



IO # 15261
MBJ

James F. Hury, Jr.
House of Representatives

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Galveston, Texas 77553
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RD-340

March 3, 1992

Re: Ability of County Commissioner to Contract With MHMR Center

Mr. Dan Morales
Attorney General
State of Texas
Supreme Court Building
P. O. Box 12548, Capitol Station
Austin, TX 78711-2548

RECEIVED

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Dear Mr. Morales:

Opinion Committee

The purpose of this letter is to request an opinion from your office as to whether, and under what circumstances, a County Commissioner may contract for the sale of goods and services to a local Mental Health and Mental Retardation Center, where the Board of Trustees of the MHMR Center are appointed by the County Commissioners.

The Gulf Coast Center, organized under Joint Resolution of the Commissioners Courts of Galveston and Brazoria Counties pursuant to Article 547-203, Texas Revised Civil Statutes (now Section 534.001, Texas Health and Safety Code) is seeking to purchase a new telephone system. Under Section 534.003 of the Health and Safety Code, the Commissioners Courts of both Brazoria and Galveston Counties are directed to appoint the Board of Trustees of the Community Center from among the Commissioners, or from among the qualified voters who reside in the region to be served by the Center. Traditionally, the Commissioners have not appointed any Commissioner to the Board, but have chosen to appoint the Board members from among qualified voters residing in Galveston and Brazoria Counties. As a duly elected County Commissioner in Galveston County, Mr. Eddie Janek has a vote in the appointment of Board members for the Center.

ACCOMPANIED BY ENCLOSURES -
FILED SEPARATELY

Mr. Dan Morales
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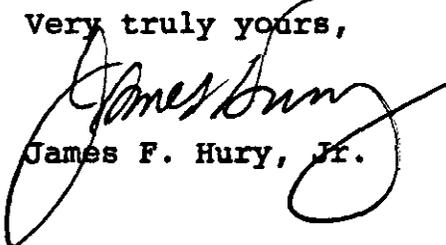
The Center advertised for bids and has received seven (7) qualified bids for the new phone system, ranging from a high of \$39,077 to a low of \$20,500. The low bid was submitted by J & J Telecommunications, Inc. of Galveston, at \$20,500. The next lowest bid was submitted by BITS of Galveston at \$24,160. The Board of Trustees, at its regular meeting on Wednesday, February 26, 1992, voted to accept the J & J bid subject to obtaining an opinion from the Attorney General's Office regarding the legality of accepting the bid.

Mr. Janek is the President of J & J Telecommunications, Inc., which is a Texas corporation. His son, Craig Janek, is Vice President.

Attached for your reference is a copy of some research performed on this issue.

Your earliest possible response will be greatly appreciated. Thank you for your assistance, and please do not hesitate to contact me if you need any further information.

Very truly yours,



James F. Hury, Jr.

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