



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

February 12, 1953

Hon. Harold Vittitoe
County Attorney
Brooks County
Falfurrias, Texas

Opinion No. S-05

Re: Authority of the commissioners' court to pay the cost of publishing the complete minutes of all special and regular meetings of the court in a newspaper of general circulation.

Dear Sir:

You have requested an opinion on the following question:

"Is the Commissioners Court of Brooks County authorized to have published in the Falfurrias Facts, a newspaper of general circulation in said County, at said County expense, the complete minutes of all special and regular meetings of said Court?"

The Texas courts have repeatedly held that the commissioners' court is a court of limited jurisdiction and has only such powers as are conferred upon it, either by express terms or by necessary implication, by the statutes and Constitution of Texas. Childress County v. State, 127 Tex. 343, 92 S.W.2d 1011 (1936); Von Rosenberg v. Lovett, 173 S.W. 508 (Tex.Civ. App. 1915, error ref); Roper v. Hall, 280 S.W. 289 (Tex.Civ.App. 1925).

We find no statute or Constitutional provision that would authorize the commissioners' court, either by express terms or necessary implication, to pay the costs of publishing the complete minutes of all special and regular meetings of the court in a newspaper of general circulation in the county. Therefore, your question is answered in the negative. This, of course, does not mean that the minutes of the Commissioners' Court shall not be made public as prescribed by statutes and opinions of this office, and all newspapers as well as the public generally shall have access to

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these minutes and may publish all or part as they so desire as a public service.

SUMMARY

The commissioners' court does not have authority to pay the costs of publishing the complete minutes of all special and regular meetings of the court in a newspaper of general circulation in the county. However, this does not prevent any newspaper or individual from having access to the proceedings and publishing as a public service any portion they desire.

Yours very truly,

APPROVED:

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