

THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0532-KP

Requestor:

The Honorable Phil Sorrells

Tarrant County Criminal District Attorney

401 West Belknap

Fort Worth, Texas 76196

Re: Applicability of article 39.14 of the Code of Criminal Procedure to third-party records in the possession of the local juvenile justice agency and used in support of its social history report to the juvenile court (RQ-0532-KP)

Briefs requested by March 18, 2024

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202400708

Justin Gordon

General Counsel

Office of the Attorney General

Filed: February 20, 2024



Opinions

Opinion No. KP-0456

The Honorable Matthew E. Minick

Hardin County Attorney

P.O. Box 516

Kountze, Texas 77625

Re: Whether an elected county commissioner may use county equipment and labor to maintain an outfall ditch that lies solely on private property (RQ-0512-KP)

S U M M A R Y

While in some instances state law authorizes a county to provide for drainage in connection with public roads, which could include the maintenance of a ditch, any such use of county labor and resources on private property must comply with article III, subsection 52(a) of the Texas Constitution.

Article III, subsection 52(a) prohibits the gratuitous payment of public funds for a private purpose. The determination whether a particular expenditure or use of public resources comports with article III, subsection 52(a) is, in the first instance, for the commissioners court to make subject to judicial review for abuse of discretion. Thus, this office cannot conclude as a matter of law that Hardin County may maintain an outfall ditch on private property.

A county commissioners court is the governing body of a county and administers the county's business. A single county commissioner may have limited authority to act independently with respect to county roads in his or her precinct but absent such authority a county acts through the county commissioners court.

Opinion No. KP-0457

The Honorable Bill Moore

Johnson County Attorney

204 South Buffalo Avenue, Suite 410

Cleburne, Texas 76033

Re: Whether Johnson County Emergency Services District No. 1 may operate a county-wide ambulance service (RQ-0513-KP)

S U M M A R Y

Section 775.026 of the Health and Safety Code provides that each rural fire prevention district created under former chapter 794 of that Code is converted to an emergency services district operating under chapter 775. Emergency services districts operating under chapter 775 of the Health and Safety Code generally have authority to provide ambulance service. Thus, a court would likely conclude that an emergency services district, even one that was converted from a rural fire prevention district like the Johnson County Emergency Services District No. 1, may generally provide ambulance service because the statutory text says it can.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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Justin Gordon

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Office of the Attorney General

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