



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable L. D. Griffin  
County Attorney  
Jim Wells County  
Alice, Texas

Dear Sir:

Opinion No. 0-6385  
Re: Under facts submitted, has  
the Commissioners' Court of  
Jim Wells County authority  
to employ a person as a  
"case worker"?

Your request for an opinion on the above stated ques-  
tion has been received.

We quote from your letter as follows:

"It is my understanding that Jim Wells County  
has a population of 20,239 based on the 1940 Federal  
Census Report.

"Possibly less than 27,000,000 assessed valua-  
tion at the present time.

"Has such a County, through its Commissioners'  
Court authority to employ a person as a 'CASE WORKER'  
where such county has no Relief Organization or  
Health Unit created by the Commissioners' Court in  
conjunction with the Governing Body of the City of  
Alice, its County Seat?

"The Commissioners' Court has requested an opin-  
ion from me on this question and I need some help.

"It is my opinion that there is no such Statute  
in Texas, authorizing the Commissioners' Court of  
such Counties as JIM Wells to expend Public funds  
of the County for such imaginary position.

"...."

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Section 18, of Article V of the Constitution of this State, reads in part as follows:

" . . . The County Commissioners, as chosen, with the county judge, as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed."

The Supreme Court of Texas, in Bland vs. Orr, 90 Texas 495, construes this provision, a part of which opinion is quoted in Opinion No. 0-1919, by this department, as follows:

"The Constitution does not immediately confer jurisdiction upon these (meaning commissioners) courts over the county business and subject that jurisdiction to 'such regulations as the Legislature may prescribe,' nor authority generally over such business. The provision from Section 8 of the instrument (already quoted) prescribes: first, that the commissioners' court shall exercise such powers and jurisdiction over all county business as is conferred by the Constitution. . . . It also gives them such powers as are conferred 'by the laws of the State.' . . ."

As stated in this opinion, it appears to be settled law of this State that the commissioners' court does not have general control over county business, but only such control as is conferred by the Constitution and the laws of this State.

As far as we are able to determine, there is no statutory authority for the commissioners' court to employ a person as a "case worker" under the facts submitted herein.

It is the opinion of this department that the commissioners' court is not authorized to employ a case worker under the facts submitted in your request. We are enclosing a copy of our opinion No. 0-1919, a part of which we think is in support of our position taken here.

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Trusting the foregoing answers your request, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) Fred C. Chandler  
Assistant

FCC:db:fb  
ENC

APPROVED JAN 29, 1945  
(s) Carlos Ashley  
FIRST ASSESTANT  
ATTORNEY GENERAL

APPROVED OPINKON COMMITTEE  
BY (s) BWB, CHAIRMAN