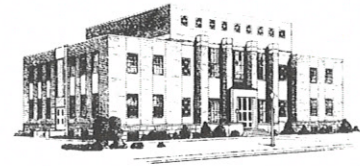




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By Opinion Committee at 11:31 am, Apr 21, 2022

April 21, 2022

Via Email to OPINION.COMMITTEE@OAG.TEXAS.GOV

The Honorable Ken Paxton
Attorney General of Texas
Attn: Opinions Committee
P.O. Box 12548
Austin, Texas 78711-2548

Dear Mr. Paxton:

The Cherokee County Attorney respectfully requests a Texas Attorney General Opinion regarding the disposal of culverts as salvage or waste under Texas Local Government Code 263.

Cherokee County Commissioners have a question about the disposal of old culverts which have been removed from real property, are no longer suitable to function as a culvert should and have no value for the purpose for which the culverts were originally intended.

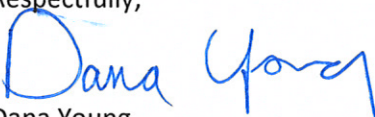
Cherokee County has routinely disposed of the old culverts as "salvage property" is to be disposed of under Section 263.152 of the Texas Local Government Code. The County posted notice in the paper and entertained bids as outlined in Section 263.152 of the Texas Local Government Code. That statute allows the commissioners court of a county to periodically sell the county's surplus or salvage property by competitive bid or auction. There have been instances where the bids for the used culverts do not exceed the cost of placing the notice in the local paper.

Section 263.151 of the Texas Local Government Code defines "salvage property" as personal property, other than items routinely discarded as waste that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.

The question the Commissioner's Court has is, do the old culverts meet the definition of "items routinely discarded as waste" which can be disposed of through a recycling program? The Commissioners remove approximately one culvert per week. The culvert has no value as a culvert any longer once removed. The culverts seem to fit into the category of waste more aptly than salvage as they are routinely discarded and have little to no value.

I appreciate your review of this matter and look forward to your opinion. If additional information is required, please feel free to contact my office.

Respectfully,


Dana Young

RQ-0455-KP

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