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January 13, 2003

RQ-0012-GA

The Honorable Greg Abbott
Texas Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711-2548

RE: Request For Attorney General's Opinion; Whether a member of the Board of Directors of Central Water Control and Improvement District can also be a paid employee of the Central Water Control and Improvement District.

Dear Attorney General Abbott:

Cental Water Control and Improvement District is located entirely within Angelina County. Cental Water Control and Improvement District is governed by Section §49 and Section §65 of the Texas Water Code. The District was created by a vote in 1963. It has consistently operated since 1963 as a water control and improvement district. The district furnishes water services to the certificated area for which it is responsible. There is no incorporated city, town or village located within the district boundaries; however, a small part of the district is within the extra-territorial jurisdiction of the city of Lufkin. The district is governed by a five-member Board of Directors. The five-member Board receives no remuneration for serving as directors of Cental Water Control and Improvement District, but only receives a small stipend of Twenty-Five (\$25.00) Dollars per month which is reimbursement for expenses for fuel going to and from meetings. Meetings are generally held once a month; however, it may be required, as it often happens, members occasionally must appear at more than one special meeting during the month. It is felt that twenty-five (\$25.00) is a reasonable amount to pay each director as compensation for expenses incurred to attend meetings and on occasion it is required that the directors view the facilities of the District.

One member of the Board of Directors, John O'Quinn, has for some time been paid as a part-time employee of the District, sometimes working up to (40) hours a week. I find no direct prohibition which indicates that John O'Quinn cannot serve both as a member of the Board of Directors and an employee of the District. The question is whether Mr. O'Quinn's position as both an employee of Cental Water Control and Improvement District and member of the Board of

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OPINION COMMITTEE

FILE # ML-42952-03

I.D. # 042952

Directors makes him a person who holds two (2) positions for remuneration with the State of Texas which would be a violation of the Texas Constitution, Art. 16 § 40 (copy attached). I do not believe that his part-time position causes him to be in violation of the conflict of interest statutes of §49.052 (copy attached) of the Texas Water Code. However, this opinion is requested so that this question can be resolved. I am requesting this opinion pursuant to Section §402 of the Texas Government Code.

I have reviewed the following Attorney General opinions and find no opinion that is in point. They are listed as follows:

Opinion No. JC-0197
Opinion No. DM-12

If you should have any questions, please do not hesitate to call my office.

Yours truly,



Ed C. Jones
County Attorney

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enclosures