



JIM MULL
INVESTIGATOR

State of Texas
District Attorney Office
64th & 242nd Judicial Districts

AREA CODE 806 296-2416 - 291-5241
COUNTIES OF HALE AND SWISHER
HALE COUNTY COURTHOUSE
500 BROADWAY No. 300
Plainview, Texas 79072

RECEIVED

SEP 08 2004

OPINION COMMITTEE

RQ-0270-GA

September 1, 2004

Office of the Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

FILE # ML-43919-04

I.D. # 043919

RE: Hale County vehicle for the use of the District Attorney's office.

Dear Hon. Greg Abbott:

The County Commissioners of Hale County, Texas have allocated funds for over fifteen years to the District Attorney's office for vehicles used by the office's investigator. In 2003 they budgeted \$22,000.00 for the purchase of a vehicle for the District Attorney's office. Our office purchased a 2003 pickup truck with those funds that is used by our office investigator. With its discretionary funds the District Attorney's office paid for an upgraded package on the pickup truck and a toolbox in an amount over \$300.00. January 1, 2005 a new District Attorney will take office. The County Commissioners have informed me that in 2005 they plan to remove the 2003 pickup truck from the use of the District Attorney's office and allocate the pickup truck for the use of another county official. The County Commissioners do not intend to budget for a replacement vehicle for the District Attorney's office.

It is within the discretion of county commissioners to establish a policy requiring a county officer to relinquish control of a vehicle in use when he takes possession of a *replacement* vehicle. Tex. Att'y Gen. Op. No. JC-0214 at 8. However, once a vehicle has been allocated to a department, the commissioners may not substitute their judgment as to the deployment of the resource. *Id.* Moreover, a requisition or allocation may be cancelled only for a "valid reason." *Id.* at 7 (citing Tex. Loc. Gov't Code Ann. §111.093(d) (Vernon 1999)). Can the County

Commissioners take a vehicle which has already been purchased and allocated to a department and allocate that particular vehicle to another department? If so are what are the guidelines for such an action? If the County Commissioners may so act, does the District Attorney's office have any interest in the improvements it has made to the vehicle?

Thank you for your attention to this matter. If you have questions, please do not hesitate to call my office (806) 296-2416.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry D. McEachern". The signature is fluid and cursive, written over a white background.

Terry D. McEachern
District Attorney,
Hale and Swisher Counties