



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

June 26, 1975

The Honorable Bill McCoy
Ector County Attorney
Ector County Courthouse
Odessa, Texas 79761

Opinion No. H-636

Re: Whether a county may expend money from its general fund for construction of a drainage ditch.

Dear Mr. McCoy:

You have requested our opinion concerning whether a county may expend money from its general fund for construction of a drainage ditch. You explain that the Commissioners Court of Ector County has voted to enter an agreement with the City of Odessa whereby the county would contribute to the construction of a drainage ditch. You further note that Ector County has no Flood Control Fund.

Article 1581e, section 3, V. T. C. S., provides in part:

The Commissioners Court of any county in this State may contract and agree with any other county, political subdivision, governmental unit, or municipal corporation for the joint acquisition of right-of-ways, or joint construction or maintenance of canals, drains, levees and other improvements for flood control, and drainage as related to flood control, and for making necessary outlets, and maintaining them.

The proposed contract is therefore authorized by law and is a valid expenditure of county funds. In Bexar County v. Mann, 157 S. W. 2d 134, 136 (Tex. Sup. 1941), the Texas Supreme Court stated:

All county expenditures lawfully authorized to be made by a county must be paid out of the county's general fund unless there is some law which makes them a charge against a special fund.

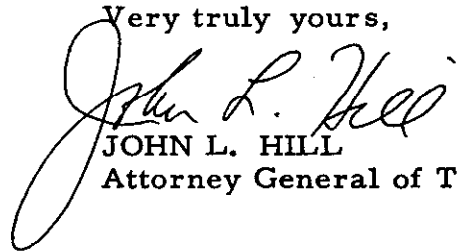
Since we are aware of no special fund from which this expenditure is required to be made, in our opinion it is to be made from the county's general fund.

SUMMARY

Where a county has no special fund from which


expenditures for drainage ditches must be made,
it may finance a contract for the construction of
such ditches with money from its general fund.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

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