



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 3, 1989

Mr. Joe Jack Mills
County Auditor
Dallas County
407 Records Building
Dallas, Texas 75202

LO-89-11

Dear Mr. Mills:

You have asked about the conclusion reached in LO-88-126. That letter stated that chapter 171 of the Local Government Code did not prohibit a county auditor from selling road materials to the county. Although the letter only addressed the applicability of chapter 171, you correctly suggest that the letter implied that there was nothing to prohibit a county auditor from entering into such a contract.

You point out that a county auditor must take an oath that states that he will not be personally interested in a contract with the county. Local Gov't Code 84.007(b)(2). You are correct in your suggestion that the oath would prohibit the contract discussed in LO-88-126. See Attorney General Opinion JM-1006 (1989). To the extent that LO-88-126 suggested that there would be no prohibition on a contract between the county auditor in his private capacity and the county, it is overruled.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/lcd

Ref: ID# 5532

cc: Honorable John W. Berry