



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

December 1, 1988

Honorable John W. Berry
Karnes County Attorney
Karnes County Courthouse
Karnes City, Texas 78118

LO-88-126

Dear Mr. Berry:

Because of the tremendous increase in the volume of requests for opinions and open records decisions, we are responding to your request with the enclosed Letter Opinion or Open Records Ruling. A Letter Opinion or Open Records Ruling has the same force and effect as a formal Attorney General Opinion or Open Records Decision, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent Letter Opinion or Open Records Ruling, a formal Attorney General Opinion or Open Records Decision, or a decision of a court of record.

Very truly yours,

A handwritten signature in cursive script that reads "Jim Mattox".

J I M M A T T O X
Attorney General of Texas

JAM/bc
Enclosure



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OF TEXAS**

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ATTORNEY GENERAL**

Honorable John W. Berry
Karnes County Attorney
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Karnes City, Texas 78118

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Dear Mr. Berry:

You ask whether the Karnes County Auditor may sell road materials to Karnes County.

In Attorney General Opinion JM-270 (1984) this office considered whether a constable in Waller County could sell computers to the county. The opinion concluded that article 988b, V.T.C.S., did not prohibit a constable from selling computers to the county since the constable would not be participating in the decision concerning the county's purchase of computers.

Attorney General Opinion JM-450 (1986) concluded that article 988b did not prohibit a deputy sheriff from contracting with the county in his private capacity as the owner of an automobile garage since a deputy sheriff has no authority to participate in decisions about such contracts. The opinion did point out, however, that various competitive bidding statutes might be applicable.

Article 988b has been recodified as Chapter 171 of the Local Government Code. Attorney General Opinions JM-270 and JM-450 make clear that Chapter 171 does not prohibit the county auditor from selling road materials to the county since the county auditor does not participate in decisions about the purchase of road materials. We caution, however, that the county would have to comply with any applicable competitive bidding statutes.

Very truly yours,

A handwritten signature in black ink that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc
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