



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

August 2, 1968

Honorable Fred West
County Attorney
Lubbock County Courthouse
Lubbock, Texas

Opinion No. M- 264

Re: Whether the County Commissioners' Court has authority to act as the community action agency under the 1967 amendments to the Economic Opportunity Act, and related questions.

Dear Mr. West:

You have requested our opinion on the following questions:

- "1. Does the Commissioners' Court have the authority to act as the community action agency?
- "2. Could the Commissioners' Court designate another group to serve as the community action agency?
- "3. If the Commissioners' Court did designate another group, what amount of control would the Court have over such a group that they designated to serve as the Community Action Agency?"

The Bulletin on Organizing Communities for Action, setting out the effect of the 1967 amendments to the Economic Opportunity Act, published by the Office of Economic Opportunity on pages 23 and 24 of Pub.Law. 90-222, Sec. 212, states the specific powers and functions of community action agencies and on pages ii and iii of Appendix B, 4 of said Bulletin, twenty-four projects and activities of community action agencies are set forth. These agencies are required to plan, conduct, administer, and evaluate such community projects as day care and preschool, literacy courses and other adult basic education, legal advice and representation, consumer education, employment and manpower training, assistance to small neighborhood businesses and many others. On cited page ii, it is

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expressly stated that OEO must be assured that the range of choices will not be arbitrarily curtailed by limitations on the community action agency's legal powers. We find no constitutional or statutory authority for commissioners' courts in Texas to exercise such powers and functions or to engage in these activities. The Bulletin recognizes on pages 7 and 11 that many political jurisdictions may not be able to serve as community action agencies because of limitations in their legal powers to meet statutory and administrative requirements. Substantial constitutional and statutory amendments would be required in Texas before OEO could be assured that commissioners' courts could undertake either directly or by contract with other organizations the wide range of activities and projects listed and required by such federal agency.

Texas Constitution, Article V, Section 18, provides that the Commissioners Court shall exercise such powers and jurisdiction over all county business as is conferred by the Constitution and the laws of the State. The Commissioners' Court thus has only the powers granted by the Constitution and by the statutes of Texas. Canales v. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948).

In 15 Texas Jurisprudence 2d 265, Counties, Section 37, the following is stated:

"The Constitution declares that the Commissioners' Court shall exercise such powers and jurisdiction over all county business as is conferred by the Constitution and the laws of the State. Under this provision, the powers of the Commissioners' Courts are limited strictly to county business. The Legislature has no authority to enlarge their powers or jurisdiction to other activities, and any attempt to do so is void."

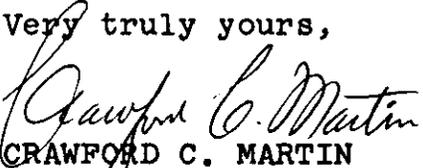
We therefore are necessarily required to answer your first two questions in the negative, and consequently an answer to question No. 3 is not required.

S U M M A R Y

The Commissioners' Court does not have the authority, under the Constitution or laws of the State of Texas, to act as the community action agency and is not authorized to designate another group to serve as the community action agency under the 1967 Amendments to the Economic Opportunity Act.

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Very truly yours,


CRAWFORD C. MARTIN

Attorney General of Texas

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APPROVED:
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