



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

September 11, 1990

Honorable Bonnie C. Ericson  
County Attorney  
Gaines County  
P. O. Box 1978  
Seminole, Texas 79360

LO-90-61

Dear Ms. Ericson:

You describe a situation in which the county treasurer, without authorization from the commissioners court, "ordered a large sum of money to be transferred from the county depository bank to an account out of state." You have concluded that the county treasurer exceeded his authority. Based on the facts as you present them, we agree.

It is the duty of a county treasurer to keep funds in a designated depository. Local Gov't Code § 113.001; see also id. § 116.113 (deposit of funds in county depository). In certain circumstances the county commissioners court may direct the county treasurer to withdraw funds from a county depository and invest them. Id. § 116.112. We find no authority, however, for a county treasurer to do so on his own.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk, Chief  
Letter Opinion Section

SW/lcd

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