



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable W. P. Herms, Jr.
County Attorney
Waller County
Hempstead, Texas

Dear Sir:

Opinion No. 9-3876

Re: Commissioners' Courts have authority to rent office space and pay the regular monthly utility bills, such as gas, lights and water of Federal Government agencies engaged in the administration of relief of unemployed and needy people. Commissioners' Courts have authority to furnish office space, lights, gas and water for county agricultural agent.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"The question has arisen as to whether this county can legally pay certain expenses of Federal Government Agencies, namely, Farm Security Administration, School Lunch Project, AAA Office, NYA Home, County Agents' Office and Relief Office.

"1. The Farm Security Administration is housed in a privately owned building the rent for which is paid by Waller County, together with all utility bills--lights, gas, and water.

"2. The county rents a privately owned building for School Lunch Project and pays utility bills--lights, gas, and water.

"3. This county pays rent on NYA Home here.

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"4. This county furnished utilities-- lights, gas, and water, for County Agents office, AAA office and Relief office, all of which institutions are housed in one building belonging to this county, but separate from the Court House building and adjacent thereto.

"I shall greatly appreciate your opinion as to the legality of each of the above expenditures."

Section 1 of Article 2372e-2, Vernon's Annotated Texas Civil Statutes, provides:

"Section 1. The County Commissioners Courts and the City Commission of any incorporated town or city of this State are hereby authorized to lease, rent, or provide office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief to the unemployed or needy people of the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas, and water; and when in the opinion of a majority of a Commissioners Court of a county such office space is essential to the proper administration of such agencies of either the State or Federal Governments, said Court is hereby specifically authorized to pay for same and for the regular monthly utility bills for such offices out of the County's General Fund by warrants as in the payment of such other obligations of the county."

Opinion No. C-2217 (conference opinion No. C-3099) of this department construes the above quoted statute. We quote from said opinion as follows:

"You will note that the authority extended by the preceding article is limited

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to the provision of office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people of the State of Texas. As to Federal agencies so engaged, your fourth question and that part of the second relating to utility bills is answered in the affirmative. A Commissioners' Court could not extend such assistance to any Federal or State agency not so engaged."

We do not have sufficient information relative to the Farm Security Administration and NYA here to determine whether or not such Federal agencies are engaged in the administration of relief of the unemployed and needy people of this State, and the answer to these questions will be determined by the facts.

Our information relative to the Federal School Lunch Project is meagre. However, we understand that the purpose of the Federal School Lunch Project is to provide meals for needy children; if this be true we think the Commissioners' Court would have authority to pay office rent, lights, gas and water bills for such Federal agency.

It is our opinion that the Commissioners' Court would have authority to pay office rent, gas, light and water bills for the Relief office.

It is our further opinion that the Commissioners' Court would have authority to pay the expenses described for the County Agricultural Agent's office under authority of Article 164, Vernon's Annotated Texas Civil Statutes. See opinion No. 0-2516 of this department, a copy of which is enclosed herewith for your information, which opinion also holds that the Commissioners' Court is not authorized to expend county funds for the housing of the Agricultural Adjustment Administration of the Federal Government.

We understand that the Agricultural Adjustment Administration of the Federal Government is not engaged in the administration of relief of the unemployed and needy

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people of this State. It is therefore our opinion that the Commissioners' Court would have no authority to expend county funds for office rent, lights, gas and water bills of the AAA.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APPROVED AUG 26 1911

Samuel Miller

FIRST ASSISTANT
ATTORNEY GENERAL

By

Wm. J. Fanning

Wm. J. Fanning
Assistant

OFFICE

ENCLOSURE

