



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Maurice Bullock
County Attorney
Pecos County
Pecos, Texas

Dear Sir:

Opinion No. 0-3119
Re: Does existing law authorize Pecos County to buy automobiles, pick-ups, or trucks to be used by the county commissioners acting as their own road superintendents and likewise is the county authorized to pay the expenses of such commissioners incurred in operating their own private automobiles when acting as their own road superintendents?

Your recent request for an opinion of this department upon the above stated question has been received.

We quote from your letter as follows:

"I find that in your Opinion No. 0-752 dated May 16, 1939, addressed to the Honorable Robert F. Cherry, County Attorney, Bosque County, you rendered the following ruling:

"'You are respectfully advised that it is the opinion of this department that the commissioners' court in counties operating under the general road law of this state are not empowered or authorized to buy automobiles, pick-ups or trucks for the county to be used by the commissioners in the performance of their duties as county commissioners, nor is the county authorized to pay the expenses of such commissioners, incurred by them in the operation of their own private automobiles in the conduct of their office.'"

Pecos County is operating under the general road law. For several years each of the County Commissioners of Pecos County, Texas, has been

performing the actual services of personally superintending and directing all operations of constructing, maintaining and operating county roads within his respective precinct. In other words, they take the position that in this manner they can dispense with the services of a superintendent for each precinct by performing these duties personally rather than by hiring an employee for this work. It has been suggested that under these circumstances the law as expressed in your opinion above referred to does not apply to the situation in Pecos County.

"Will you please inform us at your earliest convenience whether or not in your opinion existing law authorizes Pecos County to buy automobiles, pick-ups, or trucks to be used by the County Commissioners acting as their own road superintendents and likewise whether or not the county is authorized to pay the expenses of such Commissioners incurred by them in operating their own private automobile when acting as their own road superintendent."

Pecos County is operating under the general road law. The fact that the commissioners of said county are performing the actual service of personally superintending and directing all operations of construction, etc., as above indicated, within their respective precincts is immaterial. This department has heretofore ruled upon a number of questions very similar to the question presented in your inquiry. For your information, we are enclosing herewith copies of our opinions Nos. 0-752, 0-996, 0-1918 and 0-2562, touching the question considered here.

In view of the above mentioned opinions and the authorities cited therein, we respectfully answer your question in the negative.

Trusting that we have fully answered your inquiry, we are

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Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams
Ardell Williams
Assistant

AW:GO:wc

ENCLOSURE

APPROVED FEB 12, 1941
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB Chairman