



## COUNTY OF ARANSAS

Office of the County Judge  
301 North Live Oak  
Rockport, Texas 78382

**C. H. "Burt" Mills, Jr.**  
*County Judge*

**TEL (361) 790-0100**  
**FAX (361) 727-2043**

February 11, 2014

### **PRESS RELEASE**

The following statements are my opinions and are not meant to represent the opinions of the other members of the Aransas County Commissioners Court.

On February 10, 2014, Michael E. Welborn, 36<sup>th</sup> District Attorney for Aransas County, Texas filed a petition that starts the process of having Richard Bianchi removed by the Courts from the office of County Attorney of Aransas County. Mr. Bianchi tendered his resignation to the County Commissioners Court in June 2013 in order to run for the County Court at Law Judge position in the 2014 Electoral process. His actions were in accordance with all state laws governing this process.

The holdover provision of the Constitution requires Mr. Bianchi to continue to serve in his elected office until such time that the Commissioner's Court replaces him. It is the Commissioners Court's actions or lack of action that keeps him in office, not a decision made by Mr. Bianchi. The Commissioners have chosen to let the electoral process determine his replacement for a number of reasons including the desire to not influence the elective process by naming an appointee that in turn could become a candidate for the office.

This authority is expressly given to the Commissioners Court by the Government Code. Apparently, Mr. Welborn doesn't like the law or the decision of the Commissioners Court. In a letter January 8<sup>th</sup>, 2014 to the Commissioners Court, he acknowledged that this course of action was not a technical violation of the law, but admonished the court to "do the right thing". This is his opinion, and I have considered his opinion.

It is interesting to note that Mr. Welborn has chosen to file against Mr. Bianchi and not the Commissioners Court. Aransas County has been advised by outside counsel that the District Attorney's position is not supported by the law.

It would be speculation on my part to assign a motive to Mr. Welborn's actions; however it is becoming harder and harder for me to believe that this action is not politically motivated in an attempt to influence the upcoming primary election. The tarnishment of Mr. Bianchi's reputation and the timing of the District Attorney's action is suspect at best. The action of the District Attorney, both real and threatened should be investigated by the Attorney General's office and the State Bar Association.

Aransas County Commissioners Court has a solid history of replacing elected officials who resign. We know the law and follow it while considering what is in the best interest of our citizens. Aransas County should vigorously defend the official acts of our elected officials, particularly when we believe they are in accordance with the authority of their office.