



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

June 19, 1990

Honorable Scott Warren Johnson
County Attorney
Reeves County Courthouse
P. O. Box 749
Pecos, Texas 79772

LO-90-34

Dear Mr. Johnson:

You ask whether a commissioners court may set a maximum amount of reimbursable miles for deputy sheriffs.

You advise that deputy sheriffs furnish their own vehicles for official business. The commissioners court has provided that deputies will receive mileage expense at a rate of 24 cents per mile for in-county travel, not to exceed \$600 per month. You state that this limitation does not apply to the use of their vehicles in emergency situations that may arise in the discharge of their duties.

Section 152.011 of the Local Government Code provides:

The commissioners court of a county shall set the amount of the compensation, office and travel expenses, and all other allowances for county and precinct officers and employees who are paid wholly from county funds.

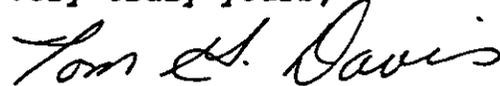
Attorney General Opinion JM-148 (1984) concluded that under article 3912k, V.T.C.S., now section 152.011, the commissioners court may fix the amount of travel expense allowed members of the commissioners court.

Attorney General Opinion JM-879 (1989) stated that the commissioners court may establish the amount of automobile expenses to be allowed county precinct officials. It was noted that the allowance must be related to official county business and the amounts must be reasonable in relation to expenses actually incurred or to be incurred.

Attorney General Opinion JM-879 stated that in the final analysis, "the allowance must be governed by what amount the commissioners court, in good faith, deems to be necessary for travel reasonably related to county business." Attorney General Opinion JM-879 at 3. The determination of what is reasonable in relation to expenses incurred in official business is a factual determination to be made by the commissioners court.

We conclude that the commissioners court may set an amount to be paid deputy sheriffs for the use of their own vehicles in the discharge of official business under the foregoing guidelines.

Very truly yours,



Tom G. Davis
Assistant Attorney General
Opinion Committee

APPROVED: Sarah Woelk, Chief
Letter Opinion Section

TGD/SW/mc

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