



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Max Starcke  
General Manager  
Lower Colorado River Authority  
Austin, Texas

Dear Sir:

Opinion No. O-2971

Re: Authority of Board of Directors of Lower Colorado River Authority to adopt resolution announcing policy of Board with respect to payment of prevailing wages and recognition of employees' right to organize and bargain collectively.

Your letter of December 10 requests the opinion of this department upon the authority of the Board of Directors of the Lower Colorado River Authority to adopt the following resolution:

"BE IT RESOLVED that the members of the board of directors of the Lower Colorado River Authority at this time reaffirm and make a part of the records of the Authority, in this statement of attitude and policy in regard to labor; and

"BE IT FURTHER RESOLVED that this policy is declared to be as follows:

"1. It shall at all times be the policy of this body to pay prevailing wages.

"2. That the right of employees to organize and bargain collectively through representatives of their own choosing, as established by Federal legislation, is recognized by this body, and all employees of this Authority are assured of this right.

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"3. That the management of the Authority is hereby instructed by the directors to notify all employes that this right to collective bargaining is recognized."

The Act creating the Lower Colorado River Authority confers power upon the Board:

"(m) To appoint officers, agents and employees, to prescribe their duties and to fix their compensation;"

Item 1 of the Resolution does no more than declare the present policy of the Board with respect to the payment of wages. It merely embodies the attitude which the Board has adopted in respect to the matter of fixing the compensation to be paid employees of the Authority. This is clearly within the power of the Board under Section "m" above quoted.

Item 2 of the Resolution merely affirms that the present policy adopted by the Board is to recognize the right of its employees to organize and bargain collectively. No attempt is made to bind the Board, irrevocably, to a stated course of action calculated to destroy or impair the free exercise of the judgment and discretion of the Board in respect to the performance of its duties. (See our opinion No. O-2613)

You are advised, that, in our opinion, the adoption of such Resolution is within the power of the Board.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*R. W. Fairchild*

R. W. Fairchild  
Assistant

RWF:LM

APPROVED DEC 18, 1940

*Gerald Mann*

ATTORNEY GENERAL OF TEXAS

