



**THE ATTORNEY GENERAL
OF TEXAS**

August 28, 1989

**JIM MATTON
ATTORNEY GENERAL**

Honorable Ed C. Jones
Angelina County Attorney
P. O. Box 1845
Lufkin, Texas 75902-1845

LO-89-69

Dear Mr. Jones:

You ask whether the compensation paid the county court at large judge for service on the Angelina County Juvenile Board is to be considered in determining the salary or compensation of the county attorney.

Section 45.103 of the Government Code provides:

The county attorney of Angelina County is entitled to receive a salary that is at least equal to the amount that is \$2,000 less than the salary paid to the judge of the County Court at Law of Angelina County.

Article 5139T, section 1 (c) V.T.C.S., provides that the Angelina County Juvenile Board is composed of the county judge, the judge of each statutory county court in the county, and the judge of each district court having jurisdiction in the county. Section 2(b) of article 5139T provides that each member of the Angelina County Juvenile Board may receive additional compensation in an amount determined by the commissioners court within the limits set forth. You advise that the commissioners court has exercised its discretion to provide supplemental salary to all members of the board including the county court at law judge.

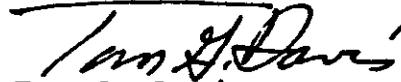
Attorney General Opinion MW-87 (1979), addressed a similar issue. Section 46.003(b) of the Government Code provides that a county may supplement a prosecutor's state salary "but may not pay the prosecutor an amount less than the compensation it pays its highest paid district judge." Attorney General Opinion MW-87 concluded that in determining the minimum pay due the district attorney, the county must include any supplement it pays district judges for service

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on the juvenile board. See also Attorney General Opinion JM-319 (1985).

The supplement paid the Angelina County Court at Law judge as a member of the juvenile board must be included in determining the salary of the county attorney.

Very truly yours,



Tom G. Davis
Assistant Attorney General
Opinion Committee

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TGD/bc

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