

# SAN PATRICIO COUNTY

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**RECEIVED**

APR 21 2008

OPINION COMMITTEE April 15, 2008

FILE # ML-45647-08  
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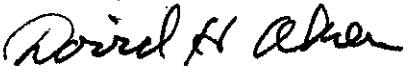
The Honorable Greg Abbot, Attorney General  
Office of the Attorney General  
Opinion Committee  
209 West 14<sup>th</sup> St.  
Austin, Texas 78711

**RQ-0701-GA**

Dear Attorney General Greg Abbott:

According to the Local Government Code § 81.002(a) members of the commissioners court take a special oath of office, commonly referred to as the "commissioners' oath," in addition to the constitutional oath of office. This statute appears to prohibit a member of the commissioners court from having any indirect or direct interest in any claim against or contract with the county. It appears that, despite compliance with chapter 171 of the Government Code regarding the filing of affidavits and abstentions, a member of the commissioners court would be barred from any interest in a county contract whether he voted on it or not.

The San Patricio County Commissioners' Court hired an architectural and construction firm to develop and construct a project for the county. The construction company, as a general contractor, accepted bids for the setting up of a fence. The general contractor selected the fence company that submitted the lowest bid. This fence company is owned by a San Patricio County Commissioner. Is there a conflict of interest in this situation?

Sincerely,  
  
David H. Aken  
County Attorney