



**THE ATTORNEY GENERAL  
OF TEXAS**

GROVER SELLERS

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WILL WILSON

ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable R. F. Robinson  
County Attorney  
Willacy County  
Raymondville, Texas

Dear Sir:

Opinion No. 0-6654

Re: Authority of Commissioners' Court  
under general road law to purchase  
pick-up trucks, dump trucks or  
passenger vehicles for use of county  
commissioners in supplying materials  
for county road grading machinery.

We have received your recent request for an opinion,  
quoted as follows:

"The Commissioners of this County are finding it difficult to secure the services of a capable man to perform road work with the necessary machinery and equipment, without providing a dump truck or pick-up truck in which to carry necessary supplies to maintainers, and trucks. Due to the scarcity of tires and vehicles, it is next to impossible to find a capable man to handle the maintenance of the roads who is in position to supply a passenger car or pick-up in which to carry oil, gasoline and other supplies to the maintainers.

"Will you kindly advise me whether or not, in your opinion, County Commissioners have the right, under the direction of the Commissioners' Court to purchase with County funds, pick-up trucks or dump trucks or passenger vehicles to be used by the County Commissioners or their employees for the purpose of supplying materials for County road grading machinery.

The population of Willacy County is 13,230 inhabitants according to the 1940 Federal Census.

After a careful search of the statutes we are unable to find any special statute, or road law, under which Willacy

County operates, therefore, the general road law is applicable to Willacy County.

Commissioners' Courts are courts of limited jurisdiction, in that their authority extends only to matters pertaining to the general welfare of their respective counties, and their powers are only those expressly or impliedly conferred upon them by the Constitution and statutes of the State. Also, Commissioners' Courts have implied authority to do what may be necessary in the exercise of the duties or powers conferred upon them. See Tex. Jur., Vol. 11, pps. 565-566.

Article 2351, Revised Civil Statutes of Texas, 1925, provides, among other things, that the Commissioners' Court shall:

". . . .

"3. Lay out and establish, change and discontinue public roads and highways.

"4. Build bridges and keep them in repair.

". . . .

"6. Exercise general control over all roads, highways, ferries and bridges in their counties."

Article 6741, Revised Civil Statutes of Texas, 1925, provides as follows:

"The commissioners court may make and enforce all reasonable and necessary rules and orders for the working and repairing of public roads, and to utilize the labor to be used and money expended thereon, not in conflict with the laws of this State. Said court may purchase or hire all necessary road machinery, tools or teams, and hire such labor as may be needed in addition to the labor required of citizens to build or repair the roads."

We deem it a reasonable assumption that the transporting of oil, gasoline, and other supplies to the road maintenance machinery is a vital and necessary function in the establishment and maintenance of a county's road system. Also, the hauling of rock, sand, gravel, and other necessary materials would be equally as necessary a function and duty in the establishment and maintenance of such road system. We believe that a pick-up truck and a dump truck would each have a useful and necessary part to play in the discharge of the next

above mentioned duties, but we do not believe that a passenger vehicle is, by its very nature, suited to the needs herein set out.

Therefore, it is the opinion of this department that the Commissioners' Court of Willacy County has the authority to purchase out of the Road and Bridge Fund of the county pick-up trucks and dump trucks to be used for the purpose of supplying materials for the road grading machinery of the County. On the other hand, we do not believe such court has the authority to purchase passenger vehicles to be used by the County Commissioners, or their employees, for the purposes outlined by you.

We trust the forgoing fully answers your question.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By s/Robert L. Lattimore, Jr.  
Robert L. Lattimore, Jr.  
Assistant

RLL:LJ:wc

APPROVED JUN 25, 1945  
s/Carlos C. Ashley  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman