



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

June 16, 1947

Honorable I. Predecki
County Auditor
Galveston County
Galveston, Texas

Opinion No. V-256

Re: Authority of Commissioners' Court to purchase office furniture for a county commissioner's office to be located in his precinct.

Dear Sir:

We refer to your letter of recent date acknowledged by the Attorney General on June 5, 1947, which reads in substance:

The Commissioners' Court recently passed an order authorizing the purchase of desks, tables and seven chairs at an estimated cost of \$546.00.

This office furniture is to be used by the county commissioner of the 4th precinct which comprises the mainland of Galveston County, and extends to the Harris and Brazoria County lines, and is to be used by such commissioner in a building located at Dickinson, Galveston County, twenty miles from the county seat.

Office space for the county commissioners was assigned some years ago in the county court for their use.

Your opinion is requested as to the legality of the expenditures above set out.

Article 2348, V. C. S., provides:

"The regular terms of the commissioners court shall be commenced and be held at the court house on the second Monday of each

month throughout the year and may continue in session one week; provided the court need not hold more than one session each quarter if the business of the court does not demand a session. Any session may adjourn at any time the business of the court is disposed of. Special terms may be called by the county judge or three of the commissioners, and may continue in session until the business is completed."

The powers and authority of the County Commissioners' Court are enumerated in the following several sections of the Constitution: Article V, Sections 18, 20, 21, 23, 24, 28 and 29. It is a well-established principle that the Commissioners' Court has no power or authority except that conferred on it by the Constitution or statutes of this state. *Bland v. Orr*, 90 Tex. 492, 39 S. W. 558; and *Anderson vs. Ash*, 99 Tex. 447, 90 S.W. 872; *Baldwin v. Travis County*, 88 S.W. 484; *Von Rosenberg vs. Lovett*, 173 S. W. 528 (writ ref.). In other words, the Commissioners' Court is one of limited jurisdiction. Consequently, it can assert no authority nor exercise any power unless there be some express or implied statutory or constitutional grant thereof.

An examination of the laws and cases concerning the powers and the meetings of a Commissioners' Court reveals no statute specifically authorizing such court to purchase office furniture to be used by a county commissioner at a place other than the courthouse or at the county seat where commissioners' court shall be held, nor do we find any statute from which such power or authority may be implied. See: Articles 1602, 1603, 1605, 3899, 3899b, 3912e-4, V. C. S. Furthermore, we are apprised of no statute authorizing expressly or by implication a commissioners' court to furnish office space or office furniture to the individual members of a commissioners' court to be provided or located in their respective precincts.

Accordingly, it is the opinion of this office that a Commissioners' Court is without authority to purchase office furniture to be used to furnish an office for a county commissioner whose office is located at a place other than at the county courthouse or the county seat where commissioners' court shall be held. Article 2348, V. C. S.

SUMMARY

A Commissioners' Court is without authority to purchase office furniture to be used to furnish an office for a county commissioner whose office is located at a place other than at the county courthouse where Commissioners' Court shall be held. Article 2348, V. C. S.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Chester E. Ollison*
Chester E. Ollison
Assistant

APPROVED

Price Daniel
ATTORNEY GENERAL

CEO:WB:jrb