

# THE ATTORNEY GENERAL

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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>.)

## Opinions

### Opinion No. KP-0510

The Honorable Joe Gonzales

Bexar County Criminal District Attorney

101 West Nueva

San Antonio, Texas 78205

Re: Legality of an automated traffic-enforcement system for speeding citations (RQ-0584-KP)

#### S U M M A R Y

A constable lacks authority to employ an automated traffic-enforcement system to issue speeding citations by mail.

### Opinion No. KP-0511

The Honorable B.D. Griffin

Montgomery County Attorney

501 North Thompson, Suite 300

Conroe, Texas 77301

Re: Interpretation and application of the Open Meetings Act to members of a home-rule city council (RQ-0585-KP)

#### S U M M A R Y

The Texas Open Meetings Act applies to a "meeting" of a municipality's governing body. A home-rule municipality's charter may define a quorum for purposes of a "meeting" under the Act. While a gathering of members of a governmental body in less than a quorum does not ordinarily trigger the Act, a governmental body does not always insulate itself by avoiding a quorum. Thus, we cannot conclude as a matter of law that every conceivable gathering involving less than a quorum of a municipality's governing body would not trigger or violate the Act.

### Opinion No. KP-0512

The Honorable Eduardo Serna

Zavala County Attorney

200 East Uvalde Street, Suite 2

Crystal City, Texas 78839

Re: Whether a commissioners court can rescind and readopt a different county budget after the annual budget was approved (RQ-0586-KP)

#### S U M M A R Y

Chapter 111, subchapter A, of the Local Government Code does not authorize a county commissioners court to wholly rescind and adopt a different budget after approval of the annual budget. Whether a county commissioner refuses to comply with subchapter A and thereby commits an offense under Local Government Code section 111.012 involves questions of fact that we do not resolve in an Attorney General opinion.

Pursuant to Local Government Code subsection 152.013(a), the commissioners court may not reduce the salary of an elected county officer once the budget hearing and adoption proceedings are complete and a budget is approved.

Local Government Code subsection 111.009(a) provides that the commissioners court not the county auditor shall file the approved budget with the county clerk. As such, it is unclear how a county auditor would run afoul of subchapter A by refusing or failing to file the approved budget with the county clerk.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202600504

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Filed: February 3, 2026

