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OPINION COMMITTEE

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Criminal District Attorney



FILE # ML-47494-121

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RQ-1178-GA

January 9, 2014

VIA EMAIL opinion.committee@texasattorneygeneral.gov

Honorable Greg Abbott
Attorney General of Texas
Open Records Division
P.O. Box 12548
Austin, TX 78711-2548

Re: Request for Opinion as to whether the Rockwall County Juvenile Board is authorized to perform certain duties including adopting personnel and other policies for use by the juvenile probation department.

Dear General Abbott:

Background

The Rockwall County Juvenile Board recently held a regular, duly-called meeting of the board to review and consider the adoption of a new personnel policy manual for the juvenile probation department. Section 152.0007(a)(2) of the Texas Human Resources Code states that the juvenile board is authorized to establish policies for the juvenile services within the County. However, in the special enabling statute for the Rockwall County Juvenile Board, the aforementioned statutory provision is specifically made non-applicable to Rockwall County. See *Id.* §152.2051(d). Upon this realization, the Board took no action on the matter of the personnel policy manual.

Question Presented

Does the Rockwall County Juvenile Board have the authority to take action on policy matters including the adoption of a personnel policy manual for use by the juvenile probation department?

Discussion

Section 152.2051 of the Texas Human Resources Code supplies the enabling legislation and specific provisions for Rockwall County. More specifically, the statute details the membership of the board, allows for the members to be compensated for their service, and lastly, exempts the Rockwall County Juvenile Board from the general provisions for juvenile boards including the duties section found earlier in Section 152.0007. On its face, Section 152.0007(d)

appears to limit the authority of the Rockwall County Juvenile Board.

House Bill 1118 from the 77th Session of the Texas State Legislature amended Section 152.0007 of the Texas Human Resources Code to establish the basic responsibility of the juvenile board including establishing policies for the juvenile services department. However, the exclusionary language of Section 152.2051 predated the amendment and it does not appear that any legislation since 2001 has been passed to address the exemptions.

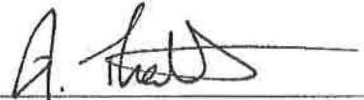
Therefore, it is imperative and important that the Texas Attorney General be hereby requested to issue an opinion on this matter before the Rockwall County Juvenile Board may address any policy matters for the Rockwall County Juvenile Services Department.

Conclusion

A reading of the enabling statute for the Rockwall County Juvenile Board appears to give the board a very limited authority with regard to the juvenile services department in the county. Clarification is necessary in order for the board to take any future action as it relates to the juvenile services department including the question as stated above. This office respectfully requests that the Office of the Attorney General of Texas review the issues stated in this request and process the issuance of an opinion at its earliest convenience.

Sincerely,

Kenda Culpepper
Criminal District Attorney
Rockwall County, Texas

By: 
Jon Thatcher
Assistant Criminal District Attorney