

RQ-286



115# 14483
MJ

Office of the Criminal District Attorney
Wichita County, Texas

BARRY L. MACHA
Criminal District Attorney
Board Certified Criminal Law
Texas Board of Legal Specialization

December 2, 1991

Dan Morales
Attorney General of the State of Texas
Supreme Court Building
P. O. Box 12548
Austin, TX 78711

RECEIVED
DEC 16 91
Opinion Committee

Re: Request for Attorney General's Opinion

Mr. Morales:

I respectfully request your opinion regarding the following questions:

- 1) May a Commissioners Court require that no item of business can be placed on their agenda except by approval and request of a member of the Commissioners Court?
- 2) May a Commissioners Court indefinitely refuse to consider budgetary requests by excluding such requests from the agenda?
- 3) Can a Commissioners Court require that all expenditures, except purchases under \$150.00, be approved in advance by Commissioners Court orders? If so, must that requirement be applied uniformly to all departments, including the County Commissioners themselves?
- 4) Is it necessary for a County official to obtain permission of the Commissioners Court in order to expend budgeted amounts already approved in the annual budget line items by the Commissioners Court as long as the expenditures are lawful and do not exceed the amounts budgeted?

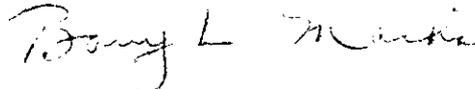
Although there is no clear authority resolving these issues, it would appear that the Commissioners Court may control access to the agenda, subject an abuse of discretion. Furthermore, the Court could also require that expenditures above a certain amount be approved in advance. Where, however, a line item contains sufficient funds for an expense reasonably related to county business, the Commissioners Court has a duty to ministerially approve the request.

ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY

Letter to Dan Morales
December 2, 1991
Page 2

In light of the lack of pertinent legal authority, I request your opinion on the issues set forth above. My brief on the matter is attached. Your prompt reply on these issues will be appreciated.

Cordially,

A handwritten signature in cursive script that reads "Barry L. Macha".

Barry L. Macha
Criminal District Attorney
Wichita County, Texas

BLM/db

Enclosures