



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Gordon C. Cass  
County Attorney,  
Lampasas County  
Lampasas, Texas

Dear Sir:

Opinion No. 0-1793  
Re: Common school district --  
W. P. A. project gymnasium --  
Authority of Board to pay  
to teacher additional com-  
pensation as supervisor.

We have your letter of December 8, 1939, submitting  
for a legal opinion the following question, to-wit:

"The School Board of the Kempner School District, No. 4 of Lampasas County has secured a project under the Works Project Administration covering the construction of a gymnasium on the Kempner School grounds. The school board has hired the principal of their school to serve as sponsor superintendent of the project. This is in addition to his regular duties as principal. For his additional services the school board has agreed to pay him \$100.00 a month, in addition to his regular salary, out of the building fund which is set up in the project.

"Does the school board have the authority to hire the principal of their school to serve as sponsor supt. of a project and pay him the sum of \$100.00 per month, in addition to his regular salary?"

It is the opinion of this department that your inquiry should be answered in the affirmative.

Our conclusion is based upon general considerations with respect to implied powers of corporations, and especial-

ly public municipal corporations, and more specifically upon the authority of *Adams v. Miles*, 300 S. W. 211, affirmed 41 S. W. (2) 21, wherein it is said:

"In article 2827, it is provided, in effect, that 'state and county available' school 'funds shall be used exclusively for the payment of teachers' and superintendents' salaries, fees for taking the scholastic census, and interest on money borrowed' for those purposes; that local school funds derived from 'district taxes' and all other local sources may be used for the above enumerated purposes, and 'for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employees, for buying school sites, buying, building and repairing and renting school houses, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county districts to be approved by the county superintendent; provided, that when the state available school fund in any city or district is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.'

"The effect of these statutory provisions is to authorize the trustees to expend the school funds derived from local sources, and the surplus from the state and county available school funds, for any and all the purposes enumerated, and for such other purposes as in the discretion of the board of trustees may be reasonably necessary in the maintenance and operation of the schools."

In giving this opinion we have taken into consideration your further advice that the duties of the "Sponsor Superintendent" pertain to bookkeeping, supervising purchases, keeping records, hiring labor, and the like, and that the services are to be performed from

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seven until nine o'clock in the morning, and from four until six o'clock in the afternoon, as well as on Saturdays and on other school holidays. In other words, the services of the Sponsor Superintendent will in no wise interfere with the services of a licensed engineer, who is to have direct supervision of structural work in compliance with our statutes governing such matters.

Trusting that this will have answered your inquiry satisfactorily, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Ocie Speer*  
Ocie Speer  
Assistant

OS-MR

RECEIVED JAN 27, 1940

*Gene G. Mann*  
ATTORNEY GENERAL OF TEXAS

