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Opinion Committee



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RQ-0146-JC

November 8, 1999

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FILE # mk-4111-99

I.D. # 4111

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Request for Attorney General Opinion

Dear Opinion Committee Representative:

Pursuant to a written question generated by the Parker County Treasurer recently I was asked whether or not the commissioners' court of Parker County, Texas, could appoint a purchasing agent since the provisions to so appoint such an individual fell within the specifics of Texas Local Government Code §262.011. I am therefore requesting an Attorney General's Opinion regarding the following questions:

QUESTIONS

#1

Is the sole manner and means of selecting a "purchasing agent" in Parker County, Texas, found in the provisions of §262.011 of the Texas Local Government Code, or may a Commissioners Court fill a Purchasing Agent position or otherwise appoint an individual to perform the same or similar tasks with an "agent to make a contract" by seeking authority under §262.001 of the Texas Local Government Code?

#2

May a county commissioners' court circumvent the provisions of §262.011 of the Texas Local Government Code by the appointment of an individual pursuant to §262.001 of the Texas Local Government Code? If so, would that agent have authority to enter into multiple contracts on behalf of the county or simply one (1) contract pursuant to §262.001 (a) and (b)? Would such an appointed agent be considered an employee of the county or an independent contractor?

#3

Is a "closed session" by the Parker County Commissioners' Court for the express purpose of hiring a "purchasing agent" a violation of the Texas Open Meetings Act because the selection process employed by the Commissioners Court did not comply with the provisions of §262.011 of the Texas Local Government Code.

Attached hereto is a complete brief which contains the facts of this particular situation and my conclusion with supporting analysis. Thank you for your assistance in this matter, and I look forward to your written opinion as soon as possible.

Best regards to you. I remain,

Very truly yours,



Glen Wilson

RGW/pb

Enclosure

CMRRR z 157 088 867

Cc: Honorable Jim Mullin
Honorable Mark Riley