

Cherokee County  
RUSK, TEXAS  
75785

ID# 11553

~~126019~~

SG

24 JANUARY 91

RQ-13

Attorney General  
State of Texas  
P.O. Box 12548  
Austin, Tx 78711-2548

**RECEIVED**

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**Opinion Committee**

Attention: Opinion Committee

Re: Request for written opinion per Section 402.041  
et seq. Government Code

Dear Sir:

I am requesting a written opinion from your office pursuant to the above referenced statutory authority. The question I pose to you is as follows:

"What is the obligation and requirement of the Commissioner's Court of Cherokee County, Texas, regarding the order of the 2nd and 369th Judicial District Courts dated August 10, 1990, which decreed pay increases for certain District Court personnel, i.e., Auditor and Assistant Auditors, Court Reporters, Court Coordinator and Secretary to the Judges?"

This same question was asked formally to our local County Attorney. His written opinion was provided to the County Judge, dated January 15, 1991. I have enclosed a copy of same as Exhibit "A".

This opinion was shared with the Commissioner's Court at a meeting conducted on January 18, 1991. The Commissioners decided at that meeting to get an opinion from your office.

I am providing additional information to you contained in Exhibit "B" which is a copy of the statement of facts concerning the hearing at which the District Judges entered the order. Additionally, I have provided Exhibit "C" which is a copy of the order signed by the District Judges on August 10, 1990.

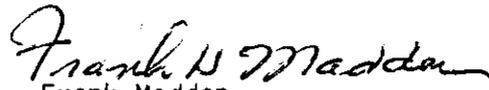
**ACCOMPANIED BY ENCLOSURES —  
FILED SEPARATELY**

You should also know that upon receipt of the District Judges' order in August 1990, the Commissioner Court placed in the county budget for 1990/1991, the raises ordered for the auditor, assistant auditors and the court reporters. There were no raises budgeted for the court coordinator and secretary to the district judges.

I have also included as Exhibit "D" a copy of the District Court order dated August 29, 1989. You will note that the order only has one court reporter. Since the time that Exhibit "D" was signed, the 369th District Court came into existence, serving both Cherokee and Anderson Counties. You will further note that the raises ordered for the court reporters by Exhibit "C" are below 10 percent. (Refer to Government Code Section 52.051).

If there is additional factual information you need, please do not hesitate to ask. I would appreciate an answer as soon as possible.

Respectfully yours,

  
Frank Madden,  
County Auditor

fm/slb

Enclosures