



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Charles H. Theobald
County Attorney
Galveston County
Galveston, Texas

Dear Sir:

Opinion No. O-895

Re: Does the County Commissioners' Court of Galveston County, Texas have authority to employ life-guards for the Galveston beach and pay them for their services out of county funds?

Your request for an opinion upon the above stated question has been received and carefully considered by this department.

"Counties, being component parts of the state, have no powers or duties except those which are clearly set forth and defined in the Constitution and Statutes. The Statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the commissioners' courts, the medium through which the different counties act, and from those statutes must come all the authority vested in the counties.

"The grants of power to such governmental agencies as counties, townships and school districts are generally more strictly construed than are those to incorporated municipalities. The commissioners' court is not vested with any general police power.
* * * (Tex. Jur., Vol. 21, Sec. 36, p. 568.)

"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 that their powers are only

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those expressly or impliedly conferred upon them by law, - that is, by the constitution and statutes of the state." (Tex. Jur., Vol. 11, Sec. 37, p.p. 564-565.)

"The jurisdiction of Commissioners' Courts is limited to strictly 'county business,' and the legislature has no authority to enlarge their powers or jurisdiction. Any attempt to confer upon the court jurisdiction of a matter which is not 'county business' is void. * * * " (Tex. Jur., Vol. 11, p.p. 565-566).

After a most careful and exhaustive study of this question we have been unable to find any authority, express or implied, which would authorize the county commissioners of Galveston County, Texas to expend money for the payment of life-guards. We are unable to find any authority which would classify this expenditure as "county business".

Therefore, you are respectfully advised, that it is the opinion of this department that the County Commissioners' Court of Galveston, Texas does not have authority to employ life-guards for the Galveston beach and pay such life-guards for their services out of county funds.

Trusting that this satisfactorily answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Wm. J. Fanning
Wm. J. Fanning
Assistant

APPROVED JUL 21, 1939

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W. J. Fanning
FIRST ASSISTANT
ATTORNEY GENERAL

