



**THE ATTORNEY GENERAL
OF TEXAS**

January 23, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Honorable Frank Long
District Attorney
8th Judicial District
P. O. Box 882
Sulphur Springs, Texas 75482

LO-89-5

Dear Mr. Long:

You ask the following question:

May a county commissioner use county equipment, material and labor to construct a driveway on the commissioner's private property for purposes of facilitating the storage of county equipment and machinery on that property?

The situation you describe in your question raises a number of problems. One obvious impediment to using county funds to construct a driveway on the commissioner's private property is that a commissioner's oath prohibits him from having an interest in a contract with the county. Local Gov't Code § 81.002(a).

County funds may only be spent for public purposes, and a county must insure that it receives adequate consideration for its expenditures. Tex. Const. art. III, § 52; Attorney General Opinion JM-516 (1986). A commissioner's oath would prevent him from entering into the contract necessary to insure that the county would receive adequate consideration for its expenditures. See Attorney General Opinion JM-855 (1988) (county commissioner may not lease space at county airport). Therefore, county funds may not be used to construct a driveway on a commissioner's private property, regardless of the purpose for which the driveway is constructed.

Very truly yours,

Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/bc
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