



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

March 25, 1957.

Honorable A. C. Spencer,
Executive Director,
Texas State Soil Conservation Board,
1012 First National Bank Building,
Temple, Texas.

Opinion No. WW-79

Re: Authority of the Commissioners' Court of a County to pay the salaries of a secretary and business manager for a Soil Conservation District.

Dear Mr. Spencer:

You have requested an opinion on the following question:

"Is it legal for the Commissioners' Court of a County to use County funds to pay part or all of the cost involved in providing a secretary or business manager for a soil conservation district?"

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. 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); Hill v. Sterrett, 252 S. W. 2d 766 (Tex. Civ. App. 1952, error ref., n.r.e.).

We have carefully examined the provisions of Article 165a-4, Vernon's Civil Statutes (State Soil Conservation Law) and have failed to find any provision which would authorize the Commissioners' Court of the county to expend county funds for the purpose of providing a secretary or business manager for a soil conservation district. On the contrary, Section 6 authorized soil conservation supervisors to "employ such officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation."

Likewise, we have examined the provisions relative to the powers of the Commissioners' Court and have failed to find any statute which would authorize the county to expend county funds for the purpose mentioned in your request. In view of the foregoing, you are advised that the Commissioners' Court of a county is not authorized to use county funds to pay for the cost involved in providing a secretary or business manager for a soil conservation district.

SUMMARY

The Commissioners' Court of a county is not authorized to use county funds to pay for the cost involved in providing a secretary or business manager for a Soil Conservation District.

Very truly yours,

WILL WILSON
Attorney General

By *John Reeves*
John Reeves
Assistant

JR:F:rh

APPROVED:

OPINION COMMITTEE
H. Grady Chandler, Chairman