



**KINNEY COUNTY ATTORNEY**

TULLY SHAHAN  
P.O. BOX 365, 501 SOUTH ANN STREET  
BRACKETTVILLE, TEXAS 78832-0365  
PHONE (830) 563-2240  
FAX (830) 563-2404



RECEIVED

October 24, 2001

OCT 24 2001

OPINION COMMITTEE

RQ-0456-JC

Susan P. Gusky  
Opinion Committee Chair  
Attorney General's Office  
State of Texas  
P.O. Box 12548  
Austin, Texas 78711

FILE # ML-42254-01  
I.D. # 42254

RE: Whether or not a county has the authority to provide for a confirmation election if the County finds that is for a public purpose, and if so, does it contravene Article V, Section 18 of the Texas Constitution?

Dear Ms. Gusky:

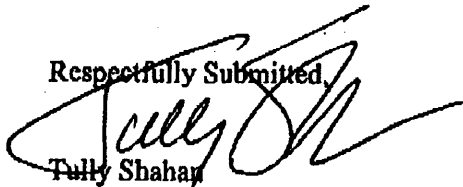
A question has arisen in Kinney County as to whether or not the county has the authority to expend funds from its general revenue fund to pay for a confirmation election in a newly-created groundwater district in Kinney County. The Commissioners Court wishes to do so if it complies with the Texas Constitution in serving a public purpose for the people of Kinney County. The legal authority is unclear as to whether or not the county is legally able to expend these funds, and if so does it contravene Article V Section 18 of the Texas Constitution? Enclosed with this letter is a legal brief detailing the factual situation and an overview of the relevant law addressing this matter.

Kinney County would request that this opinion be expedited as the Kinney County Groundwater District election is on January 12, 2002.

Sincerely,

Tully Shahan  
Kinney County Attorney

Respectfully Submitted,



Tully Shahar

Kinney County Attorney

State Bar No. 18087500

Kinney County Courthouse

501 South Ann Street

P.O. Box 367

Brackettville, Texas 78832

830-563-2240 phone

830-563-2404 fax