



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Charles R. Martin  
County Auditor  
Harrison County  
Marshall, Texas

Dear Sir:

Opinion No. 9-4388

Re: Does the Commissioners' Court have the legal right to compensate such members of the board of health who are actively engaged in health work under such authority as that set forth and in doing so render a service to the county?

Your letter of January 31, 1942, requesting the opinion of this department on the above stated question reads as follows:

"Under Article 4435.2248-49, Vernon's Civil Statutes the Commissioners Court of any county in which an unincorporated town or village may be situated, shall have power to designate the lines of such town or village, and may appoint a board of health for it, consisting of three persons, two or more of whom shall be regular practicing physicians. The article further provides that when such appointments are made, the State Health Officer shall be notified.

"QUESTION: Does the Commissioners' Court have the legal right to compensate such members of the Board who are actively engaged in health work under such authority, quoted above, and in doing so rendering a service to the county?"

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Article 4435, Vernon's Annotated Civil Statutes provides:

"The Commissioners' Court of any County in which an unincorporated town or village may be situated, shall have power to designate the lines of such town or village, and may appoint a board of health for it, consisting of three persons, two or more of whom shall be regular practicing physicians. Said Court when such appointments are made shall at once notify the State Health Officer. Said board shall elect one of their members as presiding officer; and such presiding officer, if the premises of any citizen residing within the prescribed limits of said town or village are in an unclean or unhealthy condition, shall notify him of the fact, and that he must proceed at once to clean the same."

Article 4418f, Vernon's Annotated Civil Statutes provides in part:

". . . . The Commissioners' Court of any County shall have the authority to appropriate and expend money from the general revenues of its County for and in behalf of public health and sanitation within its County."

In view of the foregoing statutes you are respectfully advised that it is the opinion of this department that the Commissioners' Court has legal authority to compensate the members of a board of health appointed by virtue of Article 4435, supra, for services actually performed by the members of the board in behalf of public health and sanitation. Whether or not such members shall be compensated for their services is a matter wholly within the discretion of the Commissioners' Court.

Yours very truly

ATTORNEY GENERAL OF TEXAS

*Ardell Williams*

By Ardell Williams  
Assistant

*Howell*

APPROVED FEB 20 1942

ATTORNEY GENERAL

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