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The State of Texas
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
Austin

Gerald C. Mann
Attorney General

Honorable H. B. Virgil Crawford
County Attorney
Terry County
Brownfield, Texas

Dear Sir:

Opinion No. 0-3616

Re: When will the County Commissioners of Terry County be entitled to start receiving compensation at the increased rate?

Your recent request for an opinion of this Department on the above stated question has been received.

We quote from your letter as follows:

"I am writing this letter for an opinion as to when our Commissioners will be entitled to receive additional compensation. I am sure that Article 2350 will be the statute which will control. Terry County has a total population of 11,143 according to the census count last year. Our valuation for 1941 is well over 6 million dollars, and according to the law as I see it the commissioners are entitled to receive \$1,400.00 per year. The question in my mind is when will the commissioners be entitled to start receiving compensation at the increased rate? The statute states that when the assessed valuation for the previous year, from time to time, shall be a certain amount then the compensation shall be such etc.

"Also I should like to know if the period of increased compensation will begin with the fiscal year or the current year? I think that our fiscal year starts in October of each year. I will greatly appreciate your advice in this matter."

Article 2350, Vernon's Annotated Civil Statutes, reads in part as follows:

"In counties having the following assessed valuations, respectively, as shown by the total assessed valuations of all properties certified by the county assessor and approved by the Commissioners Court, for county purposes, for the previous year, from time to time, the County Commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal monthly installments, at least one-half, and not exceeding three-fourths, out of the Road and Bridge Fund and the remainder out of the General Fund of the county; said assessed valuations and salaries applicable thereto being as follows:

Assessed Valuations	Salaries to be paid each Commissioner
\$ 6,000,001 and less than	
\$20,000,000 not to exceed	\$1400.00

. . .

"In counties having assessed valuation of more than Four Million Five Hundred Thousand and One Dollars (\$4,500,001) and less than Six Million Dollars (\$6,000,000) each commissioner shall receive Five Dollars (\$5) per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his Commissioner's Precinct, provided in no event shall his total compensation exceed Twelve Hundred Dollars (\$1200) in any one year. . ."

Article 2350 (1) and Article 2350 (2) read as follows:

"The salary of each County Commissioner and each County Judge may be paid wholly out of the County General Fund or, at the option of the Commissioners Court, may be paid out of the County General Fund and out of the Road and Bridge Fund in the following proportions: County Judge not to

exceed seventy-five per cent (75%) of such salaries may be paid out of the Road and Bridge Fund, and the remainder out of the General Fund of the County, and each County Commissioner's salary may, at the discretion of the Commissioners Court, all be paid out of the Road and Bridge Fund; provided this Section shall not apply except in counties where the constitutional limit of twenty-five cents (25¢) on the One Hundred Dollars (\$100) is levied for general purposes."

"Art. 2350 (2). The Commissioners Court at its first regular meeting each year shall, by order duly made and entered upon the Minutes of same Court, fix the salaries of the County Commissioners for such year, within the limits as provided for in this Act."

It will be noted that Article 2350 (2), supra, requires the commissioners' court to fix the salaries of the county commissioners for the year, within the limits as provided for in Article 2350, supra, at its first regular meeting each year. Article 2350, supra, provides in effect that the county commissioners shall each receive annual salaries not to exceed the amounts specified therein to be paid in equally monthly installments based on the total assessed valuations of all property certified by the county assessor and approved by the commissioners' court for county purposes for the previous year.

For the year 1940¹ Terry County had a total assessed valuation of all properties of \$5,807,775.00. The salaries of the members of the commissioners' court of Terry County must be based on the 1940 assessed valuations and the salary to which each is entitled to is as provided in the last paragraph of Article 2350, supra, which is quoted above, provided in no event shall the total compensation of each commissioner exceed \$1200.00 for the year 1941.

You state in your letter that the total assessed valuation for 1941 is well over \$6,000,000.00. This being true and provided the assessed valuations do not exceed \$10,000,000.00 for the year 1941, the commissioners' court may at its first regular

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meeting in January, 1942, fix the salary of each county commissioner for such year at a sum not exceeding \$1400.00. The county commissioners cannot increase their salary for the year 1941 based on the assessed valuation for said year, but as above stated the salary for the year 1942 must be based on the 1941 assessed valuation.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Ardell Williams
Assistant

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APPROVED JUN 7, 1941

/s/ Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE
By BWB Chairman