



**THE ATTORNEY GENERAL
OF TEXAS**

August 5, 1988

**JIM MATTOX
ATTORNEY GENERAL**

Honorable George P. Morrill II
Bee County Attorney
P. O. Box 610
Beeville, Texas 78104

LO-88-94

Dear Mr. Morrill:

You ask whether a county may expend county funds for a county employee awards banquet. All costs of the banquet, including the awards and the meal, would be paid from county funds. Your letter states that each county employee will be allowed to invite one guest (spouse or date) to the banquet. You represent that the purpose of the banquet is to boost employee morale and provide individual recognition to employees.

The proposed expenditure of county funds on meals for non-employee guests is constitutionally prohibited unless the expenditure is determined to be for a public purpose. Article III, section 52, of the Texas Constitution provides, in part:

Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation

If the county determines that the goal of boosting employee morale and providing recognition to employees will best be accomplished by allowing each employee to invite one guest, we cannot say as a matter of law that a public purpose is not served. In Attorney General Opinion MW-93 (1979) this office found that school district funds may not ordinarily be spent to pay travel expenses of spouses to accompany school board members to board-related activities. In that instance, the question involved the payment of actual travel expenses of board members' spouses to attend a convention. Presumably the convention consisted of meetings

on topics germane to the conduct of public school business attended by the board members. No purpose was proposed for the presence of the spouses. The opinion concluded that the spouses' attendance was purely social, serving no public purpose.

We believe that the instant situation is distinguishable. Unlike attendance at a convention, the awards banquet will consist of only one activity. By its very nature, an awards dinner serves to provide recognition to outstanding employees. Such recognition is traditionally demonstrated in the presence of the honorees' close family or friends. The inclusion of guests at the function may well be central to the county's goal. To limit the county banquet to employees may serve to minimize the original goal for the event. Fewer county employees may attend the ceremony if they must pay the expenses of bringing a guest. In our opinion, an expenditure of county funds for the participation of an employee's spouse or date at an awards dinner honoring county employees may provide sufficient benefit to the county to constitute a public purpose.

Very truly yours,



Rick Gilpin, Chairman
Opinion Committee

RG/KG/er
ID# 3518
RQ-1456