

Christina Moreno

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OPINION COMMITTEE



FROM THE OFFICE OF THE

BANDERA COUNTY AUDITOR

November 24, 2015

FILE # 1L-47882-15
I.D. # 47882
RQ-0099-KP

VIA EMAIL: Opinion.Committee@texasattorneygeneral.gov

Office of the Attorney General
Attention Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

Re: Whether a County can enter into an agreement with Boys and Girls Club without violating Article III, Section 52 of the Texas Constitution.

Dear Sir or Madam:

The following facts, law and questions are submitted for your consideration and with the request that an opinion be rendered:

Authority for the Request

The Bandera County Commissioners Court has requested that Bandera County Auditor get an attorney general opinion regarding a contractual relationship with a non-profit agency. Sections 402.042 and 402.043 of the Texas Government Code specify who is authorized to request an attorney general opinion. A County Auditor is among those authorized to request an attorney general opinion.

Facts

The Bandera County Commissioners Court was approached in 2008 and asked by the Boys and Girls Club of Bandera County for financial assistance. Boys and Girls Club of Bandera County was awarded \$5,000 for the fiscal year 2008-2009 by the Bandera County Commissioners Court. Following is a summary of what Bandera County Commissioners Court has paid Boys and Girls Club of Bandera County:

2008-2009	\$ 5,000
2009-2010	\$ 5,000
2010-2011	\$10,000
2011-2012	\$10,000
2012-2013	\$10,000
2013-2014	\$15,500
2014-2015	\$10,000

Since 2008, Bandera County has not had a contract of any sort with Boys and Girls Club of Bandera County.

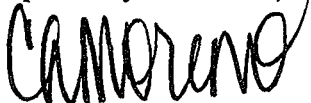
For Fiscal Year 2015-2016, Boys and Girls Club of Bandera County requested financial assistance. The Bandera County Auditor required that in order for payments to be made, Letter of Agreements must be approved by Commissioners Court before warrants may be issued for all "block grants". The Letter of Agreement cites a statute that proves the authority of Commissioners Court to fund the agencies requesting financial assistance. Bandera County Auditor was unable to find a statute that allows for Commissioners Court to fund Boys and Girls Club of Bandera County.

The request submitted by Boys and Girls Club of Bandera County for 2015-2016 is attached.

Questions

1. Is it a violation of the Texas Constitution, Article III, Section 52 to pay Boys and Girls Club of Bandera County?
2. Is there a statute that would allow Bandera County to fund Boys and Girls Club of Bandera County?

Respectfully submitted,



Christina Moreno