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RECEIVED

JUL 11 2001

OPINION COMMITTEE

RQ-0401-JC

July 5, 2001

Hon. John Cornyn
Office of the Attorney General
Opinion Committee
Post Office Box 12548
Austin, Texas 78711-2548

... # ML-42065-01
I.D. # 42065

Re: Request for an Attorney General Opinion

Dear Sir or Madam:

Please consider this a request for an Attorney General's Opinion to consider the following issue:

Are golf towels given as a gift to Legislatures an authorized expenditure of public funds?

Based on the request of the Upshur County Commissioner's Court and the Upshur County Auditor, I am requesting that the Attorney General issue an opinion in the above referenced matter. Specifically the facts in the matter are following: As is the custom, several officials from Upshur County, the City of Gilmer, (Upshur County seat), and others attended the Upshur County Day in Austin. Obviously, this is an opportunity to meet with members of the Legislature while the Legislature is in session, presumed for educational purposes, as well as other bona fide Government purposes. During this trip, there were golf towels that were given to Legislatures as gifts. The towels had been prepared apparently at the direction of the City of Gilmer, and the Gilmer Industrial Foundation, which as I understand is a function of the City of Gilmer Government. It was requested that Upshur County pay one-half of the costs of the towels in the amount of \$443.77. The Motion to approve the payment was passed in Commissioner's Court and if the payment is authorized under the Law, the law in this particular, seems somewhat difficult to put one's finger on. Simply stated, Article 3, Section 52 of the Texas Constitution clearly indicates that it is not proper to spend public funds for anything other than a proper public purpose. The constitution clearly indicates that it is not proper to spend public funds for anything other than a proper public purpose. The constitution also seems to imply through the

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opinions that I was able to locate that there must be some quid pro quo for the expenditure of the money by the County. Certainly, arguments can be made on either side of this matter. Please issue an opinion in the matter as soon as possible.

Thank you for your cooperation and attention.

Sincerely,



Tim Cone

TC/mb

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COUNTY AUDITOR

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TO: TIM CONE
FROM: PAM LONG
DATE: April 16, 2001
RE: AG OPINION

Tim, the Commissioners Court requested that I seek an AG opinion regarding the legality of a particular expense. The question arises out of a request from the City of Gilmer for \$443.77 reimbursement for Golf Towels. The towels are inscribed with 5-color City of Gilmer Logo. They were given as gifts to legislators on Upshur County Day in Austin.

Judge Still spoke against the expense. First of all, we did not budget for this type of expense. Secondly, we are contributing to the Gilmer Industrial Foundation, which sponsored the trip. Finally, is it county business?

Motion passed to approve the payment, pending an AG opinion. Would you be so kind as to handle this matter? If you have any questions or if I can help in any way, please advise.

Pam Long