



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**RAWFORD C. MARTIN
ATTORNEY GENERAL**

March 17, 1971

Hon. Bevington Reed
Commissioner
Coordinating Board
Texas College and University System
Capitol Station
Austin, Texas 78711

Opinion No. M-813

Re: Eligibility of the
Executive Director of
the Community Action
Council (OEO) to serve
on the governing board
of Bee County College

Dear Mr. Reed:

You have requested an official opinion from this office concerning the above subject which is restated as follows:

"Is the Executive Director of the Community Action Council (OEO) eligible to serve on the governing board of Bee County College?"

Factually you have furnished me with the following information:

(1) The Executive Director is paid entirely with federal funds.

(2) A member of the governing board of Bee County College meets monthly with the board and receives no compensation for his services.

(3) The College District for the purposes of taxation for the benefit of said College encompasses all of Bee County.

(4) The College District over which the board governs is not a sponsoring agency for the Community Action Council (OEO).

Since the Bee County College District is not a sponsoring agency for the Community Action Council, there is no conflict of interests between the College board membership and the job as Executive Director of the Community Action Council in duties to be performed or in regard to dispensing or receiving money. This factual situation is clearly distinguishable from that presented in Attorney General's Opinion No. M-714 (1970), wherein a member of the City Council, a sponsoring agency of the Community Action Council,

was held to be disqualified from serving as the Executive Director of the Council.

Under the facts herein set out, there is no violation of the dual office holding provisions of Article XVI, Sections 12, 33 or 40 of the Texas Constitution, and there is no violation of Article 6252-9, Vernon's Civil Statutes, dealing with the standards of conduct for officers and employees of state agencies legislators, etc., as to conflict of interests. Nor is there any incompatibility under the common law.

S U M M A R Y

The Executive Director of the Community Action Council (OEO) is eligible to serve on the governing board of Bee County College, the College board not being a sponsoring agency for the Community Action Council.

Respectfully submitted,

CRAWFORD C. MARTIN
Attorney General of Texas

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APPROVED:
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