

January 7, 1939

Mr. O. E. Geron  
County Attorney  
Odessa, Texas

Dear Mr. Geron:

Opinion No. O-27  
Re: Title of Ex-officio salary  
Construction Article 3912e,  
Section 15, applicable to  
Ector County.

Your request for an opinion pertaining to certain questions propounded in your letter of January 2nd has been received, the question reading as follows:

"Are we, County Attorney and County Judge entitled to be paid an annual salary of \$3,000.00 plus the 1% mentioned above provided the Commissioners' Court should so determine? Can the Commissioners' Court pay us some ex-officio salary and allow us to make our maximum salary out of excess fees?"

I am herewith attaching a copy of an opinion rendered by the Hon. Scott Gaines, a former Assistant Attorney General of this department, under date of December 11, 1936, which, in my opinion, would apply to Ector County, assuming that Ector County has a population of less than twenty thousand inhabitants.

In view of the attached opinion no ex-officio compensation in the form of salaries or fees can be allowed by the Commissioners' Court except under the provisions of Article 3895, as amended, now in effect.

It is my opinion that the one percent increase mentioned in Article 3912e in Section 15 is allowed in

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addition to the salary in whatever amount within the provisions and minimum under Article 3883 and maximum allowed, the court sees proper to fix.

The court may determine this amount, then add the one percent increase as fixed by the county's valuation, which sum of the two amounts shall be designated as the annual salary in the order passed by the court under the provisions of Section 15, Article 3912c.

Yours respectfully

ATTORNEY GENERAL OF TEXAS

By

Assistant

WAK:AT

ENCLOSURE

APPROVED:

ATTORNEY GENERAL OF TEXAS