



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 23, 1989

Honorable Randall L. Sherrod
Criminal District Attorney
501 16th Street
Canyon, Texas 79015

LO-89-17

Dear Mr. Sherrod:

You have requested an opinion from this office regarding the following questions:

(1) Prior to September 1, 1987, did a county have authority under article 2368a.1 of V.A.T.S. to issue certificates of obligation for the construction of a juvenile detention facility?

(2) If a county did have such authority, were the notice requirements of intention to issue certificates provisions of 2368a.1(8)(b) V.A.T.S. satisfied by a notice that stated the certificates would be issued, 'for constructing and equipping jail facilities,' so that funds derived from the sale of the certificates could be used for constructing and equipping a juvenile detention facility?

This office has additionally been informed that the certificates of obligation in question were submitted to and approved by the Attorney General pursuant to his statutory duties to review and approve bonds and similar obligations. Further, the certificates of obligation were subsequently sold and delivered, and the proceeds remain on deposit with the county's depository.

The Attorney General, pursuant to those statutory duties, considered the legality of all aspects of the issuance of the certificates of obligation before approving them. See V.T.C.S. art. 4398; 717k-8, § 3.002(b). Thus, it would not be appropriate for this office to readdress issues

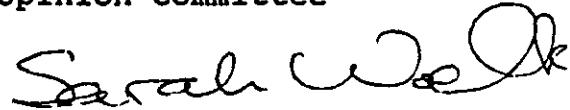
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previously reviewed in the course of the bond approval process. Moreover, your questions involve issues of fact which this office cannot resolve.

Very truly yours,



Rick Gilpin, Chairman
Opinion Committee



Sarah Woelk, Chief
Letter Opinion Section

Prepared by: Jim Thomassen

APPROVED: Opinion Committee

RG/SW/JT/bc

Ref: ID# 3233
RQ-1397