



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

October 7, 1974

The Honorable Ed Keys  
County Attorney  
Ward County  
Monahans, Texas 79756

Opinion No. H- 413

Re: Whether a county may  
contribute to the construction  
of a swimming pool by a  
school district.

Dear Mr. Keys:

You have requested our opinion concerning whether Ward County may contribute to the construction of a swimming pool by the Monahans-Wickett-Pyote Independent School District on land owned by the district and located within the County.

Article 608lt, V. T. C. S., provides:

Section 1. In this Act, 'governmental unit' means a city, town, independent school district, or any other political subdivision.

Section 2. Any governmental unit may by agreement establish, provide, maintain, construct, and operate jointly with another governmental unit located in the same or adjacent counties, playgrounds, recreation centers, athletic fields, swimming pools, and other park and recreational facilities located on property now owned or subsequently acquired by either of the governmental units.

This statute authorizes agreement between governmental units located in the same or adjacent counties for the construction of swimming pools upon property owned by "either of the governmental units." Since all elements

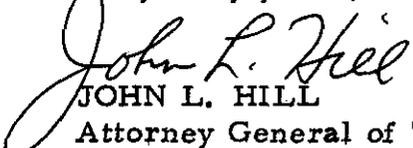
required by the statute are present in the instant situation, it is our opinion that the statute expressly authorizes the county to enter into an agreement to contribute to the construction of the swimming pool. We observe that Art. 6081t contemplates continuing joint responsibility for the facility, so that agreement should provide for some continued participation by the county.

A properly drawn agreement will not violate Art. 3, § 52 of the Texas Constitution, which prohibits a loan of credit or grant of public money by a county to an "individual, association, or corporation," because the construction of such recreation facilities can be the object of a proper public purpose for both, and both parties will receive a quid pro quo resulting in their mutual benefit. Attorney General Opinions H-93 (1973), H-109 (1973), H-257 (1974), H-403 (1974); San Antonio River Authority v. Sheppard, 299 S. W. 2d 920 (Tex. 1957).

SUMMARY

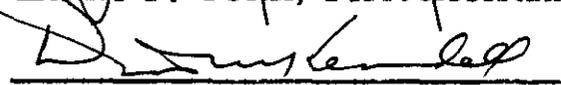
Article 6081t, V. T. C. S., authorizes a county to agree to contribute to the construction of a swimming pool by an independent school district on land owned by the school district and located within the county, so long as the agreement serves a proper public purpose for both entities, results in an adequate benefit to both, and provides for joint participation in the operation of the pool.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee

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