



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. G. C. Olsen
County Attorney
Winkler County
Kermit, Texas

Dear Sir:

Opinion No. 0-6388

Re: ~~May~~ Commissioners' Court
of Winkler County fix
salaries of named county
officers for 1945 at an
11% increase over and
above maximum allowed
such officers on August
24, 1935?

We have received your recent request for an opinion,
from which we quote as follows:

"The particular question I desire to have
answered is based upon the following facts:

"(1) That the Commissioners' Court of Winkler
County, Texas, has passed at its January regular
term an order putting all of the county and pre-
cinct officials on a salary basis for the year 1945.

"(2) That the population of Winkler County
according to the 1940 Federal Census is 6,141;

"(3) In 1944 the approved tax roll was in the
sum of \$20,819,098.

"Can the Commissioners' Court of Winkler County,
Texas, proceeding under Article 3912(e), Sec. 15,
pay to the county judge, the sheriff, the tax assessor-
collector, the county and district clerk, and the
county attorney the eleven per cent increase in com-
pensation for the year 1945?"

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Section 15 of Article 3912e, V. A. C. S., reads, in part, as follows:

"The Commissioners' Court in counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers on a salary basis. The Commissioners' Court in each of such counties is hereby authorized, and it shall be its duty, to fix the salaries of Criminal District Attorneys. In the event such Court passes such order they shall pay to each of said District and County officers in money an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation by said officer in his said official capacity for the fiscal year of 1935 and not more than the maximum allowed such officer under laws existing August 24th, 1935, and not more than the maximum amount allowed such officer under laws existing August 24, 1935, provided, that in counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation in excess of Ten Million (\$10,000,000.00) Dollars according to the last preceding approved tax roll of such county the maximum amount allowed such officers as salaries may be increased one (1%) per cent for each One Million (\$1,000,000.00) Dollars valuation, or fractional part thereof, in excess of said Ten Million (\$10,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935; provided, however, no salaries covered by this Section shall exceed the sum of Four Thousand Five Hundred (\$4,500.00) Dollars regardless of the percentage of increase in population and valuation and provided further that in all counties having a population of not less than twenty thousand and one (20,001) and not more than twenty-five thousand (25,000), according to the last preceding Federal Census, and which has an assessed valuation in excess of Twenty-five Million (\$25,000,000.00) Dollars according to the last preceding approved tax roll of such counties, the county judge, sheriff, county attorney, assessor and collector of taxes, county

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clerk and district clerk, the maximum salary is hereby fixed at Three Thousand Seven Hundred and Fifty (\$3,750.00) Dollars."

Under the express authority of the above statute, your Commissioners' Court may fix the salaries of such officers for the ensuing year 11% over and above the maximum amount allowed such officers under laws existing on August 24, 1935, provided none of such salaries shall exceed the sum of Four Thousand Five Hundred (\$4,500.00) Dollars regardless of the percentage of increase in population and valuation.

We call to your attention that the population bracket by which the maximum salaries allowed such officers is fixed, is determined by the Federal Census of 1930, but the increase of maximum salary allowed under Sec. 15 of said Art. 3912e, supra, is determined by the last preceding Federal Census (1940), together with the last preceding approved tax roll (1944). We believe this is fully explained in our Opinion No. 0-5986, a copy of which is hereto attached.

Trusting the above fully answers your question, we are

Yours very truly,

ATTORNEY GENERAL OF TEXAS

APPROVED JAN 31 1945

W. W. Bell

ATTORNEY GENERAL OF TEXAS

By

Robert L. Lattimore, Jr.

Robert L. Lattimore, Jr.
Assistant.

RLL:rt

