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Secretary
February 24, 1999

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Honorable John Cornyn
Attorney General of Texas
C/O Elizabeth Robinson,
Chair of Opinion Committee
P O Box 12548
Austin, Texas 78711-2548

RQ-0029

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MAR 01 1999

FILE # ML-40696-99 Opinion Committee

I.D. # 40696

RE: Request for Opinion

Dear Mr. Cornyn:

I am submitting this letter and the enclosed brief to your office's opinion committee pursuant to Sec. 402.043 of the Texas Government Code. The Sabine County commissioners Court is scheduled to act on this matter on March 8, 1999, so I need a response at the committee's earliest opportunity. Perhaps the response could be faxed to me at the above fax number.

Basically, the commissioners court is in the process of soliciting and receiving bids on surplus county equipment. Instead of offering a cash payment, one bidder has offered \$20,000.00 worth of rock in exchange for an old tractor and dump truck and some attachments. All involved seem to agree that the rock is worth \$20,000.00, but the commissioners are concerned about accepting a non-monetary bid.

Your prompt attention and response to this request would be greatly appreciated. If you should have any questions, please contact me. Thank you.

Respectfully,


Steven M. Hollis, County Attorney Pro Tem

Sabine County, Texas
SMH/ghb Enc: see above CC: Judge Jack Leath

HONORABLE JOHN CORNYN
Attorney General of Texas
C/O Elizabeth Robinson
Chair of Opinion Committee

BRIEF PURSUANT TO TEXAS GOVERNMENT CODE SEC. 402.043

RE: Disposition of Salvage or Surplus Property by Counties

The referenced matter is addressed by Chapter 263, Sub-chapter D of the Local Government Code, which sets forth the procedure for the commissioners court to follow in selling or otherwise disposing of the county's surplus or salvage property. A review of these sections and the accompanying annotations does not indicate whether a bid of consideration other than money can be considered and ultimately accepted by the commissioners.

Sec. 263.156 of the Local Government Code may resolve this issue in that it states that "the commissioners court shall deposit the proceeds . . .". This seems to imply that nothing other than cash should be received in exchange for the bid equipment.