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RQ-0301-JC

October 25, 2000

Opinion Division  
Attorney General of Texas  
P O Box 12548  
Price Daniel Sr. Bldg.  
209 W. 14th and Colorado Street  
Austin, TX 78711-2548

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OCT 27 2000

OPINION COMMITTEE

FILE # ML-41724-07

I.D. # 41724

Re: Attorney General Opinion Request - Copperas Cove Economic Development Corporation

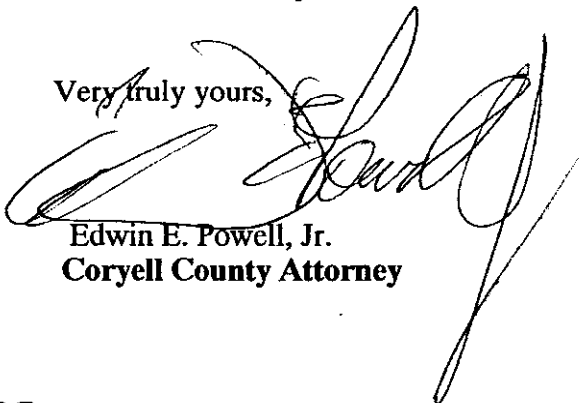
Gentlemen:

I request an opinion as to whether or not a development corporation as defined in the provisions of Section 4A, Article 5190.6 V.A.T.C.S. is authorized to reappoint members of its board of directors. The City of Copperas Cove, Texas, located in Coryell County, Texas, has formed the Copperas Cove Economic Development Corporation in accordance with the provisions of Section 4A. The Copperas Cove EDC is governed by Article 5190.6 which specifically provides that the directors of a 4A development corporation are appointed to a term not to exceed six years and to serve at the pleasure of the City Council. The statute never goes on to indicate whether or not a board member may be reappointed to a subsequent term. Page 25 of the 2000 Economic Development Handbook which was prepared by the Attorney General's Office of the State of Texas specifically states "there is no statutory provision that indicates whether a board member may be reappointed to a subsequent term. The more cautious approach may be to assume that no such right exists." Alternatively, it has generally been the principal of statutory interpretation that so long as a body is not specifically prohibited from doing an act, then they generally are considered to have the authority to perform that act. However comparing the general rule to the instructional language in your economic development handbook indicates a conflict may exist.

There appears to be no case law interpretation of this statute and no prior Attorney General Opinions in regard to any interpretation of this law. I therefore have no brief to present to you in conjunction with this request, other than to ask that you issue an opinion as hereinabove stated.

Thanking you in advance for your consideration of this request, I remain

Very truly yours,



Edwin E. Powell, Jr.  
Coryell County Attorney

EDP, Jr./sl

cc Mrs. Carol Mills, Executive Director EDC  
Mrs. Sara Hartin, City Attorney, Copperas Cove