconic 212 ft. Texas Star® Ferris wheel, the Kidway, the 500 ft. Top o' Texas Tower and the 1914 Dentzel Carousel. In addition, we have the Kidway area, featuring rides suitable for children 2 years of age and older. The State Fair Midway also has a variety of fun games for you to play! Learn more about the Midway.

---

### **IS THERE LIVE MUSIC AT THE FAIR?**

Yes! The State Fair of Texas provides a FREE Texas-sized music festival each year with three stages and nearly 100 artists. The Chevrolet Main Stage is an outdoor venue with a huge festival-type stage and experience, as well as an ADA-compliant area for guests needing special assistance. Featuring headlining and regional acts, the Chevrolet Main Stage is located next to the Craft Pavilion, near the Hall of State.

In addition to the Chevrolet Main Stage, live music can be found across the grounds. The Bud Light Stage, located in the heart of Cotton Bowl Plaza, will showcase local and regional talent all 24 days of the Fair, just steps away from all your fried food favorites. The Yuengling Flight Stage, located outside the GO TEXAN Pavilion, will feature a Friday night comedy series titled "Deep Fried Comedy," along with live music throughout the week where you can sit back and unwind with a glass of wine or beer. Learn more at [BigTex.com/LiveMusic](https://BigTex.com/LiveMusic) (<https://BigTex.com/LiveMusic>).

## WHERE CAN I GET INFORMATION ONCE I'M INSIDE THE FAIRGROUNDS?

Visit one of our ten Hospitality Centers spread throughout the fairgrounds. View the [map](https://bigtex.com/map) (https://bigtex.com/map) for your nearest location.

*Hay diez centros de información repartidos por todo el parque. Los amables miembros del Equipo Tex están a su disposición para responder a sus preguntas y ayudarle con mapas y direcciones.*

---

## WHERE IS GUEST RELATIONS LOCATED ON THE FAIRGROUNDS?

The State Fair of Texas has two guest relations locations. Our first location is located on the Midway, near the Top o' Texas Tower and Neon Big Tex. The second location is on the far end of the Centennial Building, closest to the Hall of State. See the [map](https://bigtex.com/map) (https://bigtex.com/map) for the exact locations.

*Los visitantes que tengan preguntas o dudas pueden acudir a una de las dos oficinas de Guest Relations (Servicios para visitantes) del recinto ferial. Guest Relations Centennial está situada en el edificio Centennial, cerca de Big Tex, y cierra a las 9 p.m. Guest Relations Midway está situada cerca de la Top o' Texas Tower en el Midway, y está abierta hasta el cierre del Midway. Guest Relations Midway también alberga los siguientes servicios: Centro de Seguridad Infantil, Centro de Cuidado del Bebé, y Objetos perdidos.*

---

## WHAT IF MY CHILD GETS LOST OR SEPARATED FROM ME? WHAT IS THE SAFE KIDS PROGRAM?

The Safe Kids Program ensures your little cowboys and cowgirls are safe if they ever get separated from you or the rest of your party at the Fair. Upon arrival, fill out your FREE child's wristband at any Hospitality Center or guest relations location. We use a wristband system that allows fairgoers, Tex Team members, DPD, and our Safety Team to identify a lost child. Once a child is found and authorities are notified, they are taken to our Safe Kids Corral, located in the Guest Relations Midway Complex across from the Top o' Texas Tower and Neon Big Tex.

*Los niños que se han separados de sus padres son escoltados por agentes de la policía o miembros del Equipo de Seguridad hasta este centro. Safe Kids Corral (Centro de Seguridad Infantil) tiene miembros del Tex Team que cuidan los niños hasta que los padres los reclaman. Las pulseras de identificación Safe Kids están disponibles en las Casetas de Información de la Feria Estatal.*

---

## DO YOU HAVE A LOST AND FOUND?



Yes! If you lose an item you may stop by our Lost and Found, located in the Guest Relations Midway Complex across from the Top O' Texas Tower and Neon Big Tex. Lost and Found can be contacted by calling (214) 565-2975 or emailing [lostandfound@bigtex.com](mailto:lostandfound@bigtex.com) (<mailto:lostandfound@bigtex.com>). Due to the seasonal nature of our event, our Lost and Found operates for one additional week after closing day of the State Fair of Texas. We do not retain any of the items past that additional week.

*Situado en el área de Guest Relations (Servicio para Visitantes) en el Midway, los asistentes a la feria pueden localizar sus objetos perdidos o entregar los que encuentren en el recinto ferial. Por favor, espere a que los objetos lleguen a la oficina de objetos perdidos.*

---

## **ARE THE CHILDREN'S AQUARIUM AND TEXAS DISCOVERY GARDENS OPEN DURING THE FAIR?**

Yes! Both the Children's Aquarium and Texas Discovery Gardens are open during the State Fair of Texas. Visit the web pages below for more information.

Texas Discovery Gardens: <https://txdg.org/> (<https://txdg.org/>).

Children's Aquarium: <https://www.childrensaquarium.com/> (<https://www.childrensaquarium.com/>).

Additionally, the African American Museum and Hall of State are open to public and FREE with your admission ticket! Read about each location below and learn more about the featured exhibits during the 2024 State Fair of Texas.

African American Museum: <https://aamdallas.org/> (<https://aamdallas.org/>).

Hall of State: <https://www.dallashistory.org/about/hall-of-state/> (<https://www.dallashistory.org/about/hall-of-state/>).

---

## **WHY ARE SIMILAR ITEMS DIFFERENT PRICES THROUGHOUT THE FAIRGROUNDS?**

The State Fair of Texas is a collection of small businesses. The prices for concessions and rides are determined by the operators and concessionaires without input from the State Fair. Only the prices for parking and admission are set by the Fair.



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## **WHERE CAN I FIND FIRST AID?**

First Aid Stations are located in the Coliseum and on First Avenue, adjacent to the Children’s Aquarium. If in need of assistance, locate a State Fair employee or call the State Fair Command Center 214-421-8888.

*Los puestos de primeros auxilios se encuentran en el Coliseo y en la Primera Avenida, junto al Acuario de los Niños. Si necesita ayuda, localice a un empleado de la Feria Estatal o llame al 214-421-8818. La policía puede llamar a los paramédicos para que acudan a otras zonas del parque.*

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## STATE FAIR OF TEXAS AMENITIES & ACCESSIBILITY

### BABY CARE CENTERS

Three Baby Care Centers are available for the convenience of guests. One next to the Children’s Aquarium, one in the Guest Relations Midway Complex near the Top o’ Texas Tower, and one near the Swine Barn and Backyard Steak-Out & Pizzeria. Please see map for exact location. Changing stations are located in all of the women’s restrooms and in the men’s restrooms located in Cattle Barn #1, both sides of the Coliseum, Embarcadero, the Midway, the Perot Museum, east of the Aquarium, 1st & MLK, and MLK & Coliseum. An area is also available in the Oak Farms Children’s Activity Center. Electrical outlets are available in the Baby Care Centers.

*Estos centros de cuidado del bebé de la Feria ofrecen privacidad y un ambiente tranquilo tanto para la madre como para el bebé. Las instalaciones tienen aire acondicionado y están situadas en el centro, en United Ag & Turf Plaza, frente a la Laguna, y en el área de Guest Relations (Servicio para visitantes), en el Midway.*

---

### ATM MACHINES

ATMs are located throughout the grounds. Please pick up a Visitor’s Guide as you enter the Fair or from one of our many Hospitality Centers, you can also visit: [BigTex.com/Map \(https://bigtex.com/map\)](https://bigtex.com/Map). Personal checks cannot be cashed on the fairgrounds.

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### ASL INTERPRETATION

The State Fair of Texas offers sign Interpretation for the hearing impaired. Available Friday through Sunday at select shows. Check the online [schedule \(https://bigtex.com/schedule\)](https://bigtex.com/schedule) for more details.

Weekend/Holiday Show Schedule: Location Sensory-Friendly Mornings Show Schedule: Location

11 a.m. – Fiestas de Marionetas McDonald’s Amphitheater 11 a.m. – Fiestas de Marionetas McDonald’s Amphitheater



1:30 p.m. – Creative Arts Cooking Demonstrations: In the Kitchen with Cutco

1 p.m. – Fiestas de Marionetas McDonald's Amphitheater – Fiestas de Marionetas McDonald's Amphitheater

4:30 p.m. – All-Star Stunt Dog Show Marine Corps Square

*Se ofrece interpretación en lenguaje de señas para determinados espectáculos. Para más información, visite [BigTex.com/schedule](https://bigtex.com/schedule) (<https://bigtex.com/schedule>).*

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## WAGONS, STROLLERS, WHEELCHAIRS AND MOBILITY SCOOTERS

The State Fair of Texas offers wagons, strollers, wheelchairs and mobility scooters for rent through HomeTown Mobility. Reservations can be made in advance at [www.htmia.com](https://htmia.com) (<https://htmia.com>) or by calling 1-712-938-2029 from 9 a.m. – 5 p.m., Monday through Friday, as well as on weekends during the State Fair. A valid driver's license or state ID is required for all rentals. Per the State Fair of Texas [Guest Code of Conduct](http://bigtex.com/CodeofConduct) (<http://bigtex.com/CodeofConduct>), Improper or illegal use of motorized scooters or similar items will not be allowed. Dangerous behavior or failure to abide by scooter rules will result in loss of privilege to operate a scooter and subject the offender to possible eviction from the fairgrounds.

Reservations need to be made at least 24 hours in advance, and cancellations must be made 48 hours in advance to receive a refund, minus a \$5 cancellation fee per rental unit. Rental locations are at the Front Gate (Parry Ave.), Grand Ave. (Gate 5), Pennsylvania Pedestrian Entrance (Gate 11), and Pan Am Gate (North side of the fairgrounds). Utilize [BigTex.com/Map](https://bigtex.com/map) (<https://bigtex.com/map>) for more information.

### Rental Prices:

Scooters \$75 per day (8 a.m. – 10 p.m.)

Wheelchairs \$30 per day

Single Strollers \$20 per day

Double Stroller \$25 per day

Wagons \$20 per day

Personal Storage Cubical \$5

Wheeled mobility devices with less than 3 wheels or devices that cannot maintain stability and balance when stopped, unpowered, and/or unoccupied are prohibited. Training wheels and/or modifications are not permitted. Devices must be manually or electrically powered and operated at a walking pace. Devices should be single rider and not exceed 36" (92 cm) in width and 52" (132 cm) in length.

---

## SENSORY-FRIENDLY MORNINGS

On every Wednesday of the State Fair of Texas, fairgoers can enjoy Sensory-Friendly Mornings, where there will be adjustments made across the fairgrounds to better accommodate those with sensory-related concerns. In addition, fairgoers will be able to enjoy all the fun of the Midway without the usual lights and sounds from 12 p.m. to 1 p.m.



Please note that the usual lights and sounds of the Midway will return at 1 p.m. There are also a few locations around the grounds designated if needed. Visit [BigTex.com/Sensory](https://BigTex.com/Sensory) (<https://BigTex.com/Sensory>) closer to Opening Day of the Fair for more information.

The Fair invites individuals with autism, their families, and anyone else who may benefit from a sensory-friendly experience to come out and enjoy the great State Fair of Texas on Sensory-Friendly Mornings. See you at the Fair!

P.S. Wednesday is also the best discount day! Each person who brings five canned food items to donate to North Texas Food Bank will receive \$5 admission.

---

## **RIDE SHARING AND TAXI SERVICES**

Ride sharing, and taxi services are to be staged at Haskell to 4206 Gurley Ave Dallas, TX 75223 – drop off and pick up only. While you can use these services at any gate on the fairgrounds, we recommend using the above address, as we find this is the most efficient area to allow for less traffic.

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## **STATE FAIR OF TEXAS FOOTBALL**

### **WHAT FOOTBALL GAMES ARE PLAYED AT THE COTTON BOWL DURING THE FAIR?**

There are two college football games scheduled on Saturdays during the State Fair of Texas: The State Fair Classic between Grambling State University and Prairie View A&M University, and the Allstate Red River Rivalry between University of Oklahoma and University of Texas. A game ticket includes Fair admission on game day. Visit [BigTex.com/Football](https://bigtex.com/football) (<https://bigtex.com/football>) for details about the games or call (469) 945-3247 and press “0” for additional assistance.

---

### **IS THE ALLSTATE RED RIVER RIVALRY (TEXAS/OU) AT THE FAIR EVERY YEAR?**

Yes, the annual Texas vs. OU football game has been a State Fair of Texas tradition since 1929, and a weekend that people on both sides of the Red River enjoy and look forward to each year. The current agreement between the State Fair of Texas, the City of Dallas, the University of Texas, and the University of Oklahoma runs through 2036.

---





## **IS THE STATE FAIR CLASSIC (GRAMBLING/PRAIRIE VIEW) AT THE FAIR EVERY YEAR?**

Yes, the annual State Fair Classic has been a State Fair of Texas tradition since 1925, and a weekend that people enjoy and look forward to each year. The current agreement between the State Fair of Texas, the City of Dallas, Grambling State University, and Prairie View A&M University runs through 2025.

---

## **WHAT IS THE STATE FAIR SHOWDOWN?**

The State Fair Showdown was played in the historic Cotton Bowl during the 2018 and 2019 State Fair of Texas. The matchup was between Texas Southern University and Southern University.

---

## **WHAT ITEMS ARE NOT ALLOWED INSIDE COTTON BOWL STADIUM?**

All Bags, including backpacks.

Purses that exceed 10" x 10".

Medical Bags will be inspected upon entry.

All weapons of any kind.

Outside alcoholic beverages of any kind.

Artificial noisemakers (bells, horns, kazoos, whistles, etc.)

Banners, flags, flag poles, signs, umbrellas, etc.

Cameras with detachable lenses greater than 10". Video cameras and tripods.

Coolers

Any explosive or flammable items.

Outside food and beverages.

Any items that are deemed a safety hazard or annoyance (balls, balloons, firearms, fireworks, frisbees, glass, hard plastic or metal water bottles, laser pointers, etc.)

Pets (service dogs permitted).

Strollers

Tobacco products of any kind, including e-cigarettes.



Any type of seat cushions or chair backs.

Baby seats

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## **ARE FOOD AND DRINKS AVAILABLE FOR PURCHASE INSIDE COTTON BOWL STADIUM?**

Yes, food and beverages are available for purchase inside Cotton Bowl Stadium on game days.

---

## **WILL MY FOOTBALL GAME TICKET GET ME INTO THE FAIR?**

Yes! If you have a football ticket for the State Fair Classic or Allstate Red River Rivalry, that ticket will also act as your admission to the Fair on game day.

---

## **FAN CODE OF CONDUCT FOR COTTON BOWL STADIUM**

All patrons shall comply with sportsmanship principles outlined in NCAA Constitution, Article 1, C and SEC Bylaw, Article 10.

Guest conduct is expected to be of a respectful level prior to, during, and after each competition.

The following conduct is deemed inappropriate:

- Using racist, sexist, threatening, or inflammatory language.
- Displaying clothing, signage, or material with profane or abusive language, obscene graphics, or inflammatory reference.
- Attempting to enter the competition area.
- Throwing objects, including but not limited to associated paper or plastic concessions service items within the seating areas or onto the field of play.
- Illegally possessing alcoholic beverages, controlled substances, or smoking.
- Taking or posting inappropriate photos of student-athletes, cheerleaders, dance team members, band members, or fellow spectators.

If ejected from the venue for any reason, the guest will not receive a refund, will not be readmitted, and attendance at future athletics events is subject to review.



## STATE FAIR OF TEXAS WORK WITH THE FAIR

### INTERESTED IN SEASONAL EMPLOYMENT?

Please visit [BigTex.com/jobs](https://BigTex.com/jobs) (<https://BigTex.com/jobs>) or contact [hr@bigtex.com](mailto:hr@bigtex.com) (<mailto:hr@bigtex.com>).

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### INTERESTED IN EXHIBITING LIVESTOCK?

Please visit [BigTex.com/livestock](https://BigTex.com/livestock) (<https://BigTex.com/livestock>) or contact [livestock@bigtex.com](mailto:livestock@bigtex.com) (<mailto:livestock@bigtex.com>).

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### INTERESTED IN BEING A COMMERCIAL EXHIBITOR?

Please visit [BigTex.com/get-involved/commercial-exhibitors/](https://BigTex.com/get-involved/commercial-exhibitors/) (<https://BigTex.com/get-involved/commercial-exhibitors/>) or contact [exhibits@bigtex.com](mailto:exhibits@bigtex.com) (<mailto:exhibits@bigtex.com>).

---

### INTERESTED IN BEING A VENDOR?

Please visit [BigTex.com/get-involved/concessions/](https://BigTex.com/get-involved/concessions/) (<https://BigTex.com/get-involved/concessions/>) or contact [concessions@bigtex.com](mailto:concessions@bigtex.com) (<mailto:concessions@bigtex.com>).

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### INTERESTED IN BEING A SPONSOR?

Please visit [BigTex.com/get-involved/corporate-sponsorship](https://BigTex.com/get-involved/corporate-sponsorship) (<https://BigTex.com/get-involved/corporate-sponsorship>) or contact Leslie Jefferson at [ljefferson@bigtex.com](mailto:ljefferson@bigtex.com) (<mailto:ljefferson@bigtex.com>).

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### INTERESTED IN VOLUNTEERING?

Please contact [lolmstead@bigtex.com](mailto:lolmstead@bigtex.com) (<mailto:lolmstead@bigtex.com>).

## BECOME A BIG TEX INSIDER

and get early access to event info, ticket discounts, exclusive Big Tex store promos, and more!

### NAME

### DATE OF BIRTH

Month

Day

Year

### CAPTCHA

 I'm not a robot  
reCAPTCHA  
Privacy - Terms

**SUBMIT**

## MISSION STATEMENT

The State Fair of Texas celebrates all things Texan by promoting agriculture, education, and community involvement through quality entertainment in a family-friendly environment.

The State Fair of Texas is a 501(c)(3) nonprofit organization.




# CONTACT

## FAIRTIME PARKING ADDRESS

925 S. Haskell  
Dallas, Texas 75223

## TELEPHONE

[469-945-FAIR](tel:469-945-FAIR) (tel:469-945-FAIR)

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TOP

**App. 14: LIST OF RELEVANT BUSINESSES WITH ALCOHOL  
LICENSES**

# Search

\* Required field

*i* To see more details, please click on a row of the below table.

Drag a column header and drop it here to group by that column

License Number ▼	Trade Name ▼	Lic/Reg Location ▼	City ▼	State ▼	Lic Expiration Date ▼
105396206	FLETCHER'S ORIGINAL STATE FAIR CORNY DOGS	3828 MARTIN LUTHER KING JR BLVD	DALLAS	TX	08/29/2025
150013474	FLETCHER'S ORIGINAL STATE FAIR CORNY DOGS				08/29/2025

⏪ ⏩ 1 ▼

[BACK TO SEARCH](#)

**App. 15: STATE-FAIR VENDOR'S ALCOHOL LICENSE**



# Search

\* Required field

## License Information

# License Number:  
105396206

 License Type:  
Wine and Malt Beverage Retailer's On-Premise Permit (BG)

 Status:  
Active

 Trade Name:  
FLETCHER'S ORIGINAL STATE FAIR CORNY DOGS

 Location Address:  
3828 MARTIN LUTHER KING JR BLVD DALLAS, TX

 License Name:  
FLETCHER'S ORIGINAL STATE FAIR CORNY DOGS LLC

 Expiration Date:  
08/29/2025

[BACK TO RESULTS](#)

**App. 16: CITY OF DALLAS'S 2024 BUDGET**



# ANNUAL BUDGET

FY 2023-2024



APP. 202



# CITY OF DALLAS

## ANNUAL OPERATING AND CAPITAL BUDGET

### FISCAL YEAR 2023-24

October 1, 2023 – September 30, 2024

*As Approved on September 20, 2023 by:*

The Honorable Mayor  
and  
Members of the City Council

Adoption of the Fiscal Year 2023-24 Annual Budget					
Council Member	Record Vote	Council Member	Record Vote	Council Member	Record Vote
Mayor Eric Johnson	No	Zarin Gracey	Yes	Kathy Stewart	No
MPT Tennell Atkins	Yes	Jaime Resendez	Yes	Jaynie Schultz	Yes
DMPT Carolyn King Arnold	Yes	Adam Bazaldua	Yes	Cara Mendelsohn	No
Chad West	Yes	Omar Narvaez	Yes	Gay Donnell Willis	No
Jesse Moreno	Yes	Paula Blackmon	Yes	Paul E. Ridley	No

	FY 2022-23	FY 2023-24
Adopted Property Tax Rate	\$0.745800	\$0.735700
No New Revenue Tax Rate	\$0.648268	\$0.681396
No-New-Revenue Maintenance and Operations Tax Rate	\$0.479082	\$0.481964
Voter Approval Tax Rate	\$0.812288	\$0.748261
Debt Rate	\$0.205500	\$0.204000

The total amount of bonds and other debt obligations owed by the City of Dallas as of 9/30/23 is \$2,160,855,416.

This budget will raise more revenue from property taxes than last year's budget by an amount of \$107,494,533, which is an 8.76 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$27,588,503.\*

\*The 86<sup>th</sup> Texas legislature modified the manner in which the voter-approval tax rate is calculated with the approval of the Texas Reform and Transparency Act of 2019 (Senate Bill 2).



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished  
Budget Presentation  
Award*

PRESENTED TO

**City of Dallas  
Texas**

For the Fiscal Year Beginning

**October 01, 2022**

*Christopher P. Morill*

Executive Director

# **CITY OF DALLAS**

# **ANNUAL OPERATING AND CAPITAL BUDGET**

## **FISCAL YEAR 2023-24**

## **ACKNOWLEDGEMENTS**



**CITY MANAGER**  
T.C. BROADNAX

**CHIEF FINANCIAL OFFICER**  
JACK IRELAND

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"Trinity Flood Plain" by Don Raines, Jr., Planning & Urban Design





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[Budget Videos - https://dallascityhall.com/departments/budget/financialtransparency/Pages/Budget-Videos.aspx](https://dallascityhall.com/departments/budget/financialtransparency/Pages/Budget-Videos.aspx)



# A MESSAGE FROM THE CITY MANAGER

October 1, 2023

Honorable Mayor and City Council Members,

I am pleased to share the Fiscal Year (FY) 2023-24 Budget. This \$4.62 billion budget will remain focused on public service and our core values of Empathy, Ethics, Excellence, Equity, and added for FY 2023, Engagement. This budget is designed to reflect our community's priorities and values, with resident feedback and engagement playing a vital role in determining budget priorities.



The General Fund portion of the budget is \$1.8 billion which is \$130.8 million or 7.7 percent more than the past year. The increased funding will allow us to make investments that are important to the residents of Dallas, including 61.2 percent of the budget going toward public safety. With unprecedented growth in property values, this budget also includes a decreasing property tax rate for the eighth year in a row – by 1.01¢. This will lower the property tax rate from 74.58¢ to 73.57¢ per \$100 valuation. We have once again increased the property exemption for residents who are over 65 or living with a disability—from \$115,500 to \$139,400.

This budget delivers Real, Equitable, Accountable, and Legitimate R.E.A.L. Engagement for the community we serve by making investments that improve the lives of Dallas residents.

Responsible Engagement means that our City evaluates who and what makes up our dynamic city to ensure the policy and standards for outreach and engagement are consistent across departments and to build trust in the communities we serve.

Equitable Engagement means that we are committed to ensuring that we meet specific community needs such as language translation and accessibility of community meetings and publications. This budget provides educational outreach, community programs, and opportunities to engage with children, adults, seniors, and youth through our age-friendly programs.

Accountable Engagement means we will deliver our programs and services transparently, utilize data to increase civic participation, and find solutions to systemic issues. For the City of Dallas, our number one priority is to keep residents safe. Violent crime in Dallas has reduced each year over the past two years due to our continued investments in public safety and through the dedicated service of our uniform employees. This budget includes investments in software, technology, and equipment to support police officers.

Legitimate Engagement means that we will continue to put the priorities of our residents first and collaborate with the community to refine our engagement priorities.

Our budget is developed through an intensive and collaborative annual process, incorporating input from the Dallas City Council and Dallas residents to reflect the values of the community we serve. Dallas continues to be a prosperous, equitable inclusive, and dynamic city by investing in our residents.

Through this budget, we will continue to meet the needs of Dallas residents with a commitment to our core values – Empathy, Ethics, Excellence, Engagement, and Equity. With every obstacle our community has faced in the past and future, we will continue to work hard to make this city run effectively and efficiently for our communities.

In the Spirit of Excellence!

A handwritten signature in black ink, appearing to read 'T.C. Broadnax'. The signature is stylized and fluid, written over a white background.

T.C. Broadnax, City Manager

**APP. 214**





# EXECUTIVE SUMMARY

## THE BIENNIAL BUDGET

The investments in this budget reflect the priorities and values of the community. The budget for Fiscal Year 2023-24 invests in Responsible, Equitable, Accountable, and Legitimate (R.E.A.L.) Engagement for Dallas residents.

The budget for the first year of the biennial is \$4.62 billion, and the planned budget for the second year is \$4.55 billion.

## BIENNIAL BUDGET OVERVIEW

Per state law, the City Council adopts an annual budget. The City of Dallas develops a biennial budget, which proposes investments for the upcoming fiscal year as well as a planned budget for the subsequent year. This ensures that proposed investments are made in policies and services that are financially sustainable.

Expenditure	FY 2022-23 Budget	FY 2022-23 Amended	FY 2023-24 Budget	FY 2024-25 Planned
General Fund	1,706,814,187	1,727,562,642	1,837,576,470	1,914,596,470
Aviation	163,476,405	163,476,405	184,832,684	188,631,644
Convention & Event Services	113,231,392	115,690,184	137,145,998	137,860,135
Dallas Water Utilities	761,226,160	834,226,160	791,275,376	814,782,871
Dallas Water Utilities - Storm Drainage Management	72,433,742	82,433,742	80,093,972	85,852,114
Development Services	43,830,455	54,659,486	53,952,347	57,054,933
Municipal Radio	1,003,095	1,100,931	636,398	656,873
Sanitation Services	143,785,140	143,785,140	153,689,531	158,762,727
Debt Service	412,314,869	412,314,869	420,687,511	438,197,886
Additional Resources	127,781,943	156,939,450	166,427,152	121,787,777
<b>Total Operating Budget</b>	<b>\$3,545,897,388</b>	<b>\$3,692,189,009</b>	<b>\$3,826,317,439</b>	<b>\$3,918,183,430</b>
General Purpose Capital	535,427,357	624,374,980	369,269,402	296,794,352
Enterprise Capital	423,782,406	496,782,406	427,850,044	338,783,385
<b>Total Capital Budget</b>	<b>\$959,209,763</b>	<b>\$1,121,157,386</b>	<b>\$797,119,446</b>	<b>\$635,577,737</b>
<b>Total Operating &amp; Capital Budget</b>	<b>\$4,505,107,151</b>	<b>\$4,813,346,395</b>	<b>\$4,623,436,885</b>	<b>\$4,553,761,167</b>








Indicates Equity Investment

# EXECUTIVE SUMMARY

## STRATEGIC PRIORITIES

During the February 2020 City Council strategic planning session, the City Council affirmed the City’s overarching strategic priorities. We have organized the budget by the City’s eight strategic priorities and the stated goal for each. The biennial budget includes major investments aimed at supporting these priorities. In the sections that follow, department programs and initiatives are highlighted for each strategic priority. In June 2023, the Dallas City Council voted to approve a resolution to change the name of the Strategic Priority Environment & Sustainability to Parks, Trails, & the Environment.

Strategic Priorities	Strategic Goals
 <b>ECONOMIC DEVELOPMENT</b>	<i>To be known as a business-friendly city that supports job creation, private investment, a broadened tax base, and economic opportunities for all members of our community</i>
 <b>GOVERNMENT PERFORMANCE &amp; FINANCIAL MANAGEMENT</b>	<i>To be a well-managed and fiscally responsible city focused on delivering effective and efficient government services</i>
 <b>HOUSING &amp; HOMELESSNESS SOLUTIONS</b>	<i>To ensure housing opportunities for all residents while promoting fair housing and affordable choices throughout every area of the city while working to eliminate homelessness</i>
 <b>PARKS, TRAILS, &amp; THE ENVIRONMENT</b>	<i>To be a global leader focused on parks, trails, environmental sustainability, conservation, climate change, and environmental justice to build a more resilient city</i>
 <b>PUBLIC SAFETY</b>	<i>To be the safest large city in the United States while serving and protecting our diverse community with integrity, respect, and equity</i>
 <b>QUALITY OF LIFE, ARTS, &amp; CULTURE</b>	<i>To be a world-class city that fosters clean and appealing neighborhoods while offering recreational, educational, and cultural activities that enhance the quality of life for our residents and visitors</i>
 <b>TRANSPORTATION &amp; INFRASTRUCTURE</b>	<i>To protect and enhance the city’s transportation and infrastructure network while continuing to deliver innovative, safe, and equitable infrastructure solutions and moving Dallas forward with a “service first” mentality</i>
 <b>WORKFORCE, EDUCATION, &amp; EQUITY</b>	<i>To be recognized as a city that is equitable, inclusive, and welcoming for all residents and visitors</i>

# EXECUTIVE SUMMARY

## TOTAL BUDGET BY STRATEGIC PRIORITY

Strategic Priority	FY 2023-24 Budget All Funds	FY 2024-25 Planned All Funds
Economic Development	\$596,527,197	\$608,373,809
Government Performance & Financial Management	187,485,224	173,883,652
Housing & Homelessness Solutions	53,413,880	50,256,713
Parks, Trails, & the Environment	735,365,201	863,094,540
Public Safety	1,189,081,926	1,247,111,976
Quality of Life, Arts, & Culture	139,448,483	145,502,282
Transportation & Infrastructure	1,695,278,987	1,439,007,207
Workforce, Education, & Equity	26,835,987	26,530,988
<b>Total Budget</b>	<b>\$4,623,436,885</b>	<b>\$4,553,761,167</b>

## GENERAL FUND BUDGET BY STRATEGIC PRIORITY

Strategic Priority	FY 2023-24 Budget General Fund	FY 2024-25 Planned General Fund
Economic Development	\$109,098,663	\$107,737,192
Government Performance & Financial Management	125,313,086	128,585,441
Housing & Homelessness Solutions	20,670,876	19,651,401
Parks, Trails, & the Environment	130,151,757	130,972,950
Public Safety	1,125,206,512	1,190,347,438
Quality of Life, Arts, & Culture	131,504,535	137,214,888
Transportation & Infrastructure	173,375,606	178,378,202
Workforce, Education, & Equity	22,255,435	21,708,958
<b>Total Budget</b>	<b>\$1,837,576,470</b>	<b>\$1,914,596,470</b>



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# EXECUTIVE SUMMARY

## INVESTMENTS IN EQUITY

### *Embedding Equity*

As you read the Executive Summary, there are elements of equity that are integrated and overlap throughout the various strategic priorities. Equity is not compartmentalized in one specific department or Strategic Priority area but embedded throughout the City. As the Office of Equity and Inclusion states Equity is Everyone’s Work and should be reflected across every department.

- Equity means that each person has the resources and services necessary to thrive in each person’s own unique identities, circumstances, and histories
- Equity focuses on eliminating disparities while improving outcomes for all
- Racial equity is a situation that is achieved when people are thriving and neither race nor ethnicity statistically dictates, determines, or predicts one's social outcome or ability to thrive

### *Aligning Equity to Strategic Priorities*

Equity is both a process and an outcome! Departments highlight intentional equity efforts as it relates to the [City Racial Equity Plan](#) (REP). Additionally, each year departments fine-tune their equity lens by submitting the Budgeting for Equity tool (process summarized in the Appendices) to be inclusive of communities who experience the greatest need.

In this budget book, we highlight existing equity efforts with current and future budgetary and staffing resources.



FY 2023-24 Major Equity investments are identified with an equity icon.

### *Budget for All*

Budget and Management Services (BMS) strives to ensure that budget publication materials are accessible to all persons. Below are highlights to embedding equity:

- Ensured translation of information in Spanish (Chinese and Vietnamese where available), such as the town hall meeting schedule
- Expanded engagement opportunities, to include American Sign Language, telephonic services, and additional language dictation and support
- Enhanced accessibility, readability features, and alternate (alt) text for low-vision populations
- Increased the advertisement of budget town hall meetings in multicultural publications



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# EXECUTIVE SUMMARY

## FY 2023-24 MAJOR INVESTMENTS

### *Economic Development*

- Launch a Community Development Team to advance community-oriented real estate projects with catalytic potential
- Augment planning and zoning staff with \$400,000 to address high demand for new development workload and oversight
- Continue implementation of the Kay Bailey Hutchison Convention Center Master Plan to transform the convention center
- Increase Public Private Partnership (PPP) investments by \$500,000 to support business development
- Invest \$124.9 million through 18 Tax Increment Financing (TIF) districts and allocate \$6.0 million to the Infrastructure Investment Fund

### *Government Performance and Financial Management*

- Provide property tax relief by reducing the property tax rate by 1.01¢ from 74.58¢ to 73.57¢ per \$100 valuation and by increasing the over-65 disabled exemption from \$115,500 to \$139,400
- Compensate employees fairly through continued implementation of the annual merit program and increasing the minimum wage to \$18.50 per hour
- Increase capacity and staffing to procure goods and services more efficiently
- Invest in staffing resources and long-term solutions to modernize key software applications throughout the city and ensure the City’s network is amply protected in everyday operations
- Enhance communications, outreach, and marketing to support crisis communications, media training, and language access

### *Housing and Homeless Solutions*

- House 6,000 unique individuals by 2025 through the R.E.A.L. Time Rehousing (RTR) program which ensures proactive decommissioning of multiple encampments and ensure unsheltered residents are connected to expanded housing opportunities
- Meet the increased demand for cooling and warming shelters by investing an additional \$250,000 and provide relief during inclement weather for Temporary Inclement Weather Shelter (TIWS)
- Support senior residents and invest \$1.7 million in the Minor Home Repair Program



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# EXECUTIVE SUMMARY

## *Parks, Trails, and the Environment*

- Continue advancement of the Comprehensive Environmental and Climate Action Plan (CECAP)
- Invest in an Urban Agriculture Infrastructure grant program to provide assistance to urban agriculture stakeholders
- Initiate a feasibility study and development of a composting site to turn waste into resources
- Maintain and purchase equipment to upkeep parks, trails, and other recreational amenities to maintain our nationally recognized and award-winning parks

## *Public Safety*

- Provide market-based compensation and step increases in accordance with the Meet and Confer Agreement for uniform employees
- Expand police department resources with the hiring of 250 police recruits, through a retention incentive program and increased overtime
- Right size the fire department staffing model by adding 100 firefighters and increasing overtime funding
- Strengthen park security presence and the ability to enforce serious offenses and enhance parks and trails lighting, security cameras, and Emergency Blue Light tower phones
- Continue to invest in the safety of Dallas residents by ensuring that public safety equipment including software, technology, and equipment is readily available to police officers

## *Quality of Life*

- Expand library hours and staffing levels at 15 additional locations to six (6) days per week of service so residents can enhance their lives through education, workforce development, and senior and early literacy programs
- Create a short-term rental registration program and inspection team to ensure compliance and oversight of rental properties
- Continue investments to reduce blight and foster clean, healthy, and safe communities
- Add \$250,000 in operational funding to Dallas Animal Services to support spay and neuter services and promote responsible pet ownership



Indicates Equity Investment

# EXECUTIVE SUMMARY

## *Transportation and Infrastructure*

- Invest \$151.7 million in funding for public works projects including street improvement and maintenance of approximately 792 lane miles, improved alley maintenance, sidewalk projects, bridge maintenance, and updating paving model to support quality modes of transportation
- Invest \$3.0 million in sidewalk cost-share program for residents
- Ensure quality water resources and services through the continued implementation of the Integrated Pipeline Project (IPL) to connect Lake Palestine to Dallas' water supply and the continued implementation of the Unserved Areas Program
- Invest \$35.1 million in capital improvement projects for stormwater and drainage management to minimize flooding and improve drainage
- Invest \$9.5 million to address City facility maintenance needs

## *Workforce, Education, and Equity*

- Expand the Green Job Skills Program that empowers local contractors looking to increase their skill set and fulfill high-demand green jobs in Dallas
- Reduce disparities while improving outcomes in fair housing through the development and implementation of the New Fair Housing Equity Plan
- Minimize barriers and fund \$120,000 in planning efforts that ensure that our numerous facilities and city buildings are accessible to all and comply with the American Disabilities Act (ADA) transition plan
- Support awareness of senior services and cross-departmental alignment of existing senior programs through the appointment of an Age-Friendly Officer
- Complete a comprehensive senior needs assessment and strategic plan to strengthen community engagement and better support future senior programs and services



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# ECONOMIC DEVELOPMENT



*R.E.A.L. Engagement in Economic Development means that Dallas strives to be known as a business-friendly city that supports job creation, private investment, a broadened tax base, and economic opportunities for all members of our community.*

## PROACTIVE STRATEGIES

### *Shared Vision to Deliver Services*

Under a shared vision to support equitable access to employment, economic opportunities, and housing opportunities for all Dallas residents, this budget reallocates existing positions and resources to create the Office of Community Development. Community development involves intentional and proactive strategies that foster relationships through equitable engagement and enhance the physical, economic, environmental, and social well-being of the community. Advancing community-oriented real estate projects with catalytic potential by drawing on the equitable economic development toolkit to launch the office.



The Office of Community Development is dedicated to a collaborative and multifaceted approach to managing and driving physical development with consideration of the community's diverse needs and aspirations. The goal is to revitalize neighborhoods, promote sustainable economic growth, support entrepreneurship, strengthen workforce development, and attract new businesses. Additionally, this office serves as a concierge

for community-oriented projects to support landowners, developers, business owners, and in some cases public agencies to facilitate the completion of projects from concept to completion.

More importantly, this office aligns goals and objectives from the passage of the following comprehensive plans: Comprehensive Environmental and Climate Action Plan (CECAP), the Connect Dallas Strategic Mobility Plan (Connect Dallas), the Racial Equity Plan (REP), the Economic Development Policy (EDP), the Economic Development Incentives Policy (Incentives Policy), and the Housing Policy 2033.



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# ECONOMIC DEVELOPMENT



## *Staff Augmentation and Adaptability*

The level of development applications is driven frequently by economic conditions and thus provide an unpredictable workload. With a high demand for new development to support the economic growth in Dallas, the City has evolved to maintain workload capacity through many processes with both predictable and unpredictable aspects.

Budget investments include \$400,000 in planning and zoning staff augmentation that results in a ‘stop-gap’ approach for zoning changes that are subject to market and economic forces. In efforts to mitigate unpredictable challenges, we are proactively seeking solutions that include outcomes that do not delay rezoning processes and are able to manage workload efficiently.



## CONTINUED ECONOMIC INVESTMENTS

### *Expansion of Kay Bailey Hutchison Convention Center (KBHCC)*

Dallas is one of Trade Show Executive Magazine's top ten convention centers boasting over 1 million square feet of meeting and event space. Each year the Kay Bailey Hutchison Convention Center brings in millions of dollars in revenue and economic impact to the Dallas local economy.

The Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Master Plan process was initiated in January 2021. The multi-layered economic development plan aligns the expansion of the KBHCCD with land use interaction with current public-private partnership developments and green space, and multi-modal transportation initiatives. The Plan's components will be financed using hotel-associated taxes from three sources. Hotel-associated taxes are paid by individuals renting Dallas hotel rooms for conventions, entertainment, or leisure travel.

Dallas collects 13 percent Hotel Occupancy Tax (HOT), with 7 percent designated for local use. Additionally, in 2021, Dallas City Council approved a Project Financing Zone (PFZ) that will collect the state's portion (six percent) of



Indicates Equity Investment

# ECONOMIC DEVELOPMENT

HOT, along with the state’s portion of hotel-related sales and mixed beverage taxes over a 30-year period to use for the convention center expansion. In November 2022, voters overwhelmingly approved Proposition A pursuant to Texas Local Government Code, Chapter 334, more commonly referred to as the “Brimer Bill.”

Proposition A allows for a 30-year increase in HOT of two percent as a designated method of financing for venue projects, bringing the hotel occupancy tax collection from 13 to 15 percent. These collections will be split 80 / up to 20 percent for the convention center expansion and designated projects at Fair Park.

The KBHCCD expansion project is expected to be complete in 2028, with the deck park component in 2030, and the integration of other plan components within the interim years.

Additional information may be accessed at [www.dallasccmasterplan.com](http://www.dallasccmasterplan.com).

## *Public-Private Partnerships to Leverage Opportunities*

The Public-Private Partnership (PPP) fund is the budgetary source for certain programs administered by the Office of Economic Development. Prior to the City Council’s adoption of the Economic Development Incentive Policy in 2023, the PPP Fund was originally used for two purposes: (1) as a source of loans and grants authorized under Chapter 380 of the Texas Local Government Code, and (2) as the funding source for the South Dallas Fair Park Opportunity Fund.

With the passage of the Economic Development Incentive Policy in 2023, the PPP Fund is now the source of capital for two additional programs: (1) the new Predevelopment Loan Fund, which supports community developers and certified women and minority-owned businesses by providing loans during the predevelopment process for vital flexible capital to enable project feasibility; and (2) the Community Development program under Chapter 373 of the Texas Local Government Code, which provides assistance to nonprofit developers carrying out community development projects in Target Areas identified in the Policy, and for other community impact projects in Target Areas.

In response to the Council’s approval of the Policy and the resulting expansion of programs utilizing the PPP Fund, the budget includes an increase in PPP by \$500,000 from \$8.5 million to \$9.0 million per year. The PPP Fund scope was expanded with the adoption of the new Incentive Policy with a suite of incentive programs in January 2023, all of which superseded the Public-Private Partnership Program.

## *Economic Redevelopment - Tax Increment Financing (TIF) Districts*

The City's tax increment financing (TIF) program identifies under-performing real estate in the City, develops redevelopment plans, works with private developers to implement these



Indicates Equity Investment

# ECONOMIC DEVELOPMENT

plans and reinvests a portion of property tax revenues generated from new real estate development into the area to encourage the implementation of the redevelopment plan.

The FY 2023-24 budget includes increasing the TIF district allocation from \$118.7 million in FY 2022-23 to a projected \$124.9 million to support 18 TIF districts located within the City.

On January 25, 2023, the City Council adopted a new Economic Development Incentive Policy. The Incentive Policy authorized the creation of an Infrastructure Investment Fund, a new incentive tool which will assist in closing the infrastructure gap by directing the general fund portion of tax increments collected by the city from sunseting TIF districts to



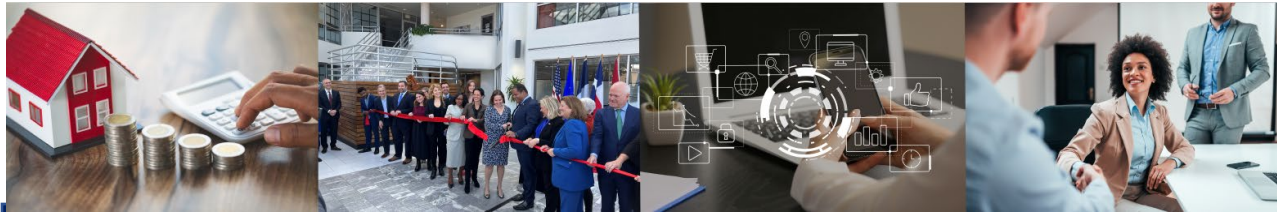
areas most in need over a ten year period (with an optional five year extension period). Funds are intended to incentivize street, transportation, and other capital improvement projects in Office of Economic Development Target Areas with loans and grants. Funds can only be spent outside of Target Areas with a three-quarters vote of the City Council. The Infrastructure Investment Fund will be capitalized in

FY 2023-24 with a projected \$6 million General Fund transfer based on final increment value of the City Center A & B TIF District and Cedars TIF District which expired on December 31, 2022.



Indicates Equity Investment

# GOVERNMENT PERFORMANCE & FINANCIAL MANAGEMENT



*R.E.A.L. Engagement in Government and Financial Management means that we are committed to being a well-managed and fiscally responsible city focused on delivering effective and efficient government service*

## PROPERTY TAX RELIEF

For the eighth year in a row, the City of Dallas has reduced the property tax rate by 1.01¢ which reduces revenue to the City by \$19.7 million. Since FY 2015-16, Dallas' tax rate has decreased by 6.13¢ or 7.7 percent, representing \$110.3 million in foregone revenue for FY 2023-24.

Additionally, this year the City of Dallas increased the age 65 or older and disabled exemption from \$115,500 to \$139,400. Beginning in 2017, this exemption has been increased four times for a total of 80 percent. This exemption is in addition to the City's 20 percent homestead exemption for owner-occupied residential property owners, which is the highest exemption amount allowed by State law.

## SUPPORT FOR CITY EMPLOYEES



### *Compensation and the Living Wage*

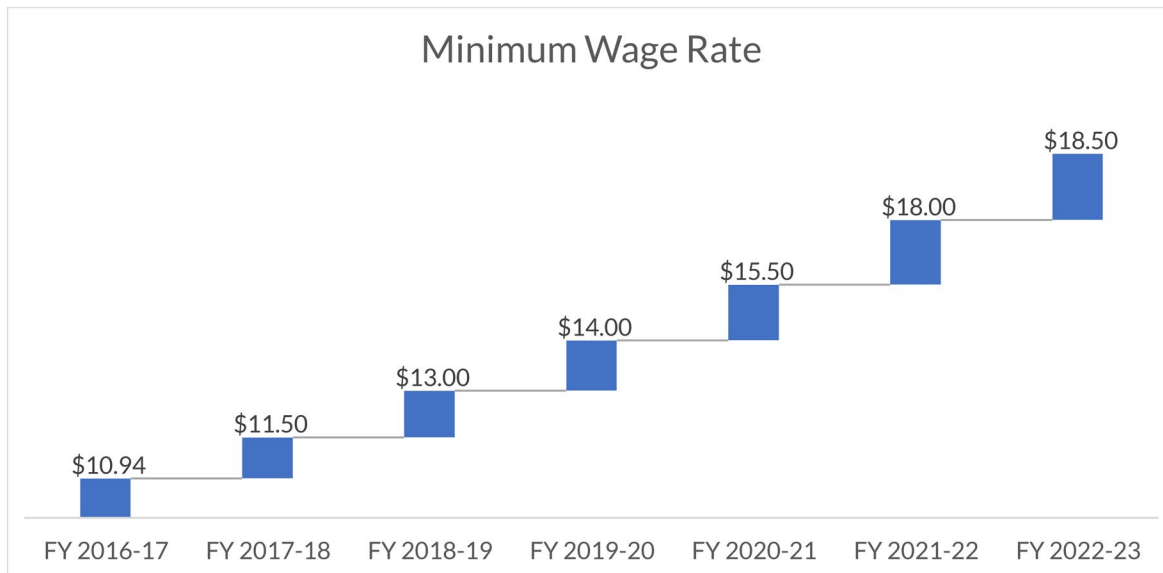
The City of Dallas works to support our diverse workforce who help keep the City running, every day. This budget ensures employees are compensated fairly through continued implementation of the annual merit program and increasing the minimum wage to \$18.50 per hour from the current rate of \$18.00. FY 2023-24 budget also includes annual merit increases and addresses compression for all non-uniform employees. For several years, intentional actions have taken place to increase the minimum wage for employees at the City. In January 2024, the City's minimum wage will increase from \$18.00 to \$18.50 per hour. This investment ensures that the City attracts and retains a talented and diverse workforce.



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# GOVERNMENT PERFORMANCE & FINANCIAL MANAGEMENT

The chart below shows adjustments to the minimum wage beginning in FY 2016-17.



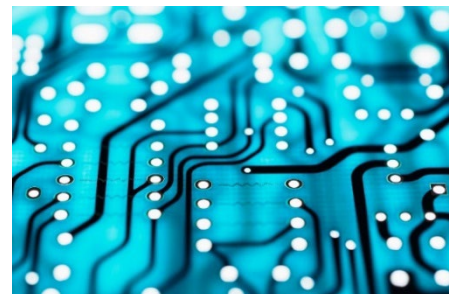
By City Council policy, contract employees are required to be paid a living wage according to the Massachusetts Institute of Technology’s (MIT) living wage for Dallas County in effect at the time of the contract solicitation. The living wage is the hourly rate that an individual must earn to support oneself, accounting for basic needs, and is \$18.24 per hour in FY 2023-24. The City of Dallas continues to adjust the minimum wage for City employees to be at or better than the MIT living wage.

Pay increases for sworn public safety personnel are detailed in the Public Safety section.

## PROTECTING TECHNOLOGY INFRASTRUCTURE

Now, more than ever, organizations need to ensure that Information and Technology (IT) infrastructure is optimized and secure for the future to support the digital ecosphere and improve productivity. The goal is for residents and businesses to experience the benefit of efficient and streamlined processes.

IT system enhancements include improvements to areas of data services, 911, and radio systems. Data services provide secure, reliable, and responsive enterprise-level technology, data, and business solutions that facilitate



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# GOVERNMENT PERFORMANCE & FINANCIAL MANAGEMENT

and enhance the City’s effectiveness in serving the residents and businesses of Dallas and align with the City’s goals and core values. 911 entails telecommunications infrastructure, hardware, software, and technical support for rapidly receiving and dispatching 911 telephone calls. Radio systems provide secure, reliable, and inter-operable enterprise-level radio communication services that facilitate public safety departments’ effectiveness in serving residents and collaborating with other jurisdictions for emergency and operational communication.

The FY 2023-24 budget allocates \$163.5 million in funding for the systems that enhance customer service, cybersecurity, strategic technology deployment, and technical support to departments across the city. Funding also supports service-level challenges facing IT including: security and risk management, network stability, performance, and resilience. Additionally, the funding allows the multifaceted world of technology to ensure remediation of technical debt, capacity, and expenses in 911 technology growth.

## IMPROVEMENTS TO PROCESSES



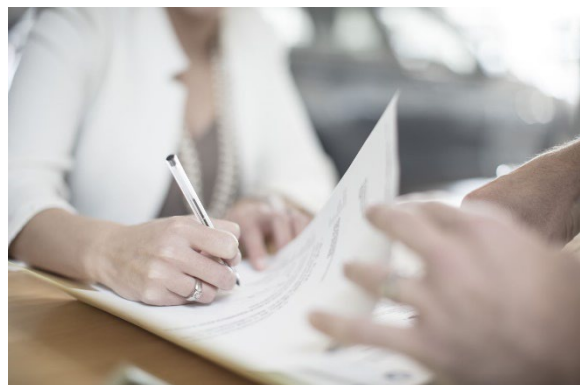
### *Enhanced Communications, Outreach, and Marketing*

The FY 2023-24 budget includes \$481,000 in funding to enhance communications outreach, and marketing to support crisis communications, media training, and translation of languages that adequately meet the needs of our diverse residents and communities. The investments include language access as well as external messaging with an overall city-wide branding to allow for a centralized communications platform. The City will gain an opportunity for accurate and timely marketing and communications in different languages.

### *Efficient Procurement Services*

Procurement Services is responsible for purchasing the City's goods and services and is committed to strategic and innovative purchasing that maximizes taxpayer spending power.

Staffing levels impact solicitation timelines, project and service delivery for residents, contract compliance and utilization, and internal customer satisfaction. FY 2023-24 investments include increased staffing and capacity to procure goods and services more efficiently.



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# HOUSING & HOMELESSNESS SOLUTIONS



*R.E.AL. Engagement in Housing and Homelessness Solutions means that we ensure fair housing and affordable opportunities are available while working to eliminate homelessness.*

## ENHANCED PROGRAMS FOR UNHOUSED RESIDENTS



### *R.E.A.L. Time Rehousing Program*

This budget highlights innovative approaches to housing and homelessness to provide the most basic needs to residents, such as utilizing public-private partners to overcome barriers to unhoused neighbors.

The Dallas R.E.A.L. Time Rapid Rehousing (DRTRR) initiative’s team of homeless service providers co-led by the Office of Homeless Solutions (OHS) and Housing Forward, lead agency of the local Continuum of Care (CoC), was formed in October of 2021, with City Council approval. The initiative combines rapid rehousing and/or permanent supportive housing subsidies with case management and connection to all required ancillary support services, tailored to each individual, to provide sustainable and long-term housing.

FY 2023-24 budget invests \$937,000 in this program and it is on track to house over 2,700 unique individuals by the end of 2023. Through the addition of new federal funding and housing vouchers for the CoC, the DRTRR has now been rebranded as the R.E.A.L. Time Rehousing (RTR) initiative, with a new goal of housing 6,000 unique individuals by 2025.



### *Protection from Inclement Weather*

Dallas weather can be unpredictable during times of severe or inclement weather. The City of Dallas works with local partners to offer unsheltered neighbors’ relief in the winter with warming stations, and in the summer with cooling stations. Locations are strategically identified and include libraries and recreation facilities and provide resources including water, food, and other support services. FY 2023-24 proposed budget adds \$250,000 increase for a total annual allocation of \$1.25 million to provide continued relief for residents during inclement weather.



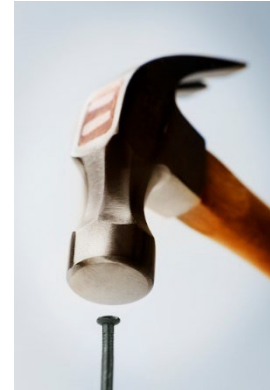
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# HOUSING & HOMELESSNESS SOLUTIONS

## *Home Repair Support for Seniors*

In February 2023, the Dallas City Council approved a Senior Repair Program in the Department of Housing and Neighborhood Revitalization. The program offers approved applicants up to \$10,000 in grant funds aimed at home repair to improve accessibility within the home and increase safety and efficiency. Funds may also be used to repair or replace HVAC systems, plumbing, or water heaters.

FY 2023-24 investments include \$1.7 million in funding for minor and major rehabilitation and reconstruction and additional staffing adds support to manage application intake, eligibility reviews, contract execution, client services, and contractor payments.



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# PARKS, TRAILS, & THE ENVIRONMENT



*R.E.A.L. Engagement in Parks, Trails, & the Environmental means that we are committed to building a more resilient city by leading comprehensive efforts towards environmental stewardship, sustainability, conservation, environmental compliance, and environmental education.*

## UNIQUE ENVIRONMENTAL PROGRAMS



### *Comprehensive Environmental and Climate Action Plan*

The City of Dallas continues to focus on the completion of the goals and actions of the Comprehensive Environmental and Climate Action Plan (CECAP) to ensure a healthy, sustainable Dallas. CECAP was unanimously approved on May 27, 2020, and is a comprehensive roadmap that outlines the activities that the City will undertake to improve quality of life, to reduce greenhouse gas emissions, to prepare for the impacts of climate change, and to create a healthier and more prosperous community. The FY 2023-24 budget ensures that the City's advancement of commitments for the fourth year of CECAP implementation.



### *Community Gardens*

The FY 2023-24 budget includes \$100,000 in funding to establish an Urban Agriculture Infrastructure Grant program as part of overall Citywide equity-focused initiatives. The Urban Agriculture Infrastructure Grant is being developed to provide a funding mechanism for Dallas urban growers and agriculture stakeholders seeking technical assistance during the process of acquiring a certificate of occupancy, special use permit, or water meter. This program aligns to the Racial Equity Plan and ensures that residents have access to produce, edible goods and supports the local urban agriculture ecosystem in communities overburdened by pollution.



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# PARKS, TRAILS, & THE ENVIRONMENT

## MAXIMIZING RESOURCES

### *Reducing Waste by Composting*

In furtherance of CECAP and Zero Waste goals, Sanitation Services is leading efforts to identify and implement policies, program, and infrastructure that will be needed to manage solid waste and recyclable materials generated in the City over the next 50 years. An estimated 100,000 tons of organic materials—food and vegetative waste—are disposed of each year at McCommas Bluff Landfill. The proposed FY 2023-24 budget anticipates \$500,000 of landfill renewable natural gas revenue will support a feasibility study and development of a composting site and processing system at McCommas Bluff. The City will invest \$1.5 million over the next few fiscal years. The initial composting program will support commercial and resident self-haul of vegetative waste and pre-consumer food waste, with a future aim to divert vegetative waste collected by Sanitation through the brush and bulky item curbside collection program.



### *Parks and Trails Beautification*

The City of Dallas plans to showcase its world-class park and trails system by investing \$491,075 to ensure parks are well-maintained and have the proper equipment to upkeep nationally recognized parks and unique amenities and \$1 million for inflationary cost increases and \$1.2 million to operate and maintain new infrastructure.



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# PUBLIC SAFETY



*R.E.A.L. Engagement in Public Safety means that we strive to be the safest large city in the United States while serving and protecting our diverse community with integrity, respect, and equity*

The Public Safety Strategic Priority area include departments such as the City Attorney’s Office, Civil Service, Court & Detention Services, Dallas Fire-Rescue, Dallas Police Department, Judiciary, Emergency Management Operations, Office of Community Police Oversight, and Office of Integrated Public Safety Solutions. A full breakdown of budgetary allocation by department is included in the Summary of Services in the Strategic Priorities section of the budget document.

Public safety departments provide a wide range of educational outreach, community programs, and opportunities to engage with children, adults, and youth. Whether it’s police officers, firefighters, court services, and emergency management staff, the City of Dallas ensures that efforts bring us closer to being the safest large city in the nation.

This budget reinforces public safety priorities by funding the staffing and equipment needs within Dallas Police Department and Dallas Fire-Rescue. Nearly 61 percent of the City’s General Fund budget and all General Fund property tax, funds Public Safety related activities. FY 2023-24 budget for public safety is \$1.13 billion, an increase of 10 percent compared to the FY 2022-23 budget of \$1.03 billion.

The following table represents the Public Safety Strategic Priority and allocation for Dallas Police Department and Dallas-Fire Rescue.

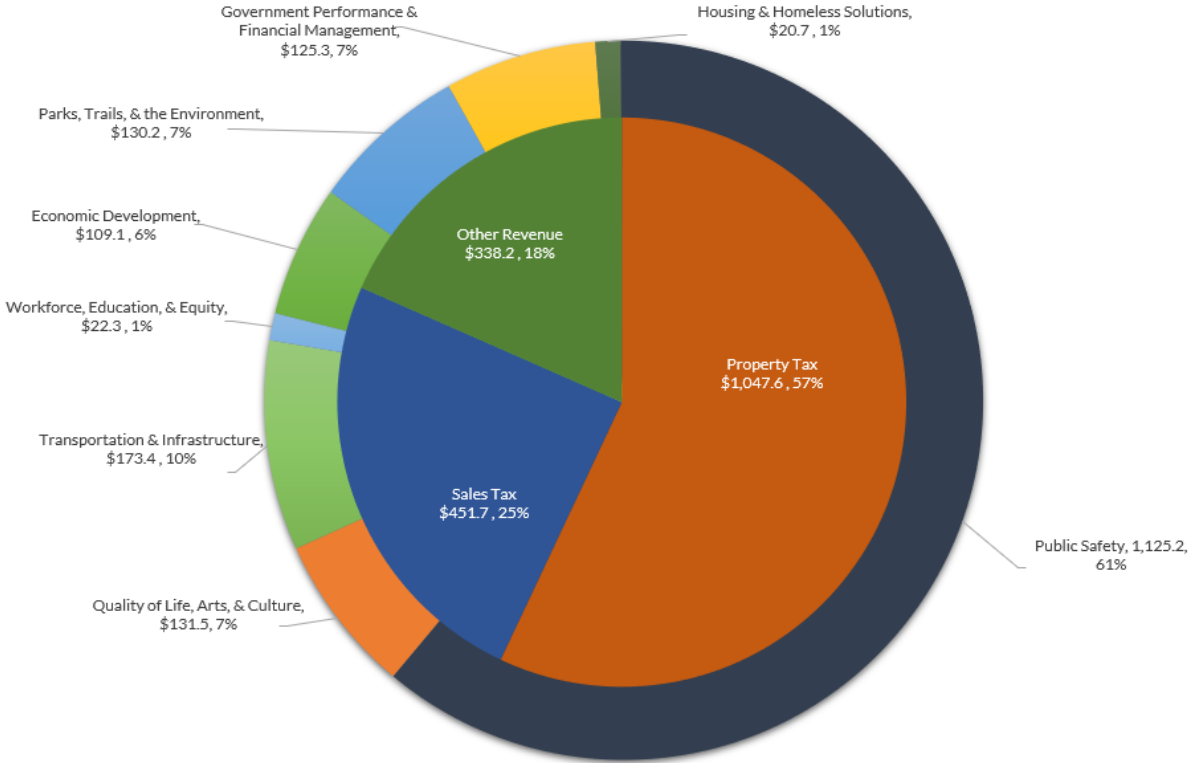
	FY 2022-23		FY2023-24	
Public Safety Strategic Priority	\$1.03 billion	60.4%	\$1.13 billion	61.2%
Police Department	\$611.9 million	35.9%	\$656.9 million	35.8%
Fire Department	\$369.1 million	21.6%	\$413.4 million	22.5%



Indicates Equity Investment

# PUBLIC SAFETY

The pie chart below shows the allocation of all property tax dollars goes to public safety services.



## INVESTMENTS TO PUBLIC SAFETY STAFFING

### Meet and Confer Agreement

The individuals who risk their lives to keep us safe deserve fair and competitive compensation. The Meet and Confer agreement includes two primary compensation components that will be continued in FY 2023-24. This includes a Step Pay increase that provides employees progress through assigned ranks and is implemented on the employee’s anniversary. The second component is a Market-Based Pay adjustment that is determined annually through a pay survey of peer cities. The uniform pay schedules anticipate adjustment in January 2023 and reflect a 5.01 percent adjustment. The total investment in the Meet and Confer agreement in FY 2023-24 is \$18.6 million.

### Retention Incentive Program for Officers

Dallas Police Department (DPD) contributes to an enhanced quality of life for the residents and businesses of Dallas while building upon efforts to improve response times and reduce violent crime. The need for a well-trained and robust police force ensures a safe community. The 2019 KPMG study recommended actions to increase organizational capacity in the



Indicates Equity Investment

# PUBLIC SAFETY

DPD to adequately serve the existing and emerging needs of the nation’s ninth-largest city. The FY 2023-24 planned budget includes \$2.8 million for robust investments in the strength of our police force to ensure that the City attracts and retains officers. Additionally, the budget includes expanding police department resources with the hiring of 250 police recruits, through a retention incentive program and increased overtime.

The table represents headcount actuals or estimates for sworn police officers:

End of Fiscal Year	Sworn Police Officers
Sept 30, 2018 - actual	3,028
Sept 30, 2019 - actual	3,067
Sept 30, 2020 - actual	3,149
Sept 30, 2021 - actual	3,120
Sept 30, 2022 - actual	3,084
Sept 30, 2023 - estimate	3,069
Sept 30, 2024 - estimate	3,144
Sept 30, 2025 - estimate	3,189

### Single Role Paramedic Program

The Single Function Paramedic (SF-PM) is a non-firefighter position that provides Advanced Life Support (ALS) care and transport of patients in the Dallas Fire-Rescue emergency medical service system SF-PM delivers expanded role emergency medical services such as emergency incident rehabilitation, mobile integrated healthcare, and injury reduction/prevention programs. The SF-PM is responsible for recognizing the importance placed on activities by the public and for tactful and respectful treatment of residents. The FY 2023-24 budget includes the addition of nine (9) additional positions in FY 2023-24 to expand Single Role Paramedic Program.

### Right Sizing Dallas-Fire Rescue

The FY 2023-24 budget includes \$8.1 million to right-size the fire department staffing model by adding 100 firefighters and increasing overtime funding. This includes investments to increase the headcount to staffing levels. Staffing enhancements include four (4) classes that total 60 recruits and 40 lateral hires (100.00 FTEs).



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# PUBLIC SAFETY

The table represents headcount actuals or estimate for sworn fire fighters:

End of Fiscal Year	Sworn Fire Fighters
Sept 30, 2018 - actual	1,944
Sept 30, 2019 - actual	1,981
Sept 30, 2020 - actual	1,981
Sept 30, 2021 - actual	1,983
Sept 30, 2022 - actual	1,998
Sept 30, 2023 - estimate	2,043
Sept 30, 2024 - estimate	2,187
Sept 30, 2025 - estimate	2,211

## KEEPING COMMUNITIES SAFE

### *Enhanced Park Security*

A collective effort between Dallas Marshals Office, Dallas Police Department, and Dallas Park and Recreation, ensures that our award-winning parks and trails are safe for everyone, including children and seniors. The FY 2023-24 budget includes \$2.8 million for stronger park security presence and the ability to enforce serious offenses as well as additional enhancements totaling \$701,000 for parks and trails lighting, security cameras, and Emergency Blue Light tower phones so you can safely enjoy over 177 trail miles that our City has to offer.



Dallas residents, the City Council, and the Park and Recreation Board have voiced concern over safety throughout the park system to add stronger park security presence and the ability to enforce serious offenses on park property. Crime reduction strategies include continued deployment of cameras and increased park/trail visits identified as priorities for the Dallas Park and Recreation Board.



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# QUALITY OF LIFE, ARTS, & CULTURE



*R.E.A.L. Engagement in Quality of Life, Arts, & Culture means that Dallas is a world-class city that fosters clean and appealing neighborhoods while offering recreational, educational, and cultural activities that enhance the quality of life for our residents and visitors*



## LIBRARY HOURS EXPANSION

Our libraries provide valuable resources to the community and engage residents, foster learning opportunities, and enhance their quality of life. This budget includes \$3.1 million in funding to implement Phase II of expanded library operations that allow the Central library and 14 branch locations to extend hours and staffing to include six days a week service, with a total of 55 operating hours. The expanded hours for FY 2023-24 is a 14.5 percent increase from the previous fiscal year. This measured approach rebuilds the Library's hours of operation and demonstrates strategic planning to maintain growth. Additional hours increase access to services, including a renewed focus on senior and early childhood literacy programs as well programs reflective of individual community needs. Additional staff ensures flexible hours, so customers can take advantage of a variety of opportunities to enhance their lives through education, workforce development, and fun and enriching family programs.



## FOSTERING QUALITY NEIGHBORHOODS

### *Short-Term Rental Compliance*

Short-term rentals (STRs) are typically residential properties that are rented for overnight accommodation for a period of fewer than 30 consecutive days. This budget includes \$1.4 million in funding to create a short-term rental (STR) registration and inspection team to ensure compliance and oversight of the process.



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# QUALITY OF LIFE, ARTS, & CULTURE

## *Quality Appearance in Communities*

Abating graffiti and reducing blight to foster clean, healthy, and safe communities continues to be a priority for Code Compliance. The outcome is to reduce blight and crime and clean graffiti from 2,000 locations each year. The funding supports neighborhood code officers to focus on other health and safety violations throughout the city.

## **COMMUNITY RESOURCES**

### *Responsible Pet Ownership*

Dallas Animal Services (DAS) is expanding the City's spay and neuter services for private pets through local service partners. This creates more engagement opportunities to support responsible dog ownership and awareness.



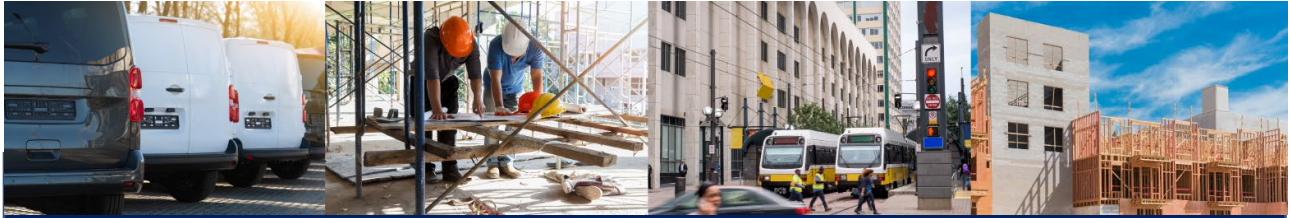
Historically Dallas Animal Services received grant funding to support spay-neuter surgeries in support of the Community Cat Program. The Community Cat Program works to decrease the number of multiple cats in a community. The \$250,000 in funding in FY 2023-24 allows DAS to expand and increase the number of spay-neuter surgeries provided to assist in controlling the community cat population.



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# TRANSPORTATION & INFRASTRUCTURE



*R.E.A.L. Engagement in Transportation & Infrastructure means that we are committed to infrastructure network enhancements while continuing to deliver innovative, safe, and equitable infrastructure solutions and moving Dallas forward with a “service first” mentality.*

## INFRASTRUCTURE INVESTMENTS

### *Quality Modes of Transportation*

Whether residents walk, bike, drive, ride the bus, or train, the City wants to make sure multiple modes of transportation needs will be met through our investments in the City’s sidewalks and roads. Resident feedback for improvements in transportation and infrastructure is echoed as a top priority in the 2023 Community Survey and throughout other resident engagement and outreach opportunities.

In FY 2023-24, funding investments include improvements to the City’s infrastructure through a significant investment of \$151.7 million to improve up to approximately 792 street lane miles (\$141.0 million), 54 alleys (\$2 million), 25 bridges (\$4.4 million), and 9 sidewalks (\$4.3 million). Infrastructure is the foundation for any community and includes bridges, buildings, roadways, and other means to power or transport supplies. Infrastructure funding includes support for the implementation of interagency grant projects with multi-collaborative partnerships with organizations that span local, state, regional, and federal agencies.



### *Sidewalk Cost Share Program*

The City of Dallas partners with residents to share the cost 50/50 for existing residential sidewalk removal and replacement. Single-family residences are eligible to participate in this program including condominiums and townhomes. FY 2023-24 investments include \$3.0 million in funding to support a cost share program with residents to improve sidewalks for improved access. Additionally, the sidewalk cost share program enhances pedestrian safety in equity-priority areas throughout the city that are heavily populated by historically disadvantaged communities.



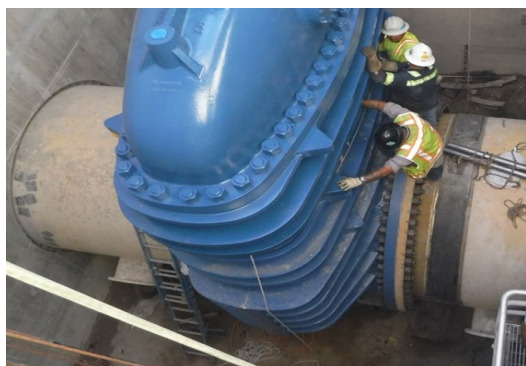
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# TRANSPORTATION & INFRASTRUCTURE



## *Quality Water Resources and Services*

Dallas Water Utilities (DWU) provides water, wastewater, and storm drainage services to about 2.6 million people in Dallas and 27 nearby communities. Water is a limited resource and to ensure that all continue to have access to clean drinking water in the future, this year's budget funds the ongoing Integrated Pipeline Project (IPL) to bring Lake Palestine water to Dallas' water system. Preliminary design will begin for conveyance infrastructure to take water from the drop-off point at Joe Pool Lake to the Bachman Water Treatment Plant. Planning and engineering efforts will also continue to prepare for the acquisition of necessary easements and land rights and initiate permitting to allow for future construction from the IPL connection to Bachman Water Treatment Plant.



During FY 2023-24, DWU will continue implementation of the Unserved Areas Program by awarding construction contracts to extend service to occupied, unserved areas throughout the City. With the allocation of ARPA funds, the initiative of providing water and wastewater service to all occupied, unserved areas has advanced from a ten-year implementation plan to a three to four-year implementation plan with a goal of completion by the end of 2026.

DWU is committed to providing safe, dependable, and economical water, wastewater, and storm drainage services to residents and includes investments to ensure that all Dallas residents continue to have access to clean drinking water for years to come.

## *Drainage Management and Flood Protection*

Capital funding in FY 2023-24 includes \$35.1 million for improvements that provide flood protection and improve storm drainage. Projects include construction and replacement of storm drainage systems, inadequate bridges and culverts, erosion control structures, and the implementation of floodplain management plans to improve the flood protection system. These efforts protect property and reduce the loss of life when unpredictable rainstorms occur.

## *Funding for Capital Construction Investments*

Building Services Department (BSD) manages the operation and maintenance of over 500 buildings including City Hall, fire stations, libraries, arts and cultural centers, and recreation centers just to name a few. In FY 2023-24, \$9.5 million addresses major system repairs and failures. Major maintenance includes items such as roof replacements, addressing structural issues, replacing HVAC systems, and upgrading elevators.



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# WORKFORCE, EDUCATION, & EQUITY



*R.E.A.L. Engagement in Workforce, Equity, & Education means that we are recognized as a city that is equitable, inclusive, and welcoming for all residents and visitors.*

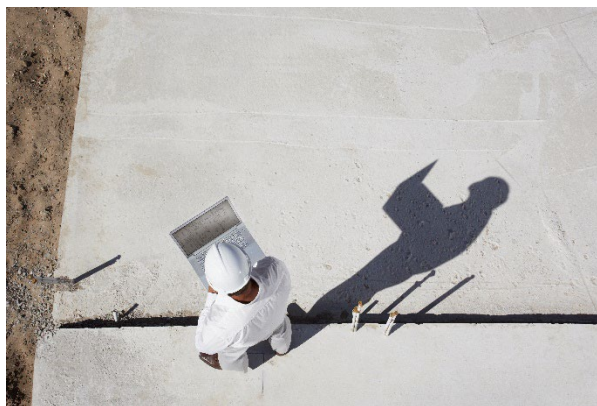
## EXPANDING TRAINING OPPORTUNITIES



### *Empowering Local Contractors*

The national priority of implementing green infrastructure is increasing the demand for green jobs and driving the need for expanded training opportunities. This Green Job Skills program offers local contractors the opportunity to be competitive and help develop a stronger local green workforce. This program is designed to complement the Whole Home Dallas online resource that contains a consolidated list of weatherization, energy efficiency, and renewable energy financial incentive options. The two programs will help Dallas homes be more climate resilient and increase the number of skilled specialists to perform upgrades.

The Green Job Skills program empowers local contractors looking to increase skill sets and fulfill high-demand green jobs in Dallas. The FY 2023-24 budget includes \$100,000 to expand this program from weatherization to training and learning in areas around electric vehicles, solar, and energy-efficient options.



## REDUCE DISPARITIES WHILE IMPROVING OUTCOMES FOR ALL



### *New Fair Housing Equity Plan*

When the City Council adopted the Racial Equity Plan, this provided a significant step for a new generation of City leaders to work hand in hand with the community to address deep-rooted disparities in a methodical and strategic manner. Departments are working to embed equity into operations so that each person has the resources and services necessary to thrive.

This budget reflects the investments in equity to ensure that funding continues to reduce disparities while improving outcomes for all. With recent federal mandates around fair



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# WORKFORCE, EDUCATION, & EQUITY

housing issues, this budget allocates \$100,000 for the development and community engagement needed for a New Fair Housing Equity Plan as required by the Fair Housing Act that aligns with the City’s Racial Equity Plan and other citywide initiatives.



## *Americans with Disabilities Act (ADA) Compliance and Accessibility*

The Office of Equity and Inclusion (OEI) in collaboration with multiple departments commits to reducing barriers and fund planning efforts that will ensure city buildings and facilities are accessible to all. The FY 2023-24 funding adds \$120,000 in one-time funding for an architectural design consultant to further develop the ADA transition plan.



In June 2023, The City of Dallas agreed to work with the Dallas Area Rapid Transit (DART) to use excess sales tax revenue and other funds to improve transportation across the city. The excess sales tax revenue totals \$50 million to use for ADA-compliant ramp installations.

## COMMUNITY OF ALL AGES



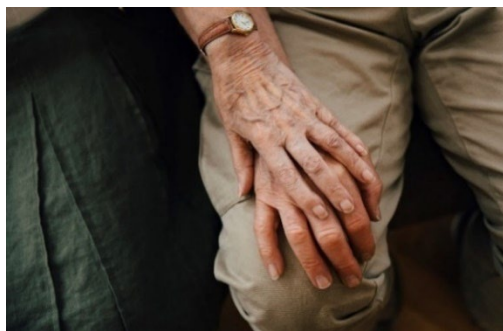
### *Age-Friendly Program Awareness*

During the past year, the Senior Affairs Commission, working with the Office of Business and Data Analytics and the Office of Community Care led the effort to improve understanding of the needs of the City’s older adults by capturing meaningful demographic data for Dallas’ senior population. To provide alignment and coordination of the numerous senior programming and resources, this budget includes funding an Age-Friendly Officer within the Office of Community Care to lead the Senior Services team and serve as a single point of oversight to support awareness of existing services and programs currently available for senior programs throughout the City.



### *Senior Services Strategic Plan*

Dallas is ranked the ninth-fastest growing community of people aged 65 and older in the country. Nearly 24 percent of the city’s population today is over age 50. The FY 2023-24 budget also includes \$250,000 in funding for a comprehensive senior needs assessment and strategic plan. The outcomes result in strengthened community engagement and better support for future senior programs and services.



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# EXPENSES BY DEPARTMENT

Department	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
<b>General Fund</b>				
Budget & Management Services	4,289,014	4,101,389	4,420,110	4,562,562
Building Services	33,797,107	33,797,107	31,078,791	31,198,476
City Attorney's Office	21,033,650	21,033,650	23,799,058	24,489,955
City Auditor's Office	3,167,416	3,023,886	3,266,138	3,348,665
City Controller's Office	9,349,256	9,349,256	9,929,501	10,204,656
City Manager's Office	3,114,911	3,292,150	3,389,700	3,437,607
City Marshal's Office	0	0	30,500,706	31,023,419
City Secretary's Office	5,459,913	5,445,685	5,455,680	7,343,159
Civil Service	3,076,486	2,744,325	2,762,162	2,840,197
Code Compliance	41,565,021	41,374,251	45,562,455	47,593,260
Dallas Municipal Court	35,377,905	34,823,347	8,370,958	13,156,092
Dallas Animal Services	17,812,125	18,149,367	19,180,051	19,936,463
Dallas Fire-Rescue	372,901,392	378,218,010	413,381,222	418,863,167
Dallas Police Department	612,748,297	612,748,296	656,936,353	710,777,199
Data Analytics & Business Intelligence	5,294,289	5,053,006	6,108,162	6,261,948
Housing & Neighborhood Revitalization	4,651,669	4,395,391	6,920,100	5,004,889
Human Resources	8,365,826	8,365,826	9,186,760	9,496,561
Judiciary	4,282,660	4,058,685	4,397,241	4,502,106
Library	37,751,393	37,318,749	43,489,755	46,008,302
Management Services				
311 Customer Service	5,912,201	5,429,400	6,331,204	6,673,249
Communications, Outreach, & Marketing	3,464,435	3,187,830	3,777,588	3,954,586
Office of Community Development	0	0	754,620	754,620
Office of Community Care	9,392,529	9,291,195	10,114,699	10,089,119
Office of Community Police Oversight	812,769	566,853	784,565	887,921
Office of Emergency Management	1,347,438	1,347,438	1,251,963	1,288,685
Office of Environmental Quality & Sustainability	6,951,897	6,427,387	6,244,743	5,880,099
Office of Equity & Inclusion	3,818,250	3,435,641	3,785,554	3,461,168

# EXPENSES BY DEPARTMENT

Department	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Office of Government Affairs	974,559	994,173	1,112,725	1,166,649
Office of Historic Preservation	1,362,424	1,194,501	0	0
Office of Homeless Solutions	16,851,704	16,851,704	17,850,149	16,566,719
Office of Intergrated Public Safety Solutions	5,649,515	4,666,344	5,822,887	6,013,272
Small Business Center	3,752,914	3,493,429	4,354,640	4,136,453
Mayor & Council	6,940,550	6,558,352	7,399,447	7,614,589
Non-Departmental	148,598,782	147,631,590	133,717,548	133,230,283
Office of Arts & Culture	22,524,491	22,523,081	23,180,773	23,595,362
Office of Economic Development	4,019,415	4,014,703	3,679,042	3,863,502
Park & Recreation	111,301,421	111,301,421	120,076,933	121,028,756
Planning & Urban Design	5,177,895	4,694,791	8,024,033	7,811,428
Procurement Services	3,138,877	2,766,875	3,500,823	3,685,505
Public Works	89,445,468	89,445,468	88,552,090	93,475,363
Transportation	52,086,778	52,673,572	59,125,541	59,370,459
<b>General Fund Total</b>	<b>\$1,727,562,642</b>	<b>\$1,725,788,123</b>	<b>\$1,837,576,470</b>	<b>\$1,914,596,470</b>
<b>Enterprise Funds</b>				
Aviation	162,963,846	162,963,846	184,286,553	188,014,606
Aviation - Transportation Regulation	512,559	512,559	546,131	617,038
Convention & Event Services	115,690,184	126,811,551	137,145,998	137,860,135
Dallas Water Utilities	834,226,160	834,226,160	791,275,376	814,782,871
Dallas Water Utilities - SDM	82,433,742	82,433,742	80,093,972	85,852,114
Development Services	54,659,486	60,180,214	53,952,347	57,054,933
Municipal Radio	1,100,931	1,112,529	636,398	656,873
Sanitation Services	143,785,140	143,785,140	153,689,531	158,762,727
<b>Enterprise Funds Total</b>	<b>\$1,395,372,048</b>	<b>\$1,412,025,741</b>	<b>\$1,401,626,306</b>	<b>\$1,443,601,297</b>
<b>Internal Service &amp; Other Funds</b>				
Bond & Construction Management				
Bond & Construction Management	5,259,168	4,824,900	3,599,027	4,038,433
Park & Recreation	4,456,552	4,375,294	4,503,977	4,779,059
Public Works	13,371,426	12,290,792	13,940,473	14,353,506
Employee Benefits	2,071,683	2,071,683	2,175,603	2,249,169
Equipment & Fleet Management	69,531,067	73,542,485	71,794,210	73,347,420



# EXPENSES BY DEPARTMENT

Department	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Express Business Center	2,361,983	2,310,385	2,152,280	2,185,965
Information & Technology Services - 911	14,212,742	14,198,597	12,866,761	12,900,113
Information & Technology Services - Data	110,191,357	110,064,938	131,784,124	148,555,813
Information & Technology Services - Radio	16,867,557	16,832,941	18,873,781	20,833,885
Office of Risk Management	5,934,974	5,769,927	6,576,610	7,232,287
<b>Internal Service &amp; Other Funds</b>	<b>244,258,509</b>	<b>246,281,942</b>	<b>268,266,846</b>	<b>290,475,650</b>

Note:  
 FY 2022-23 Budget reflects City Council approval on September 28, 2022 and amendments made through May 2023.

# FULL TIME EQUIVALENTS AND POSITIONS

	FTEs			Positions		
	FY 2022-23 Budget	FY 2023-24 Budget	FY 2024-25 Planned	FY 2022-23 Adopted	FY 2023-24 Budget	FY 2024-25 Planned
<b>General Fund</b>						
Budget & Management Services	35.19	33.80	33.80	39	38	38
Building Services	192.17	178.78	179.28	198	195	195
City Attorney's Office	164.25	169.34	169.34	176	175	175
City Auditor's Office	19.80	19.33	19.43	21	20	20
City Controller's Office	70.54	71.06	71.06	77	73	73
City Manager's Office	18.00	17.34	17.34	18	18	18
City Marshal's Office	0.00	174.62	178.62	0	174	174
City Secretary's Office	24.75	25.00	25.00	25	25	25
Civil Service	25.51	24.21	24.21	26	24	24
Code Compliance	440.38	461.62	473.37	471	490	501
Dallas Municipal Court	236.44	66.72	64.72	257	66	66
Dallas Animal Services	179.71	175.03	175.03	192	187	187
Dallas Fire-Rescue	2,379.48	2,565.18	2,515.78	2,438	2,548	2,548
Dallas Police Department	4,139.94	4,016.09	4,107.45	4,309	4,313	4,313
Data Analytics & Business Intelligence	42.50	40.02	40.02	45	45	45
Housing & Neighborhood Revitalization	25.00	24.90	27.15	25	26	29
Human Resources	80.29	81.04	81.29	111	107	107
Judiciary	34.93	37.48	37.48	57	48	48
Library	375.31	435.44	451.94	402	468	468
Management Services						
311 Customer Service	132.73	121.06	121.06	118	135	135
Communications, Outreach, & Marketing	27.28	27.21	27.71	32	30	30
Office of Community Development	0.00	9.00	9.00	0	9	9
Office of Community Police Oversight	6.49	6.00	6.75	7	6	7
Office of Community Care	45.97	48.91	49.16	49	52	52
Office of Emergency Management	6.00	6.00	6.00	6	6	6
Office of Environmental Quality & Sustainability	102.90	102.01	102.01	106	103	103
Office of Equity & Inclusion	20.96	21.07	21.07	23	22	22
Office of Government Affairs	7.22	8.19	8.44	8	9	9

# FULL TIME EQUIVALENTS AND POSITIONS

	FTEs			Positions		
	FY 2022-23	FY 2023-24	FY 2024-25	FY 2022-23	FY 2023-24	FY 2024-25
	Budget	Budget	Planned	Adopted	Budget	Planned
Office of Historic Preservation	6.78	0.00	0.00	7	0	0
Office of Homeless Solutions	40.00	39.23	39.48	43	44	44
Office of Intergrated Public Safety Solutions	30.28	32.28	32.93	33	34	35
Small Business Center	20.00	20.00	20.00	21	21	21
Mayor & Council	61.80	70.02	70.27	65	70	70
Office of Arts & Culture	63.38	68.13	69.72	111	115	115
Office of Economic Development	39.89	35.35	35.60	45	41	41
Park & Recreation	789.86	816.28	846.42	1,551	1,559	1,559
Planning & Urban Design	58.27	67.15	67.90	63	72	72
Procurement Services	26.32	30.09	31.34	29	34	34
Public Works	448.43	437.60	437.60	491	470	470
Transportation	194.72	188.79	192.31	211	213	213
<b>General Fund Total</b>	<b>10,613.47</b>	<b>10,771.36</b>	<b>10,887.07</b>	<b>11,906</b>	<b>12,085</b>	<b>12,101</b>
<b>Enterprise Funds</b>						
Aviation	366.26	375.26	380.01	357	366	371
Aviation - Transportation Regulation	5.00	5.00	5.00	5	5	5
Convention & Event Services	33.25	40.20	40.97	34	43	47
Dallas Water Utilities	1,615.75	1,563.78	1,563.78	1,563	1,561	1,561
Dallas Water Utilities - SDM	289.60	281.00	281.00	281	281	281
Development Services	321.77	347.72	350.22	341	372	372
Municipal Radio	3.50	1.00	1.00	6	1	1
Sanitation Services	683.76	690.12	696.39	622	628	634
<b>Enterprise Funds Total</b>	<b>3,318.89</b>	<b>3,304.08</b>	<b>3,318.37</b>	<b>3,209</b>	<b>3,257</b>	<b>3,272</b>
<b>Internal Service &amp; Other Funds</b>						
Bond & Construction Management						
Bond & Construction Management	15.75	17.00	19.25	16	17	20
Park & Recreation	44.00	33.11	35.36	44	44	47
Public Works	121.66	120.66	120.66	121	120	120
Employee Benefits	11.00	11.75	12.00	11	13	13
Equipment & Fleet Management	289.60	293.20	293.45	273	273	274
Express Business Center	10.04	10.04	10.04	10	10	10
Information & Technology Services - 911	7.00	7.00	7.00	7	7	7

# FULL TIME EQUIVALENTS AND POSITIONS

	FTEs			Positions		
	FY 2022-23	FY 2023-24	FY 2024-25	FY 2022-23	FY 2023-24	FY 2024-25
	Budget	Budget	Planned	Adopted	Budget	Planned
Information & Technology Services - Data	212.58	220.40	227.65	217	229	238
Information & Technology Services - Radio	30.35	30.25	33.25	31	30	34
Office of Risk Management	53.50	54.25	58.25	55	56	61
<b>Internal Service &amp; Other Funds Total</b>	<b>795.48</b>	<b>797.66</b>	<b>816.91</b>	<b>785</b>	<b>799</b>	<b>824</b>
<b>Grand Total</b>	<b>14,727.84</b>	<b>14,873.10</b>	<b>15,022.35</b>	<b>15,900</b>	<b>16,141</b>	<b>16,197</b>

Full-Time Equivalent (FTE) is a budget calculation that counts the number of personnel hours funded for the fiscal year. Each FTE equals 2,080 hours. Not all full-time positions are funded for 100 percent occupancy throughout the fiscal year. FTEs are calculated to consider vacancy and position turnover that may occur. Additionally, multiple part-time and temporary positions may be added together to equal one FTE. A position is a specific job with an assigned position identification number. A position does not indicate the number of employees on payroll, but identifies the number of jobs a department is authorized to fill.

The table above represents regular FTEs, overtime FTEs, City temporary FTEs, and funded positions for the City's operating funds. The table does not include FTEs or positions funded from additional resources such as grant funds, private funds, or other resources.

# GRANT FUNDED POSITIONS

	FY 2022-23 Positions	FY 2023-24 Positions
<b>Grant Funds</b>		
Budget & Management Services	20	20
City Attorney's Office	14	14
Dallas Police Department	21	21
Housing & Neighborhood Revitalization	46	46
Library	0	2
Management Services		
Office of Community Care	225	225
Office of Emergency Management	16	17
Office of Equity & Inclusion	10	10
Office of Homeless Solutions	4	4
Office of Integrated Public Safety Solutions	2	2
Park & Recreation	121	121
Procurement Services	2	2
<b>Grant Funds Total</b>	<b>481</b>	<b>484</b>

Notes:

FY 2022-23 Positions represent Grant Funded Positions Open and Filled as of 7/17/2023.

FY 2023-24 Positions represent Forecast of Grants to be received.

# SUMMARY OF SERVICES BY STRATEGIC PRIORITY

	FY 2023-24 Budget All Funds	FY 2024-25 Planned All Funds	FY 2023-24 Budget General Fund	FY 2024-25 Planned General Fund
Parks, Trails, and the Environment				
Building Services				
Energy Procurement and Monitoring	2,643,600	2,765,702	2,643,600	2,765,702
Building Services Total	2,643,600	2,765,702	2,643,600	2,765,702
City Marshal's Office				
Environmental Crimes Unit	92,187	116,926	92,187	116,926
Court & Detention Services Total	92,187	116,926	92,187	116,926
Dallas Water Utilities				
Wastewater Collection	26,423,293	27,054,368	0	0
Wastewater Treatment	59,587,288	60,152,482	0	0
Water Production and Delivery	135,959,775	143,474,573	0	0
Dallas Water Utilities Total	221,970,356	230,681,423	0	0
Dallas Water Utilities - SDM				
DWU - SDM General Expense	47,535,930	52,495,883	0	0
Floodplain and Drainage Management	5,190,325	5,382,574	0	0
Neighborhood Drainage Operations	12,588,964	12,489,831	0	0
Dallas Water Utilities - SDM Total	65,315,219	70,368,288	0	0
Management Services				
Office of Environmental Quality and Sustainability	6,244,743	5,880,099	6,244,743	5,880,099
Management Services Total	6,244,743	5,880,099	6,244,743	5,880,099
Park & Recreation				
Citywide Athletic Reservations Events services (CAREs)	14,915,175	14,915,711	14,915,175	14,915,711
Leisure Venue Management	24,087,818	24,897,705	24,087,818	24,897,705
Park Land Maintained	50,784,495	48,657,287	50,784,495	48,657,287
Partnerships and Strategic Initiatives	781,898	781,898	781,898	781,898
Planning, Design, Construction - EMS and Environ Compliance	3,607,544	3,607,544	3,607,544	3,607,544
Recreation Services	25,900,003	28,168,611	25,900,003	28,168,611
Park & Recreation Total	120,076,933	121,028,756	120,076,933	121,028,756

# SUMMARY OF SERVICES BY STRATEGIC PRIORITY

	FY 2023-24 Budget All Funds	FY 2024-25 Planned All Funds	FY 2023-24 Budget General Fund	FY 2024-25 Planned General Fund
Public Works				
Urban Forestry Division	1,094,294	1,181,467	1,094,294	1,181,467
Public Works Total	1,094,294	1,181,467	1,094,294	1,181,467
Sanitation Services				
Animal Remains Collection	528,156	552,315	0	0
Brush-Bulk Waste Removal Services	28,371,420	29,284,193	0	0
City Facility Services	832,212	836,772	0	0
Landfill Services	45,245,520	46,783,872	0	0
Recycling Collection and Waste Diversion	19,462,412	20,224,005	0	0
Residential Refuse Collection	59,249,811	61,081,570	0	0
Sanitation Services Total	153,689,531	158,762,727	0	0
Additional Resources	9,254,224	5,148,949	0	0
Capital	41,800,000	149,265,000	0	0
Debt	113,184,114	117,895,203	0	0
Parks, Trails, and the Environment Total	735,365,201	863,094,540	130,151,757	130,972,950

# PARK & RECREATION

## MISSION

Champion lifelong recreation and serve as responsible stewards of the City's parks, trails, and open spaces.

## DEPARTMENT GOALS

- Increase Dallas Marshal Park Unit engagement with community stakeholders by conducting a minimum of two safety awareness meetings per month
- Increase out of school program enrollment for youth ages five to 12 by five percent
- Enhance 10 percent of existing hard court surfaces through renovation and resurfacing projects

## SERVICE DESCRIPTIONS

PARK & RECREATION	
Citywide Athletic Reservations Events services (CAREs)	City Wide Athletics Events and Reservations (CARE) Division is a consolidation of the department's management and oversight for its outdoor sports activities and youth programs, aquatics centers, skating rink, and reservations program. The golf and tennis component provides for the management of six golf courses and five tennis centers offering activities to over 300,000 participants annually and are opened 364 days a year. Aquatics operations maintain 9 community pools, eight family aquatic centers, Bahama Beach Waterpark, Bachman Indoor Pool and provides aquatics programming at one Dallas Independent School District indoor pools. The Special Events Division provides reservation services for our athletic fields use, building reservations, park pavilion, outdoor weddings, temporary food and drink permitting and special events reservations.
Leisure Venue Management	Provides financial support and contract management for visitor destinations including the Dallas Arboretum, Texas Discovery Gardens, Cedar Ridge Preserve, Trinity River Audubon Center, Dallas Zoo, MoneyGram Soccer Complex, Fair Park, and Klyde Warren Park.
Park Land Maintained	Provides maintenance, infrastructure improvements, and volunteer coordination for more than 20,678 managed acres at 400 parks, park facilities, trails, athletic fields, and playgrounds.
Partnerships and Strategic Initiatives	Manages the relationships with all Department partners including capital development and management partners such as the Dallas Zoo, Klyde Warren Park, the Dallas Arboretum, and the Circuit Trail Conservancy. The division also manages and implements various park improvement projects with partners such as Cool School parks with DISD and the Texas Trees Foundation. And the division is responsible for various department initiatives such as performance reporting, comprehensive planning, and revenue generation through sponsorships.



# PARK & RECREATION

Planning, Design, Construction - EMS and Environ Compliance	Manages the implementation of the Park and Recreation Department's capital program and the management of the environmental compliance program as required by an Environmental Protection Agency Consent Decree.
Recreation Services	Operates 42 recreation centers, including two centers dedicated to senior programming. Provides more than 16,800 programs and serves more than 1,400,000 participants annually.

## SERVICE BUDGET

Service	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Citywide Athletic Reservations Events services (CAREs)	14,027,399	14,275,985	14,915,175	14,915,711
Leisure Venue Management	22,894,758	24,497,284	24,087,818	24,897,705
Park Land Maintained	45,042,381	43,336,648	50,784,495	48,657,287
Partnerships and Strategic Initiatives	881,898	839,001	781,898	781,898
Planning, Design, Construction - EMS and Environ Compliance	3,502,388	3,067,407	3,607,544	3,607,544
Recreation Services	24,952,597	25,285,096	25,900,003	28,168,611
Expense Total	\$111,301,421	\$111,301,421	\$120,076,933	\$121,028,756

## ANNUAL OPERATING EXPENSE AND REVENUE

The table below provides a summary of the amended budget and forecast for the current year compared to the budget for FY 2023-24 and planned budget for FY 2024-25.

Category	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Personnel Services	51,807,842	51,807,842	54,496,710	57,003,674
Supplies - Materials	13,258,421	14,268,356	14,770,070	14,603,178
Contractual - Other Services	46,335,297	45,827,619	52,473,748	50,431,112
Capital Outlay	3,844,403	3,405,108	2,280,947	2,935,334
Expense Total	\$115,245,963	\$115,308,925	\$124,021,475	\$124,973,298
Reimbursements	(3,944,542)	(4,007,504)	(3,944,542)	(3,944,542)
Department Total	\$111,301,421	\$111,301,421	\$120,076,933	\$121,028,756
Department Revenue Total	\$11,552,234	\$8,000,187	\$10,049,773	\$10,049,773

# PARK & RECREATION

## REIMBURSEMENTS

Reimbursements reflect contributions from various agencies, including federal and state funds, internal service departments, enterprise fund departments, and department support. Department support reflects interdepartmental transfers for the cost of management oversight and administrative support within the department. The table below provides a summary of reimbursements from various sources.

Source of Reimbursement	FY 2023-24 Budget	FY 2024-25 Planned
Storm Drainage Management Reimbursement	(2,550,912)	(2,550,912)
Dallas Water Utilities Reimbursement	(400,000)	(400,000)
Junior Golf Program Reimbursement	(378,751)	(378,751)
Building Services Reimbursement	(357,319)	(357,319)
Southern Skates Roller Rink Reimbursement	(75,000)	(75,000)
Dallas Police Department Reimbursement	(61,161)	(61,161)
Samuel Park Fund Trust Reimbursement	(45,000)	(45,000)
Office of Arts and Culture Reimbursement	(35,554)	(35,554)
Housing and Neighborhood Revitalization Reimbursement	(20,624)	(20,624)
Office of Community Care Reimbursement	(13,250)	(13,250)
Library Reimbursement	(6,971)	(6,971)
<b>Reimbursement Total</b>	<b>\$(3,944,542)</b>	<b>\$(3,944,542)</b>

## ADDITIONAL RESOURCES

Additional resources are multi-year funds used to account for and report the proceeds of a specific revenue source that are restricted or committed to expenditures for a specified purpose. The table below lists funds that require additional appropriations in FY 2023-24 and FY 2024-25.

Fund	FY 2023-24 Budget	FY 2024-25 Planned
FY 2023-24 Community Development Block Grant (CD23)	738,301	0
Southern Skates Roller Rink (0327)	74,396	160,000
Golf Improvement Trust (0332)	4,252,156	2,300,000
PKR Program Fund (0395)	932,775	800,000
Park and Rec Beautification (0641)	0	287,844
White Rock Lake Beautification Fund (9P30)	6,596	200,000
Fair Park Capital Reserve Fund (9P31)	0	162,804
Park Land Dedication Program (9P32)	0	500,000
FY 2024-25 Community Development Block Grant (CD24)	0	738,301
Equity Fund (0722)	2,500,000	0
<b>Additional Resources Total</b>	<b>\$8,504,224</b>	<b>\$5,148,949</b>

# PARK & RECREATION

## PERSONNEL

Full-Time Equivalent (FTE) is a budget calculation that counts the number of personnel hours funded for the fiscal year. Each FTE equals 2,080 hours (with the exception of DFR uniform FTEs which may equal 2,808 hours depending upon assignment). Not all full-time positions are funded for 100 percent occupancy throughout the fiscal year. FTEs are calculated to consider vacancy and position turnover that may occur. Additionally, multiple part-time and temporary positions may be added together to equal one FTE. The table below represents regular FTEs, overtime FTEs, and City temporary FTEs for the City's operating funds. The table does not include FTEs funded from additional resources such as grant funds.

Category	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Regular Civilian	770.86	639.56	807.21	837.39
Regular Uniform	0.00	0.00	0.00	0.00
Civilian Overtime	0.00	22.00	8.54	8.50
Uniform Overtime	0.00	0.00	0.00	0.00
Temporary Help	19.00	36.00	0.53	0.53
Department Total	789.86	697.56	816.28	846.42

## MAJOR BUDGET ITEMS

The FY 2023-24 budget and FY 2024-25 planned budget include adjustments for costs such as employee/retiree health benefits, civilian employee retirement adjustments, civilian merit pay adjustments, and internal service charges such as information technology, fleet maintenance, fuel, workers' compensation, liability, and property insurance. The table below lists funding levels for major budget items for each year of the biennial. The amounts in each column are a positive or negative adjustment from the FY 2022-23 amended budget.

Major Budget Item	FY 2023-24 Positions	FY 2023-24 Budget	FY 2024-25 Positions	FY 2024-25 Planned
Add four Park Ranger positions and funding for seven Deputy Marshal positions and one Sergeant position in Court and Detention services to increase safety and security at park facilities (3.00 FTEs).	4	2,802,780	4	2,866,938
Add additional funding to reimburse Court and Detention Services for additional vehicles for the Marshals.	0	375,000	0	0
Increase funding for annual stipend to Fair Park First for the management and operations of Fair Park.	0	0	0	400,000

# PARK & RECREATION

Major Budget Item	FY 2023-24 Positions	FY 2023-24 Budget	FY 2024-25 Positions	FY 2024-25 Planned
Increase funding for annual stipend to ALW Entertainment for the annual Grambling State University vs Prarie View A&M University game held at Cotton Bowl Stadium. This will bring the annual stipend to a total of \$500,000.	0	0	0	350,000
Add funding to operate and maintain newly purchased, constructed, or improved capital park land, trails, and/or facilities.	0	1,159,699	0	1,159,699
Adding funding for Phase II of IV fire alarm systems replacement to be compatible with current Dallas Fire-Rescue codes including components such as fire alarm panels, sensors, smoke detectors, probes, fire-rated wiring, and strobes, at 10 recreation centers.	0	320,000	0	320,000
Adding funding for Phase II of III for specialized equipment and supplies for the Citywide Park Maintenance Trail team, providing enhanced maintenance of the Dallas Park Trail system that is currently 180 miles and will expand to over 300 miles.	0	491,075	0	491,075
Add funding for security cameras, lighting upgrades, and installation of Emergency Blue Light Tower Phones throughout our park and trail system.	0	700,750	0	700,750
Add one Supervisor position for the HART Team (0.75 FTEs).	1	117,646	1	132,363
Add funding to cover inflation-driven cost increases to various contracts, supplies and materials.	0	1,000,000	0	1,000,000
Add one-time transfer to the Equity Fund for the Northhaven Trail Infrastructure.	0	1,000,000	0	0
Add one-time transfer to the Equity Fund for Cadillac Heights park infrastructure.	0	1,500,000	0	0

# PARK & RECREATION

Major Budget Item	FY 2023-24 Positions	FY 2023-24 Budget	FY 2024-25 Positions	FY 2024-25 Planned
Eliminate 15 vacant positions (one Administrative Specialist I, one Crew Leader - Park Maintenance, one Manager - Public Information, one Office Assistant II, one Painter, three Parks Maintenance Worker I, two Parks Maintenance Worker II, two Recreation Program Specialist, one Senior Contract Compliance Administrator, one Superintendent - Parks and Recreation, and one Supervisor - Area Recreation position) (7.50 FTEs).	(15)	(421,490)	(15)	(421,490)
<b>Major Budget Items Total</b>	<b>(10)</b>	<b>9,045,460</b>	<b>(10)</b>	<b>6,999,335</b>

## BUDGETING FOR EQUITY

Budgeting for Equity reflects the intentional process by City departments to identify existing disparities in outcomes across various indicators and developing strategies and targeted investments to improve success for Dallas residents. The bullets below reflect departments' equity efforts.

- Increase out of school programming in historically disadvantaged communities by 10 percent by May 2024.
- Increase the percentage of residents enrolled in Park and Recreation active/fitness programming in historically disadvantaged communities by 10 percent of baseline by May 2024.
- Increase the percent of residents in historically disadvantaged communities with access to a parks within a 10-minute walk from 73 percent to 78 percent impacting 46,000 residents by May 2027.

## EXPENSE DETAIL

	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
1101 - Salary - Civilian	42,418,935	35,193,728	44,467,328	46,127,991
1106 - Merits	13,659	13,659	13,659	13,659
1111 - Cell Phone Stipend	36,655	36,655	36,655	36,655
1113 - One-time Pay - Civilian	0	40,000	0	0
1116 - Retroactive Pay - Civilian	0	495	0	0
1117 - Vacancy Savings - Salary	(3,873,750)	0	(4,056,880)	(3,919,692)
1118 - Vacancy Savings - Pension	(235,590)	0	(564,337)	(553,668)
1119 - Vacancy Savings (Medicare)	(24,860)	0	(52,166)	(56,738)
1120 - Wellness Incentive (Uniform and Civilian)	0	0	359,250	359,250

# PARK & RECREATION

	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
1201 - Overtime - Civilian	428,689	1,104,953	428,689	427,139
1203 - Service Incentive Pay	167,599	167,599	167,599	167,599
1208 - Sick Leave Term Pay - Civilian	0	172,274	0	0
1210 - Vacation Term Pay - Civilian	0	253,071	0	0
1212 - Termination Payment -Attendance Incentive Leave - Civilian	0	16,681	0	0
1228 - Sick Leave Term Pay - Uniform	0	13,299	0	0
1251 - Off-road Vehicle Use	0	180	0	0
1301 -Pension - Civilian	5,390,107	5,390,107	5,697,425	6,070,624
1302 - Pension - Uniform	0	0	(34,988)	(34,988)
1303 - Life Insurance	42,215	42,215	50,164	50,253
1304 - Health Insurance	6,042,245	6,042,245	6,538,702	6,847,498
1306 - ER Medicare	607,278	607,278	639,283	661,766
1308 - Mandatory Deferred Comp	26,023	26,023	26,023	26,023
1314 - Worker's Compensation	768,637	768,637	753,312	753,312
1406 - Administrative Leave - Civilian	0	71,564	0	0
1453 - Continuance Pay - Civilian	0	19,805	0	0
1511 - Temporary Help - Regular	0	1,817,922	26,992	26,992
1512 - Temporary Help - Overtime	0	9,452	0	0
<b>Personnel Services</b>	<b>\$51,807,842</b>	<b>\$51,807,842</b>	<b>\$54,496,710</b>	<b>\$57,003,674</b>
2110 - Office Supplies	115,800	58,479	120,800	116,600
2111 - Office Supplies Chargeback	7,386	64,706	7,886	7,786
2120 - Min App Inst Tools - Uten	260,805	359,959	242,345	242,345
2130 - Copy McH Supplies	955	955	955	955
2140 - Light - Power	2,650,000	2,650,000	3,151,494	3,356,260
2160 - Fuel Supplies	84,574	377,711	84,574	84,574
2170 - Water - Sewer	2,788,188	2,788,188	2,828,188	2,835,568
2181 - Fuel - Lube For Vehicle	652,001	701,042	824,486	879,637
2183 - Fuel - Lube	12,662	12,662	12,662	10,662
2185 - Tires - Tubes	24,003	57,273	23,003	23,003
2190 - Mechanical Supplies	2,590	4,711	3,590	3,590
2200 - Chemical Medical Surgical	311,228	311,228	278,948	278,663
2220 - Laundry - Cleaning Suppl	205,670	205,670	205,670	372,570
2231 - Clothing	226,085	239,487	245,585	231,585
2232 - Food Supplies	283,944	283,944	318,944	308,344
2252 - Meter Postage Fund Level	8,306	8,357	8,356	8,306
2261 - Educational - Recr Suppl	847,833	847,833	937,435	896,935
2262 - Botanical - Agric Suppl	1,265,096	1,265,096	1,326,596	1,381,116
2264 - Service Pins	0	2,652	0	0
2270 - Printing Supplies	5,000	5,541	5,000	5,000
2280 - Other Supplies	650,550	448,004	676,700	653,288
2290 - Event Supplies-Ceremony Event Supplies	71,651	41,149	71,901	71,401

# PARK & RECREATION

	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
2310 - Building Materials	97,390	70,102	97,690	97,690
2320 - Filtration Plants	5,000	5,000	5,000	5,000
2420 - Other Structures	755,911	755,911	771,821	854,310
2571 - Service Connections	0	130	0	0
2590 - Other Improvements	797,136	1,406,497	518,434	487,094
2710 - Furniture - Fixtures	192,951	259,339	192,951	189,611
2720 - Machine Tools	306,024	548,516	304,124	304,124
2730 - Major Apparatus	0	30,043	700,750	30,000
2731 - Data Processing Equipment	467,602	234,879	486,002	477,002
2735 - Software Purchase -\$1000	35,599	35,599	35,599	35,599
2760 - Radio - Communication Eqp	0	70	0	0
2770 - Audiovisual Equipment	31,864	92,819	31,864	31,624
2780 - Photography - Film Equipment	3,300	3,300	3,300	3,300
2790 - Protective Equipment	33,320	33,507	34,920	34,920
2890 - Miscellaneous Equipment	57,997	57,997	212,497	284,717
Supplies - Materials	\$13,258,421	\$14,268,356	\$14,770,070	\$14,603,178
3020 - Food - Laundry Service	99,217	134,070	99,217	99,117
3030 - Printing - Photo Services	93,988	93,988	93,988	93,838
3050 - Communications	1,005,461	1,005,461	794,197	800,890
3051 - Telephone Equipment Charges	1,000	5,376	1,000	1,000
3053 - Data Circuit Billing	874,332	874,332	1,794,525	1,796,756
3060 - Equipment Rental [Outside City]	29,126	552,472	169,126	166,626
3063 - Field Trips-Child-Senior Activities	654,300	304,479	704,300	704,300
3064 - Contract Instructor Fee	1,127,382	1,127,382	1,300,000	1,300,000
3065 - Sport Officiating Service	264,000	264,000	264,000	264,000
3068 - Security Monitoring Services	348,785	348,785	448,785	548,035
3070 - Professional Services	1,453,017	1,422,556	1,298,211	940,866
3072 - Contractor Service Fees	21,528,888	21,528,888	21,337,790	23,814,503
3074 - Music License Fees	6,500	6,500	6,500	6,500
3080 - Cable Tv Services	17,500	17,500	17,500	17,150
3090 - City Forces	907,503	907,503	2,264,753	2,263,811
3091 - Custodial Services	50,298	99,146	56,298	55,723
3092 - Security Services	337,224	548,008	1,212,309	1,211,309
3094 - Wrecker Services	0	1,238	0	0
3098 - Day Labor	20,064	20,064	20,064	20,064
3099 - Misc Special Services	70,953	240,230	1,511,240	1,013,395
3109 - Encampment Cleanup	489,742	489,742	0	0
3110 - Equip Repairs and Maintenance	95,306	95,306	95,306	95,056
3130 - Copy Machine Rent-Lease-Maint	132,442	149,602	134,946	134,946
3150 - Copy Center Charges	6,046	6,046	6,046	6,046
3201 - Stores Overhead Charges	1,260	2,438	1,260	1,260
3210 - Building Repairs and Maint	8,221,735	6,649,792	7,108,245	5,172,229
3310 - Insurance	1,544,328	1,544,328	2,006,991	2,006,991

# PARK & RECREATION

	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
3313 - Liability Premiums	91,504	91,504	145,215	148,435
3315 - Tolls	0	13	0	0
3320 - Advertising	468,903	277,875	468,903	468,903
3321 - Advertising Fees	0	4,335	0	0
3330 - Rents [Lease]	34,734	83,750	34,734	34,734
3340 - Membership Dues	0	6,934	0	0
3341 - Subscriptions-Serials	500	3,682	500	500
3361 - Professional Development	98,258	128,978	98,258	98,258
3363 - Reimb-Vehicle Use,Parking	53,376	53,376	53,376	53,376
3364 - Personnel Development	79,898	55,222	54,898	54,898
3410 - Equip - Automotive Rental	1,197,867	1,197,867	1,123,523	1,172,870
3411 - Wreck Handle Charge (fleet)	158,516	158,516	242,068	243,164
3412 - Fuel And Lube	20,927	20,927	20,927	20,927
3415 - Entertainment Rental - Service	97,750	97,750	97,750	97,750
3416 - GIS Services	52,811	52,811	52,846	52,835
3420 - Commun Equip Rental	243,923	243,923	130,309	133,726
3429 - Cellphone Charges	8,088	68,550	9,588	9,088
3430 - Data Services	588,311	588,311	571,829	571,777
3434 - Programming	3,520,369	3,520,369	3,889,263	4,502,296
3437 - Continual Software License Fee	1,450	4,750	1,450	1,450
3438 - Software Maintenance Fee	31,350	31,350	31,350	31,350
3460 - Disposal Services	93,008	93,008	87,008	87,008
3518 - Credit Card Charges	57,513	57,513	57,513	57,513
3599 - Misc. Other Charges	27,697	27,697	27,697	27,697
3690 - Miscellaneous Transfers	0	0	2,500,000	0
3994 - Outside Temps-Staffing	28,147	519,377	28,147	28,147
Contractual - Other Services	\$46,335,297	\$45,827,619	\$52,473,748	\$50,431,112
4090 - City Forces	0	24,714	0	0
4111 - Engineering Design	520,000	520,000	623,000	623,000
4112 - Architectural Design	0	16,085	0	0
4113 - Testing	0	1,225	0	0
4310 - Buildings	0	103,848	0	0
4599 - Improvements non-Building	2,595,017	1,563,929	255,000	755,000
4720 - Mach Tools Implem Major	394,438	809,242	735,924	862,811
4730 - Inst Apparatus Major	0	0	0	220,000
4735 - Computer Software Licenses	0	0	0	2,500
4740 - Motor Vehicles Cap	18,182	49,299	18,182	18,182
4742 - Trucks	232,822	232,822	564,897	369,897
4890 - Misc Equipment Capital	83,944	83,944	83,944	83,944
Capital Outlay	\$3,844,403	\$3,405,108	\$2,280,947	\$2,935,334
5011 - Reimb Fr Othr Organizaton	(1,393,630)	(1,456,592)	(1,393,630)	(1,393,630)
5012 - Reimbursements-Stormwater	(2,550,912)	(2,550,912)	(2,550,912)	(2,550,912)



# PARK & RECREATION

	FY 2022-23 Budget	FY 2022-23 Forecast	FY 2023-24 Budget	FY 2024-25 Planned
Reimbursements	(\$3,944,542)	(\$4,007,504)	(\$3,944,542)	(\$3,944,542)
Total Expense	\$111,301,421	\$111,301,421	\$120,076,933	\$121,028,756

# PARK AND RECREATION

## MISSION

The Dallas Park and Recreation (PKR) Department's mission is to champion lifelong recreation and serve as responsible stewards of the city's parks, trails, and open spaces.

## HIGHLIGHTED ACCOMPLISHMENTS FOR FY 2022-23

- Began construction of the Bachman Lake Skate Park
- Began White Rock Lake Master Plan Update
- Began design for White Rock Lake Dredging
- Began Samuell Farm Master Plan
- Began Parkdale Lake Master Plan
- Began Skate Park Master Plan
- Began design for SoPac Trail Phase 4
- Began construction of the Hi Line Connector Trail as part of The Loop
- Began construction of the Coombs Creek Trail Southern Extension
- Began construction for Cadillac Heights Park (Roland Parrish Park)
- Began construction of building repairs at Science Place I, Pan American Arena, Centennial Building and Tower Building at Fair Park
- Began construction of Reverchon Park Baseball Field, Magnolia Lounge at Fair Park, Lakeland Hills Dog Park, and Willie Mae Butler Park playground improvements
- Completed construction of Casa Linda Park improvements
- Completed construction of a new park in the Cedars neighborhood
- Completed construction of Harwood Park
- Completed design for Glendale Park Phase I
- Completed design and begin construction at Friendship Park
- Completed construction for Lake Highlands Trail Phase 1A/2B and Northern Extension
- Completed design and bid construction for Cadillac Heights Park
- Completed Design-Build for Reverchon Park
- Completed construction of Campbell Green Pickleball Court
- Completed design of building repairs at Science Place I, Pan American Arena, Centennial Building and Tower Building at Fair Park
- Completed construction for Kidd Springs Japanese Garden
- Completed construction of playgrounds at Arapaho, Devon Anderson, Martin Luther King Jr, and Westmount Parks
- Completed construction of Willie B. Johnson Recreation Center, Bachman Lake Aquatics Center, Trinity Strand Trail Phase II, White Rock Lake Trail, Harwood Park, Parkhill Junior High Dog Park
- Completed Flag Pole Hill Phase I construction
- Completed design of Marcus, Glen Meadow and Jamestown Park playgrounds
- Completed Samuell Farm Master Plan
- Completed construction of Paul D. Dyer building

# PARK AND RECREATION

- Completed construction of Casa View Park improvements
- Completed construction of Phase 1 of the Trinity Forest Spine Trail as part of The Loop
- Completed construction of the Northaven Trail bridge over US 75
- Completed site improvements at Twin Lakes Park
- Completed the land acquisition for Parkdale Lake
- Completed construction of Fair Park Coliseum Improvements
- Completed acquisition of land for parking at the Bachman Aquatics Center

## HIGHLIGHTED OBJECTIVES FOR FY 2023-24

- Begin construction of the Forest / Audelia City Park
- Complete construction of Cadillac Heights Park (Roland Parrish Park)
- Begin construction of the R.P. Brooks Park trail
- Begin design of the Frankford Park playground
- Continue design for White Rock Lake Dredging
- Complete the Lakeland Hills Park exercise stations
- Complete Phase 1 of the Southern Gateway Green Deck Park
- Complete the playground replacement at Glen Meadow Park
- Complete the playground replacement at Jamestown Park
- Complete the playground replacement at Marcus Park
- Complete the Wheatland Park football field
- Complete Phase 1 of the Kleberg Trail
- Complete construction of the Bachman Lake Skate Park
- Complete the Park in the Cedars at Heritage Village (Old City Park)
- Complete Glendale Park improvements Phase One
- Complete Phase 1 of Crawford Memorial Park improvements
- Complete Skate Park master plan
- Complete White Rock Lake Master Plan Update
- Complete construction of the Lakeland Hills Dog Park
- Complete Samuell Farm Master Plan
- Complete Parkdale Master Plan
- Complete Skate Park Master Plan
- Continue design for SoPac Trail Phase 4
- Complete construction of the Hi Line Connector Trail as part of The Loop
- Complete construction of the Coombs Creek Trail Southern Extension

# PARK AND RECREATION

## SERVICE DESCRIPTIONS

PARK AND RECREATION	
Administrative and Internal Service Facilities	Provides for service facilities required to effectively and efficiently deliver services in an expanding park system.
Aquatic Facilities	These improvements provide for new neighborhood spraygrounds, family aquatic centers, and infrastructure improvements to PKR public swimming pools. The improvements may include new filtration systems, new piping and chlorination systems, re-plastering of pool walls, new perimeter fencing, new decking, and improvements to the restroom and changing facilities.
Citywide Parks	Projects with a broader benefit to residents, including stormwater quality improvements, park accessibility improvements, and land acquisition.
Code Compliance, Safety and Security	Provides a mechanism to address critical needs throughout the city.
Community Parks	These parks are larger than Neighborhood Parks and usually comprise 15 to 100 acres and serve a two-mile radius. These parks may include areas for intense recreation activity such as competitive sports, swimming, tennis, playgrounds, and volleyball. They may also offer passive recreation opportunities such as walking, viewing, sitting, and picnicking.
Dallas Arboretum	Provides for development at the Dallas Arboretum in partnership with the Dallas Arboretum and Botanical Society.
Dallas Zoo	Provides for development within the park, often in partnership with the Dallas Zoological Society.
Downtown Parks	Provides for the development of parks within the Central Business District.
Environmental	Provides funding to address improvements directly affecting the health and well-being of the citizens of Dallas.
Erosion Control	These projects employ a variety of engineering techniques to control erosion around creek, channel, or lake banks. Erosion problems, if left unchecked, will cause damage to existing structures in the park and may create hazardous conditions.
Fair Park	Provides for the development of projects within Fair Park. These projects often are completed in partnership with the State Fair of Texas, Inc. or other institutions who have a stake in the development of the park.
Hike and Bike Trails	All-weather trail projects that encourage walking, bicycling, and other modes of transportation as an alternative to the automobile. These trails offer sufficient width to accommodate bicyclists, pedestrians, and skaters and are recommended under the North Central Texas Council of Government's (NCTCOG) Mobility 2025 Plan and the Texas Natural Resources Conservation Commission's (TNRCC) Emission Reduction Plan for the region.

# PARK AND RECREATION

Historic Restoration	These improvements provide for the restoration and stabilization of historically significant park facilities, particularly those constructed during the 1930s Works Progress Administration era.
Major Maintenance	Provides funding for repair and replacement of major building systems that typically cost more than \$10,000 and provide timely and appropriate maintenance to protect the City's General Fund facility investment. This process ensures safe and usable facilities for residents and staff and maintains a positive image for the City. Examples of building systems include elevators, structural components, roofs, HVAC, electrical, plumbing, and interior finishes.
Major Park Facilities	These improvements provide for the development of new park facilities or renovation of existing facilities at regional parks that provide citywide or regional services. Included are projects at Fair Park, Dallas Zoo, Dallas Nature Center, Katy Trail, golf courses, and the Arboretum.
Mini Park	These parks address limited, isolated, or unique recreation needs of concentrated populations and are usually one acre or smaller in size with less than ¼-mile service radius.
Neighborhood Park Facilities	These parks are from one to 15 acres in size and service a ½-mile radius and have an area for active recreation such as fields, courts, playgrounds, and picnic areas. Facilities are generally unlighted with limited parking.
Park Land Acquisition	Provides funding for the acquisition of land for future park development.
Playground Improvement	Includes new playgrounds or replacement of outdated playground equipment. These projects may also include replacement or installation of new groundcover material to ensure playground safety.
Public Art	Includes public art initiatives throughout the city of Dallas. Funds generated by public art appropriations are used for the design services of artists, for the selection, acquisition, commissioning, and display of artworks, and for administration of the public art projects.
Recreation Centers	Provides for new recreation centers and additions to or renovation of existing recreation centers. The standard recreation center has program space and a full gymnasium. An addition typically consists of a large multipurpose room. Reservation facilities are available to the public for rental for special events and functions.
Site Development	Includes the development and implementation of park master plans. These projects may include installing some or all the components as outlined in the plan. Typical components may include pavilions, sidewalks, barrier-free ramps, hiking and biking trails, drainage, landscaping and irrigation, fencing, lighting, signage, and other improvements.
Studies and Master Plans	Provides funding for resolution of major developmental issues prior to proceeding with design and construction of individual projects.

# PARK AND RECREATION

## SOURCE OF FUNDS

Funding Source	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
2006 Bonds	5,388,538	4,013,079	1,375,459	0	0	0	5,388,538
2017 Bonds	113,074,180	57,515,566	55,558,614	0	0	0	113,074,180
Other GO CIP - Non-Debt	19,649,169	16,834,409	2,814,759	0	0	0	19,649,169
<b>Grand Total</b>	<b>\$138,111,887</b>	<b>\$78,363,055</b>	<b>\$59,748,832</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$138,111,887</b>

## USE OF FUNDS

Service	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Aquatic Facilities	3,665,923	2,911,867	754,055	0	0	0	3,665,923
Code Compliance, Safety and Security	36,842,218	26,853,690	9,988,528	0	0	0	36,842,218
Community Parks	4,656,238	705,239	3,950,999	0	0	0	4,656,238
Dallas Arboretum	985,000	899,580	85,420	0	0	0	985,000
Dallas Zoo	3,495,982	62,448	3,433,534	0	0	0	3,495,982
Downtown Parks	12,548,740	11,988,382	560,358	0	0	0	12,548,740
Erosion Control	2,075,000	1,911,001	163,999	0	0	0	2,075,000
Fair Park	900,000	660,710	239,291	0	0	0	900,000
Hike and Bike Trails	24,461,456	9,360,738	15,100,718	0	0	0	24,461,456
Major Maintenance	1,000,000	851,272	148,728	0	0	0	1,000,000
Major Park Facilities	7,863,940	29,519	7,834,421	0	0	0	7,863,940
Neighborhood Park Facilities	7,204,221	5,001,769	2,202,452	0	0	0	7,204,221
Park Land Acquisition	9,646,002	4,966,394	4,679,608	0	0	0	9,646,002
Playground Improvement	1,460,151	104,521	1,355,630	0	0	0	1,460,151
Public Art	2,880,375	2,216,298	664,076	0	0	0	2,880,375
Recreation Centers	1,092,188	0	1,092,188	0	0	0	1,092,188
Site Development	17,334,454	9,839,627	7,494,827	0	0	0	17,334,454
<b>Grand Total</b>	<b>\$138,111,887</b>	<b>\$78,363,055</b>	<b>\$59,748,832</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$138,111,887</b>

# PARK AND RECREATION

## PROJECT LIST

The table below details all active projects in the Capital Improvement Program in alphabetical order. Included in the detail for each project is the service, funding source, council district, estimated completion date, inception-to-date budget, remaining appropriations, and new appropriations for FY 2023-24 and FY 2024-25. The Total Project Cost reflects the total budget over the life of the project, including inception-to-date budget, new appropriations, and estimated Future Cost.

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
5580 Peterson - W690	Park Land Acquisition	Other GO CIP - Non-Debt	Citywide	Ongoing	865,727	508,306	357,421	0	0	0	865,727
ADA/Code Allowance - VB14	Code Compliance, Safety and Security	2017 Bonds	Citywide	Ongoing	150,000	143,520	6,480	0	0	0	150,000
Anderson Bonner - Creek Bank Stabilization - VK45	Code Compliance, Safety and Security	2017 Bonds	11	12/2023	750,000	148,877	601,123	0	0	0	750,000
Anderson Bonner - Playground - New - VK46	Code Compliance, Safety and Security	2017 Bonds	11	12/2023	269,550	24,699	244,851	0	0	0	269,550
Anderson Bonner - Renovate Soccer Field #3 with Lights and Bleachers - VK47	Code Compliance, Safety and Security	2017 Bonds	11	12/2023	498,933	104,187	394,746	0	0	0	498,933
Bachman Lake Skatepark - VB11	Site Development	2017 Bonds	6	09/2024	3,940,000	390,013	3,549,987	0	0	0	3,940,000

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Bachman Regional Family Aquatic Center - Phase 1 (with CD 6) - VB48	Aquatic Facilities	2017 Bonds	2	09/2024	2,915,600	2,911,867	3,733	0	0	0	2,915,600
Bent Tree Meadow Park Playground - W941	Playground Improvement	2017 Bonds	12	09/2024	250,000	0	250,000	0	0	0	250,000
Bishop Flores Park - Connecting Walkway to neighborhood - VB86	Neighborhood Park Facilities	2017 Bonds	6	09/2024	772,750	0	772,750	0	0	0	772,750
Brownwood Park - Soccer Field - VB74	Community Parks	2017 Bonds	6	10/2023	297,000	50,305	246,695	0	0	0	297,000
Cadillac Heights Park - VK94	Site Development	2017 Bonds	4	12/2025	1,201,491	1,148,487	53,004	0	0	0	1,201,491
Campbell Green Recreation Center - W942	Recreation Centers	2017 Bonds	12	09/2024	974,000	0	974,000	0	0	0	974,000
Casa Linda Park Picnic Pavilion - VK17	Code Compliance, Safety and Security	2017 Bonds	9	09/2024	418,625	351,222	67,403	0	0	0	418,625
Casa view Park - Walking Trail - VK19	Code Compliance, Safety and Security	2017 Bonds	9	09/2024	397,000	395,029	1,971	0	0	0	397,000
Cherry Wood Park VK96	Community Parks	2017 Bonds	2	10/2023	296,250	16,500	279,750	0	0	0	296,250
Circuit Trail - The LOOP (Match) - VB05	Hike and Bike Trails	2017 Bonds	2, 4, 5, 6, 7, 9	12/2024	19,854,125	6,267,803	13,586,322	0	0	0	19,854,125



# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
City Facilities - Fair Park and Other Park Facility Repairs - W020	Major Maintenance	Other GO CIP - Non-Debt	Citywide	Ongoing	1,000,000	851,272	148,728	0	0	0	1,000,000
Citywide Security Lighting - T044	Code Compliance, Safety and Security	2006 Bonds	Citywide	09/2024	200,000	194,234	5,766	0	0	0	200,000
Coliseum - VC06	Code Compliance, Safety and Security	2017 Bonds	Citywide	09/2024	9,239,188	8,136,303	1,102,885	0	0	0	9,239,188
Community Pool Conversion Projects - W645	Aquatic Facilities	2006 Bonds	Citywide	09/2024	750,323	0	750,323	0	0	0	750,323
Coombs Creek Trail - from Hampton/ Davis to Moss Park - VB36	Hike and Bike Trails	2017 Bonds	1	09/2024	1,844,877	1,527,481	317,396	0	0	0	1,844,877
Cottonwood Park - Playground - Add Equipment - VK49	Code Compliance, Safety and Security	2017 Bonds	11	09/2024	100,000	0	100,000	0	0	0	100,000
Dallas Arboretum (Match) - VB09	Dallas Arboretum	2017 Bonds	9	12/2023	985,000	899,580	85,420	0	0	0	985,000
Dallas Water Gardens (Match) - VB31	Major Park Facilities	2017 Bonds	2	03/2024	7,391,440	29,436	7,362,004	0	0	0	7,391,440
Dallas Zoo (Match) VB08	Dallas Zoo	2017 Bonds	4	09/2024	3,495,982	62,448	3,433,534	0	0	0	3,495,982
Dickerson Street - P516	Site Development	Other GO CIP - Non-Debt	12	Ongoing	5,526,055	5,537,676	(11,621)	0	0	0	5,526,055

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Dixon Branch Greenbelt - Park Furnishings - VK22	Code Compliance, Safety and Security	2017 Bonds	9	10/2023	65,507	0	65,507	0	0	0	65,507
Downtown Park Development - 7087	Downtown Parks	Other GO CIP - Non-Debt	Citywide	09/2024	2,698,740	2,357,171	341,569	0	0	0	2,698,740
Emerald Lake Park - Dam safety and erosion control - VB49	Erosion Control	2017 Bonds	3	10/2023	2,075,000	1,911,001	163,999	0	0	0	2,075,000
Everglade Park - Musical Play Equipment - W897	Major Park Facilities	2017 Bonds	7	10/2023	162,000	83	161,917	0	0	0	162,000
Everglade Park Pavilion - W935	Neighborhood Park Facilities	2017 Bonds	7	12/2023	150,000	0	150,000	0	0	0	150,000
Fair Park Improvements (C) Reserves - W503	Site Development	2017 Bonds	Citywide	Ongoing	790,488	404,849	385,639	0	0	0	790,488
Food and Fiber Building - VC05	Code Compliance, Safety and Security	2017 Bonds	Citywide	12/2023	1,500,000	197,047	1,302,953	0	0	0	1,500,000
Forest Audelia Park and Site Development - W940	Site Development	2017 Bonds	10	09/2024	332,000	330,475	1,525	0	0	0	332,000
Frances Rizo Park - Playground replacement, ADA drinking fountain - VB78	Playground Improvement	2017 Bonds	6	09/2024	324,813	20,135	304,677	0	0	0	324,813

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Frankford Park - park furnishings package - VK65	Code Compliance, Safety and Security	2017 Bonds	12	09/2024	31,520	0	31,520	0	0	0	31,520
Frankford Park Playground Shade Structure - W943	Playground Improvement	2017 Bonds	12	09/2024	200,000	0	200,000	0	0	0	200,000
Frankford Park/School Connection (bridge - W946	Neighborhood Park Facilities	2017 Bonds	12	09/2024	250,000	0	250,000	0	0	0	250,000
Friendship Park - Site Development (Supplemental funding) - VK42	Code Compliance, Safety and Security	2017 Bonds	10	09/2024	131,005	253	130,752	0	0	0	131,005
Glen Meadow - Playground replacement - VK74	Playground Improvement	2017 Bonds	13	04/2024	220,000	33,975	186,025	0	0	0	220,000
Glendale Park Parking spaces and lighting - VB52	Community Parks	2017 Bonds	3	12/2023	1,084,305	395,003	689,302	0	0	0	1,084,305
Grove Oaks Park Improvements - P762	Recreation Centers	2017 Bonds	5	09/2024	118,188	0	118,188	0	0	0	118,188
Guard Dr. - Phase 2 Site Development - VB66	Site Development	2017 Bonds	5	11/2023	591,000	47,965	543,035	0	0	0	591,000
Hall of State - VCO1	Code Compliance, Safety and Security	2017 Bonds	Citywide	09/2024	14,092,409	13,821,091	271,319	0	0	0	14,092,409

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Jamesstown Park - Playground equipment - swingset and park furnishings - VK76	Playground Improvement	2017 Bonds	13	05/2024	239,400	4,697	234,704	0	0	0	239,400
Kidd Springs - Japanese Garden Restoration - Phase 1 - VB35	Site Development	2017 Bonds	1	09/2024	1,236,287	1,233,007	3,280	0	0	0	1,236,287
Kiowa Parkway - Pedestrian Bridge - VK53	Code Compliance, Safety and Security	2017 Bonds	11	12/2023	344,750	161,353	183,397	0	0	0	344,750
Kleberg Trail - VB17	Hike and Bike Trails	2017 Bonds	5	08/2024	1,198,500	184,039	1,014,461	0	0	0	1,198,500
Klyde Warren Park Improvements (Match) - VB32	Downtown Parks	2017 Bonds	14	09/2024	9,850,000	9,631,211	218,789	0	0	0	9,850,000
Lakeland Hills Dog Park - W936	Neighborhood Park Facilities	2017 Bonds	7	09/2024	250,000	0	250,000	0	0	0	250,000
Lakeland Hills Skate Park - W938	Neighborhood Park Facilities	2017 Bonds	7	09/2024	212,443	0	212,443	0	0	0	212,443
Lakewood Park - Basketball Renovate - VK23	Code Compliance, Safety and Security	2017 Bonds	9	12/2023	26,895	0	26,895	0	0	0	26,895
Lakewood Park - Pedestrian Bridge and ADA Parking - VK24	Code Compliance, Safety and Security	2017 Bonds	9	12/2023	246,250	135,507	110,743	0	0	0	246,250

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Land Acq for football complex in CD 5 [supplement CD funds] - VB30	Park Land Acquisition	2017 Bonds	5	05/2024	1,200,000	343,969	856,031	0	0	0	1,200,000
Land Acquisition - 919A	Park Land Acquisition	Other GO CIP - Non-Debt	Citywide	09/2024	3,801,028	2,425,027	1,376,001	0	0	0	3,801,028
Land Acquisition and Partnership Match Funding - VB27	Park Land Acquisition	2017 Bonds	Citywide	09/2024	2,300,000	1,506,539	793,461	0	0	0	2,300,000
Magnolia Lounge - VC12	Fair Park	2017 Bonds	Citywide	09/2024	900,000	660,710	239,291	0	0	0	900,000
Marcus Park - Playground replacement - VK75	Playground Improvement	2017 Bonds	13	01/2024	200,000	24,437	175,563	0	0	0	200,000
Neighborhood Park - Site Development - TBD - VB47	Site Development	2017 Bonds	2	03/2025	1,085,000	0	1,085,000	0	0	0	1,085,000
Northaven Trail (75 to Hillcrest) - T241	Hike and Bike Trails	2006 Bonds	11	09/2024	1,222,243	1,088,519	133,724	0	0	0	1,222,243
Park and Recreation Facilities (B) Reserves - W501	Site Development	2017 Bonds	Citywide	Ongoing	1,951,127	335,897	1,615,230	0	0	0	1,951,127
Park at Dallas Heritage Village - VK93	Park Land Acquisition	2017 Bonds	2	12/2024	1,479,247	182,553	1,296,694	0	0	0	1,479,247
Parkdale Lake Park - W020	Major Park Facilities	Other GO CIP - Non-Debt	7	09/2025	70,000	0	70,000	0	0	0	70,000

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Parkdale Lake Park - W955	Major Park Facilities	2006 Bonds	5	09/2025	500	0	500	0	0	0	500
Paupers Cemetery - W965	Neighborhood Park Facilities	2017 Bonds	6	09/2024	25,028	24,918	110	0	0	0	25,028
Peary Park Pavillion - W896	Major Park Facilities	2017 Bonds	7	10/2023	25,000	0	25,000	0	0	0	25,000
Preston Green Park - park furnishings, ADA drinking fountain - VK72	Neighborhood Park Facilities	2017 Bonds	12	09/2024	98,500	0	98,500	0	0	0	98,500
Preston Ridge Trail Benches/Drinking Fou - W947	Major Park Facilities	2017 Bonds	12	09/2024	80,000	0	80,000	0	0	0	80,000
Public Art Administration- Park - N809	Public Art	2006 Bonds	Citywide	Ongoing	448,898	383,656	65,242	0	0	0	448,898
Public Art Administration- Park - N809	Public Art	Other GO CIP - Non-Debt	Citywide	Ongoing	95,400	4,526	90,874	0	0	0	95,400
Public Art Projects- Park - N810	Public Art	2006 Bonds	Citywide	Ongoing	1,954,476	1,828,116	126,361	0	0	0	1,954,476
Public Art Projects- Park - N810	Public Art	Other GO CIP - Non-Debt	Citywide	Ongoing	381,600	0	381,600	0	0	0	381,600
R P Brooks Park - Loop Walking Trail VK34	Code Compliance, Safety and Security	2017 Bonds	10	03/2024	298,856	153,254	145,602	0	0	0	298,856
Reserve Citywide - P550	Site Development	2006 Bonds	Citywide	Ongoing	681,006	411,258	269,749	0	0	0	681,006

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Reverchon Ballpark Construction - W955	Neighborhood Park Facilities	Other GO CIP - Non-Debt	2	09/2024	5,000,000	4,964,832	35,168	0	0	0	5,000,000
Rosemeade Park - W956	Neighborhood Park Facilities	2017 Bonds	12	09/2024	150,000	0	150,000	0	0	0	150,000
Runyon Creek Trail - W354	Hike and Bike Trails	2006 Bonds	Citywide	09/2024	131,092	107,297	23,795	0	0	0	131,092
Science Place 1 (Phase 1) - VC10	Code Compliance, Safety and Security	2017 Bonds	Citywide	09/2024	3,728,441	2,330,045	1,398,396	0	0	0	3,728,441
Stafford Park - Playground and park furnishings - VB79	Playground Improvement	2017 Bonds	6	09/2024	25,939	21,277	4,662	0	0	0	25,939
Timberglen Trail - supplemental funding - VK68	Code Compliance, Safety and Security	2017 Bonds	12	12/2024	496,250	5,813	490,437	0	0	0	496,250
Timberleaf Park - Playground new - VK35	Code Compliance, Safety and Security	2017 Bonds	10	09/2024	307,039	20,518	286,520	0	0	0	307,039
Tipton Park - Picnic pavilion and water fountain - VB85	Neighborhood Park Facilities	2017 Bonds	6	12/2023	295,500	12,019	283,481	0	0	0	295,500
Tower Building - VC07	Code Compliance, Safety and Security	2017 Bonds	Citywide	12/2023	3,500,000	530,737	2,969,263	0	0	0	3,500,000
Trail Development - 7165	Hike and Bike Trails	Other GO CIP - Non-Debt	Citywide	09/2024	210,619	185,600	25,019	0	0	0	210,619
Twin Lakes Park - park furnishings package - VK69	Code Compliance, Safety and Security	2017 Bonds	12	09/2024	50,000	0	50,000	0	0	0	50,000

# PARK AND RECREATION

Project	Service	Funding Source	Council District	Completion Date	Budget as of 5/31/2023	Spent or Committed	Remaining as of 5/31/2023	FY 2023-24 Budget	FY 2024-25 Planned	Future Costs	Total Project Cost
Walnut Hill Park - Basketball - Renovate existing and add new - VK77	Community Parks	2017 Bonds	13	09/2024	160,000	0	160,000	0	0	0	160,000
Walnut Hill Park - Replace softball backstop and bleachers on existing pad - VK78	Community Parks	2017 Bonds	13	09/2024	230,000	0	230,000	0	0	0	230,000
Wheatland Park Football Field - VK91	Community Parks	2017 Bonds	8	02/2024	2,588,682	243,430	2,345,252	0	0	0	2,588,682
White Rock Lake Dog Park - X001	Major Park Facilities	2017 Bonds	9	09/2024	135,000	0	135,000	0	0	0	135,000
<b>Grand Total</b>					<b>\$ 138,111,887</b>	<b>\$ 78,363,055</b>	<b>\$ 59,748,832</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ 138,111,887</b>



**App. 17: CITY OF DALLAS ORDINANCES**

## ARTICLE II.

### FAIR PARK AND STATE FAIR GROUNDS.

#### Division 1. Generally.

(Ord. 29102)

##### **SEC. 32-11.5. FAIR PARK BOUNDARIES.**

(a) For purposes of this chapter, the boundaries of Fair Park shall be as follows:

BEGINNING at the intersection of the southeast right- of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of- way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right- of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of- way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of- way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of- way of Parry Avenue to the place of beginning.

(b) Before the Fair Park boundaries established in Subsection (a) may be expanded, a public hearing before the city council shall be held to allow the proponents and opponents of the expansion to present their views.

(c) Written notice of the public hearing required by Subsection (b) must be sent to all owners of real property lying within 500 feet of the boundaries of the proposed area of expansion. The measurement of the 500 feet includes streets and alleys. The notice must be given, not less than 10 days before the date set for the public hearing, by depositing the notice in the United States mail with postage paid and properly addressed to each property owner as evidenced by the last approved city tax roll. (Ord. 19541)

##### **SEC. 32-12. "STATE FAIR AREA" DEFINED.**

"State Fair area", as used in this article, shall mean the area in Fair Park bounded by the Texas & Pacific Railroad right of way, Pennsylvania Avenue, to Lagow, Lagow to Birmingham, Birmingham to Cross, Cross to Pennsylvania, Pennsylvania to First Avenue, First Avenue to Grand Avenue, Grand Avenue to Second Avenue, Second Avenue to Parry Avenue with the sites of the Health and Science Museum, Aquarium, State of Texas and Swimming Pool buildings excluded. It shall not include that portion of Fair Park known as the Civic Center, which is bounded by Pennsylvania Avenue, Second Avenue, Grand Avenue and First Avenue. (Code 1941, Art. 96-2; Ord. 8021)

##### **SEC. 32-13. PURPOSE OF ARTICLE.**

The purpose and intent of this article is to provide certain rules and regulations governing design, construction, equipment, use and operation of temporary buildings, establishments, concessions and exhibits within the grounds of the state fair. The provisions of this article shall include buildings and structures to be occupied and used only during the period of the state fair which, because of the character of material used, nature of fabrication and design, have a life expectancy of not more than five years. The provisions of this article shall apply only to the State Fair area as defined in this article and shall never be construed as modifying the regulations of any chapter of this code with reference to other areas within the city. (Code 1941, Art. 96-1)

##### **SEC. 32-14. APPLICABILITY OF BUILDING CODE.**

All buildings and structures erected or constructed within or moved into the state fair area shall comply with the city Building Code, except that:

(a) Buildings and structures of not more than two stories in height erected and constructed for use as temporary buildings, as defined in Section 32-13 and which are classified under the Building Code as groups F, G, I and J occupancies, shall not be required to set back from the site property lines and may be built adjoining other buildings; provided, that all exterior walls shall be of one hour fire resistive construction; and provided further, that the aggregate or total ground area of all buildings and structures constructed in any one group shall not exceed 10,000 square feet for one story buildings or structures and 5,000 square feet for two story buildings or structures, unless provided with an absolute fire separation or 15 foot clear space between such groups. In lieu of the Building Code requirements which are not applicable, a 2 1/2 gallon fire extinguisher of an approved type shall be provided for each 2,000 square feet of floor area or fraction thereof and all drapes, curtains, decorations and similar flammable material shall be sprayed or dipped in flame retardant solution as required by the fire marshal.

(b) Partitions in the interior of buildings shall be constructed of one-half inch sheet rock on both sides of wood studs or equal or better fire resistive construction and shall maintain fire extinguishers as provided in Subsection (a) of this section and flame retardant proofing shall be done as provided in Subsection (a).

(c) The requirements of the Building Code with respect to the number of toilets may be waived by the health officer of the city when the waiving of this requirement does not conflict with this Code or other ordinances of the city dealing with health. (Code 1941, Art. 96-3)

#### **SEC. 32-15. REGULATIONS PERTAINING TO STRUCTURES USED ONE MONTH OR LESS.**

The following regulations shall apply to buildings and other structures for temporary use for any period of one month or less:

(a) Tents, stands, awnings and canopies may be used individually in any size in the area known as the midway area or may be grouped together; provided, that any tent, stand or groups of tents and stands having 3,000 square feet in total ground area shall be separated from all other tents, stands, buildings and structures by not less than 15 feet of open space, clear of all combustible material and provided that flame proofing is carried out as provided in Section 32-14, except that portions of awnings, tents or other heavy canvas over 10 feet above grade need not be flameproofed unless required by the fire marshal. If any additional decoration or flammable material is used therein, this material shall be flameproofed regardless of height.

(b) In areas other than the midway area, tents, stands, awnings and canopies exceeding 1,000 square feet in total ground area shall be provided with separations as described in Subsection (a) above and shall conform to the requirements for flame proofing. (Code 1941, Art. 96-4)

#### **SEC. 32-16. RIDES, ELEVATORS, HOISTS, ETC.**

Rides, elevators, hoists or any mechanical device provided for and accessible to the public shall not begin operation until authorized by the building inspector and shall stop operation at any time the building inspector gives notice in writing that he wishes to inspect or test the same or he considers that the same may not be safe for use. The method of making tests and the determination of safety shall be left to the discretion of the building inspector. All tests shall be reasonable. (Code 1941, Art. 96-5)

#### **SEC. 32-17. TEMPORARY WASTE LINES.**

Grease traps may be omitted from temporary waste lines where these waste lines are required by the health officer and where they shall not be used for a period of more than 30 days. Requirements for separate laterals for each such temporary use shall be so interpreted that a number of these temporary uses may be jointly served by one lateral and be considered as one occupancy under the jurisdiction of the state fair and it shall be the responsibility of the state fair to keep this lateral open and free from obstruction. (Code 1941, Art. 96-6)

#### **SEC. 32-18. ELECTRICAL WIRING.**

All electrical wiring shall conform to the National Electrical Code, current edition, except as specified below:

(a) Festoon wiring shall be allowed where not accessible to the public and when not less than eight feet high when indoors and when not less than 10 feet high when outdoors; provided, that where vehicles or structures are or may come under such wiring, the wiring shall be five feet higher than the highest part of such vehicle or structure, including counters; provided further, that no combustible drapes, paper or other decoration is allowed within two feet of such festoon wiring; provided further, that there are no electrical conductors, terminals or contacts that are not properly insulated for 300 volts; and provided further, that such festoon wiring is for temporary use not to exceed 30 days.

(b) All wiring installed permanently in buildings owned by the city shall be installed in compliance with the National Electrical Code and in rigid metal conduit or in metal wireways or busways of equal strength and rigidity of each respective installation.

(c) All wiring installed in buildings owned by the city for temporary use not to exceed 30 days shall be installed in compliance with the National Electrical Code and shall be armoured cable, nonmetallic sheathed cable, electrical metallic tubing, rigid metal conduit or equivalent metal wireway or busway and shall be installed with proper fittings, outlets and devices for such use.

(d) Extension or flexible cords shall not be used if in a worn or otherwise unsafe condition and when used shall be on the Type S hard service cord as listed in Table 19 of the National Electrical Code and shall not exceed 25 feet in length except that portable fixtures and devices bearing the label of approval of Underwriters' Laboratories, Inc., may be used with cords not to exceed six feet in length when cord is the cord regularly supplied with such device, and when used in places that are dry and not hazardous and when not subject to hard wear. (Code 1941, Art. 96-7)

#### **SEC. 32-19. USE, STORAGE, ETC., OF LIQUEFIED PETROLEUM GASES.**

Liquefied petroleum gases shall not be stored, retained or used within the grounds and buildings of the state fair area except that liquefied petroleum gases in interstate commerce commission bottles not to exceed a 50 pound total may be used for temporary installations not to exceed 30 days by special permission of the fire marshal when such containers are placed and located outside other structures in a special housing designed and approved for that purpose and arranged so that it will not be accessible to unauthorized persons. Gasoline, kerosene and liquefied petroleum gases shall not be used for cooking, heating or lighting purposes within the state fair area. (Code 1941, Art. 96-8)

## **SEC. 32-20. AUTHORITY OF BUILDING INSPECTOR AND FIRE MARSHAL.**

The building inspector and the fire marshal of the city and their authorized deputies in line of duty shall have the right of entry into any building, structure, concession, exhibit, show or ride at any time upon presentation of their credentials and in consideration of the special rules and regulations contained in this article shall have the authority and right to condemn and cause to be removed any construction, use, occupancy or anything which in their opinion may constitute a hazard to the safety of life or property or such as would be a probable fire hazard. (Code 1941, Art. 96-9)

## **Division 2. Fair Park Parking Area and Fair Park Parking Licenses.**

### **SEC. 32-21. DEFINITIONS.**

In this division:

(1) DESIGNATED SPECIAL EVENT means an event conducted at Fair Park during which the city council has by resolution authorized the parking of motor vehicles for compensation in the Fair Park parking area in accordance with this division.

(2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director's authorized representative.

(3) FAIR PARK PARKING AREA means the area contained within the following boundaries and includes the widths of all streets and rights-of-way referenced:

BEGINNING at the intersection of the southeast right-of-way line of R. L. Thornton Freeway (Interstate Highway 30) with Peak Street;

THENCE southeastward along Peak Street to Stonewall Street;

THENCE eastward along Stonewall Street to McKenzie Street;

THENCE southeastward along McKenzie Street to Herndon Street;

THENCE southward along Herndon Street to the southwest line of the Dallas Area Rapid Transit Authority ("DART") right-of-way;

THENCE eastward along the southwest line of the DART right-of-way to Metropolitan Street;

THENCE southwestward along Metropolitan Street to the northeast line of the DART right-of-way;

THENCE northwestward along the northeast line of the DART right-of-way to Martin Luther King, Jr. Boulevard;

THENCE southwestward along Martin Luther King, Jr. Boulevard to Malcolm X Boulevard;

THENCE northwestward along Malcolm X Boulevard to Grand Avenue;

THENCE northeastward along Grand Avenue to the northeast line of the DART right-of-way;

THENCE northwestward along the northeast line of the DART right-of-way to the southeast line of R. L. Thornton Freeway;

THENCE northeastward along R. L. Thornton Freeway to the point of beginning.

(4) FAIR PARK PARKING LICENSE means written authority issued under this division that allows a person to park a motor vehicle for compensation within the Fair Park parking area during the state fair of Texas or any other designated special event.

(5) STATE FAIR OF TEXAS means the annual fall fair held at Fair Park. (Ord. Nos. 22067; 29102)

### **SEC. 32-22. FAIR PARK PARKING LICENSE REQUIRED.**

A person commits an offense if he, either for himself or as an agent or representative of another, engages in the business of parking motor vehicles for compensation within the Fair Park parking area during the state fair of Texas or any designated special event without having a valid Fair Park parking license. (Ord. Nos. 4037; 22067; 29102)

### **SEC. 32-23. LICENSE APPLICATION.**

Every person desiring a Fair Park parking license shall file an application with the director on a form provided for that purpose. The application must include:

(1) the trade name, address, and telephone number of the business, if any;

(2) the name, address, and telephone number of the applicant;

(3) whether the applicant is an owner, member, or employee of the business;

(4) the name, address, and telephone number of the owner of the property on which motor vehicles will be parked for compensation, if the property owner is different from the applicant;

(5) the address of the property on which motor vehicles will be parked for compensation and the extent of the area on which the business is to operate;

(6) proof of ownership of the property on which motor vehicles will be parked for compensation, or, if the applicant is not the property owner, a current notarized statement from the owner authorizing the operation of the business on the property;

(7) an agreement to indemnify the city and its officers and employees against all claims of damage or injury to persons or property, whether public or private, arising out of the parking of motor vehicles by the applicant, or by the applicant's agents or representatives, for compensation within the Fair Park parking area;

(8) the signature of the applicant (if the applicant is a corporation, the signature of a duly authorized officer and, if the applicant is a partnership, the signature of one of the partners); and

(9) any other information the director considers necessary to the enforcement and implementation of this division. (Ord. Nos. 4037; 16703; 22067; 29102)

#### **SEC. 32-24. INVESTIGATION OF APPLICATION.**

Upon the filing of a properly filled out application for a Fair Park parking license, the director shall make or cause to be made such investigation as is deemed necessary to determine the fitness of the applicant for a license. (Ord. Nos. 4037; 4124; 21037; 22067; 29102)

#### **SEC. 32-25. ISSUANCE OF LICENSE; EXPIRATION.**

(a) Upon approving the license application and receiving payment of the license fee required by this division, the director shall issue a Fair Park parking license to the applicant.

(b) The issuance of a license under this division permits premises to be used as a parking area only during the period of the state fair of Texas and any designated special event, although the premises are not zoned for such use under the Dallas Development Code. Within the area bounded by Fitzhugh Avenue, the T. and P. Railroad, Metropolitan Avenue, and R. B. Cullum Boulevard, parking must be limited to driveways and vacant lots.

(c) No license may be issued under this division during an event in progress unless the director received the license application at least five business days before the day the event began.

(d) The issuance of any license under this division does not grant or confer any vested right to the licensee or operator, but is subject to revocation or cancellation as provided in this division.

(e) A Fair Park parking license expires May 31 of each year and may be renewed by making application in accordance with Section 32-23. A licensee shall apply for renewal at least 30 days before the expiration of the license. (Ord. Nos. 4037; 4124; 16703; 22067; 29102)

#### **SEC. 32-26. LICENSE FEE.**

The annual fee for a Fair Park parking license is \$100. No refund of a license fee will be made. (Ord. Nos. 4037; 16703; 18411; 22067; 29102; [31657](#))

#### **SEC. 32-27. LICENSE REVOCATION; APPEAL.**

In addition to any other penalties, the director may revoke a Fair Park parking license if the director determines that a licensee has violated any provision of this division. A licensee may appeal the revocation of a license to the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 4037; 16703; 18200; 22067; 29102)

#### **SEC. 32-28. SUPERVISING ATTENDANT; DISPLAY OF LICENSE.**

(a) A supervising attendant shall remain on the licensed premises at all times during which a motor vehicle is parked or remains parked on the premises for compensation.

(b) A person issued a Fair Park parking license under this division shall ensure that the laminated license is displayed in a conspicuous manner on the clothing of the supervising attendant at all times the supervising attendant is on duty at the licensed premises. (Ord. Nos. 22067; 29102)

#### **SEC 32-28.1. FAIR PARK PARKING AREA - MAXIMUM PARKING FEE.**

A person commits an offense if, during the state fair of Texas or any designated special event, he charges a customer a fee for parking a motor vehicle within the Fair Park parking area that is more than 150 percent of the fee that is charged for parking a motor vehicle within the fair grounds. (Ord. Nos. 4037; 4124; 12701; 14684; 16703; 22067; 29102)

#### **SEC. 32-28.2. POSTING OF PARKING FEES REQUIRED.**

(a) A person who engages in the business of parking motor vehicles for compensation in the Fair Park parking area during the state fair of Texas or any designated special event shall post a sign in a conspicuous place on the premises that indicates, in letters at least five inches high, the fee charged for parking a motor vehicle on the premises.

(b) A person commits an offense if he charges a fee for parking a motor vehicle in the Fair Park parking area that is higher than the fee indicated on the sign posted on the premises. (Ord. Nos. 16710; 22067; 29102)

#### **SEC. 32-28.3. POSTING SIGNS TO PROHIBIT PARKING ON CERTAIN PROPERTY NEAR FAIR PARK.**

(a) Any person who owns or rents property that is located within the Fair Park parking area or within the following boundaries (including the widths of all streets and rights-of-way referenced) in the vicinity of Fair Park is authorized to post

signs to prohibit the parking of motor vehicles on that property:

BEGINNING at the intersection of the northeast right- of-way line of Peak Street with R. L. Thornton Freeway (Interstate Highway 30);

THENCE northeastward along R. L. Thornton Freeway to Carroll Avenue;

THENCE southeastward along Carroll Avenue to Haskell Avenue;

THENCE eastward along Haskell Avenue to Fitzhugh Avenue;

THENCE southeastward along Fitzhugh Avenue to Fitzhugh Avenue/Crosstown Expressway;

THENCE southward along Fitzhugh Avenue/ Crosstown Expressway to the southwest line of the Dallas Area Rapid Transit Authority ("DART") right- of-way;

THENCE westward along the southwest line of the DART right-of-way to Herndon Street;

THENCE northward along Herndon Street to McKenzie Street;

THENCE northwestward along McKenzie Street to Haskell Avenue;

THENCE westward along Haskell Avenue to Stonewall Street;

THENCE northwestward along Stonewall Street to Peak Street;

THENCE northwestward along Peak Street to the point of beginning.

(b) Signs that are posted in accordance with Subsection (a) must be placed in a conspicuous place on the property. The words on the sign used to prohibit parking must be in letters not less than five inches high and must be visible and legible from the public street or accessway to the property.

(c) A person commits an offense if he parks a vehicle on any property located within the Fair Park parking area or the boundaries described in Subsection (a), when the property has a sign posted on it that prohibits parking as set forth in Subsection (b). It is a defense to prosecution under this subsection that the vehicle was parked with the express consent of the owner or occupant of the property, and no compensation was received for the parking of the vehicle.

(d) Any vehicle that is found unattended or unoccupied upon any property in violation of this section is a nuisance, and the fact that the vehicle is unattended or unoccupied by any person is prima facie evidence that the vehicle owner unlawfully parked the vehicle.

(e) Whenever any police officer finds a vehicle parked or standing upon property in violation of this section, the officer is authorized to require the driver or other person in charge of the vehicle to move the vehicle from the property. Any police officer who finds a vehicle parked and unattended or unoccupied in violation of this section is authorized to remove the vehicle from the property to a vehicle storage facility designated by the police chief. (Ord. Nos. 12707; 21037; 29102)

**App. 18: GOVERNMENT CODE SECTION 411.209**

Vernon's Texas Statutes and Codes Annotated  
Government Code (Refs & Annos)  
Title 4. Executive Branch (Refs & Annos)  
Subtitle B. Law Enforcement and Public Protection  
Chapter 411. Department of Public Safety of the State of Texas (Refs & Annos)  
Subchapter H. License to Carry a Handgun

V.T.C.A., Government Code § 411.209

§ 411.209. Wrongful Exclusion of Handgun License Holder

Effective: September 1, 2021

Currentness

(a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.

(b) A state agency or a political subdivision of the state that violates Subsection (a) is liable for a civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

(c) Each day of a continuing violation of Subsection (a) constitutes a separate violation.

(d) A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder provides the agency or subdivision a written notice that describes the location and general facts of the violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed with the attorney general under this subsection must include evidence of the violation and a copy of the written notice provided to the agency or subdivision.

(e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure.

(f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:



(1) describes the violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the agency or political subdivision 15 days from receipt of the notice to cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

(g) If the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period provided by Subsection (f)(3), the attorney general or the appropriate county or district attorney may sue to collect the civil penalty provided by Subsection (b). The attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief. A suit or petition under this subsection may be filed in a district court in Travis County or in a county in which the principal office of the state agency or political subdivision is located. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(h) Sovereign immunity to suit is waived and abolished to the extent of liability created by this section.

(i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

(j) In this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

#### **Credits**

Added by Acts 2015, 84th Leg., ch. 593 (S.B. 273), § 1, eff. Sept. 1, 2015. Amended by Acts 2017, 85th Leg., ch. 1143 (H.B. 435), §§ 5, 6, eff. Sept. 1, 2017; Acts 2019, 86th Leg., ch. 469 (H.B. 4173), § 2.44, eff. Jan. 1, 2021; Acts 2019, 86th Leg., ch. 784 (H.B. 1791), § 1, eff. Sept. 1, 2019; Acts 2021, 87th Leg., ch. 809 (H.B. 1927), § 11, eff. Sept. 1, 2021.

#### Notes of Decisions (12)

V. T. C. A., Government Code § 411.209, TX GOVT § 411.209

Current through the end of the 2023 Regular, Second, Third and Fourth Called Sessions of the 88th Legislature, and the Nov. 7, 2023 general election.

**App. 19: STATE'S NOTICE OF APPEAL**

CAUSE NO. DC-24-14434

STATE OF TEXAS, MAXX JUUSOLA,  
TRACY MARTIN, and ALAN CRIDER,  
*Plaintiffs,*

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IN THE DISTRICT COURT OF

v.

DALLAS COUNTY, TEXAS

CITY OF DALLAS,  
KIMBERLY BIZOR TOLBERT, in her  
official capacity as the Interim City  
Manager for the City of Dallas,  
and the  
STATE FAIR OF TEXAS,  
*Defendants.*

298th JUDICIAL DISTRICT

**STATE OF TEXAS NOTICE OF ACCELERATED APPEAL**

TO THE HONORABLE COURT:

The State of Texas, plaintiff, gives notice of its intent to appeal the trial court's order denying the State's motion for a temporary injunction rendered on September 19, 2024, by accelerated appeal. See Tex. Civ. Prac. & Rem Code § 51.014(a)(4). This accelerated appeal is taken to the Fifteenth Court of Appeals, in Austin, Texas. This appeal involves a matter brought by the State. This appeal does not pertain to a parental termination or child-protection case or an appeal from an order certifying a child to stand trial as an adult as defined in Texas Rule of Appellate Procedure 28.4.

Respectfully submitted,

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Attorney General of Texas

**BRENT WEBSTER**  
First Assistant Attorney General

**RALPH MOLINA**  
Deputy First Assistant Attorney General

**JAMES LLOYD**  
Deputy Attorney General for Civil Litigation

**ERNEST C. GARCIA**  
Chief, Administrative Law Division

*/s/ Ernest C. Garcia*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was served via electronic service on September 19, 2024, on the following:

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***Counsel for Defendant State Fair of Texas***

/s/ Ernest C. Garcia  
Ernest C. Garcia  
Assistant Attorney General

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Catherine Hughes on behalf of Ernest Garcia

Bar No. 7632400

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