



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable W. P. Herms, Jr.
County Auditor
Waller County
Hempstead, Texas

Dear Sir:

Opinion No. 6326

Re: County is prohibited from purchasing supplies and advertisement from newspaper owned by County Judge.

Your request for an opinion has been received and carefully considered by this department. We quote from your request as follows:

"There are two newspapers in this County . . . both weeklies . . . one of which is owned by County Judge. Each sells stationery supplies and the county needs services, such as advertising for bids for materials, notice of tax sale, etc."

"Is it legal for the County to purchase either supplies or the type of services above mentioned from the newspaper which is owned by County Judge?"

In answer to your question we call attention to Article 2340, Vernon's Annotated Civil Statutes, which provides:

"Before entering upon the duties of their office, the county judge and each commissioner shall take the official oath and shall take a written oath that he will not be directly nor indirectly interested in any contract with, or claim against, the county in which he resides, except such warrants as may issue to him as fees of office." (Emphasis ours)

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Furthermore we call your attention to Article 373, Penal Code of Texas, which reads as follows:

"If any officer of any county, or of any city or town shall become in any manner pecuniarily interested in any contracts made by such county, city or town, through its agents, or otherwise, for the construction or repair of any bridge, road, street, alley or house or any other work undertaken by such county, city or town, or shall become interested in any bid or proposal for such work or in the purchase or sale of anything made for or on account of such county, city or town, or who shall contract for or receive any money or property, or the representative of either, or any emolument or advantage whatsoever in consideration of such bid, proposal, contract, purchase or sale, he shall be fined not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars."

In view of the foregoing authorities, it is our opinion that it is not legal for the County to purchase either supplies or the type of service mentioned in your letter from a newspaper which is owned by the County Judge.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Jno. C. Knorrpp

Jno. C. Knorrpp
Assistant

JCK:iw

Carlos Ashley

