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NLC-25

January 2, 2001

Honorable John Cornyn
Attorney General of Texas
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OPINION COMMITTEE

FILE # ML-41828-00

I.D. # 41828

Dear General Cornyn,

RE: Opinion regarding a county commissioner serving as a volunteer firefighter for an unincorporated city in the county

Please provide an opinion regarding whether a McCulloch County Commissioner may serve as a volunteer firefighter for Lohn, Texas, an unincorporated city located within McCulloch County. Lohn has a population of approximately 100 people.

The Commissioner's Court, as part of their annual budget, donates money to McCulloch County volunteer fire departments (VFDs) and to various community projects. There are six VFDs within the county and McCulloch County donates \$400.00 to each VFD. There are no stipulations or conditions placed on how the money is spent and the commissioners have no control over how the money is utilized. Generally, the money is used for equipment, fuel, tires, and/or equipment repair.

A newly elected county commissioner for McCulloch County serves as a member/volunteer fire fighter of the Lohn VFD and has done so since 1975. The commissioner receives no compensation for his services. From 1975-1976, he served as the fire chief and in 1999, he served as the treasurer.

All volunteer fire fighters for the Lohn VFD are "members." As a member, the commissioner responds to calls and attends monthly meetings, where equipment is discussed and needed repairs are made.

I'll be happy to answer any questions that may arise in preparing your opinion on this matter. Please don't hesitate to call me.

Sincerely,

Virginia K. Treadwell
Virginia K. Treadwell