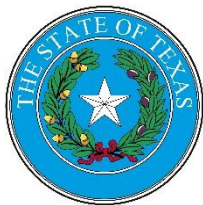


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Attention Opinion Committee
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Via email: opinion.committee@oag.texas.gov

Honorable Judge Mike Bennett
127 N. Courthouse Square
Goliad, TX 77963
Via email Sara Estes: sestes@goliadcountytexas.gov

Honorable Judge Jhiela "Gigi" Poynter
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Honorable Judge Daryl Fowler
307 N. Gonzales
Cuero, TX 77954
Via email: daryl.fowler@dwcotx.org

August 30, 2023

Dear Attorney General Opinion Committee,

The 24th Judicial District Attorney's Office is a multi-county jurisdiction, composed of Goliad County, Refugio County and DeWitt County. Two counties passed budgets with more or less similar expectations of expenses and revenues. The third County passed a budget dramatically reducing expenses (salary and positions) and revenue (no allocation of drug fund expenditures). The Counties have long had a gentlemen's agreement to pay their portion on a pro rata basis after subtracting narcotic's fund expenditures. No written agreement exists between the counties.

Local Government code section 41.106 states: "Compensation. (a) a prosecuting attorney shall fix the salaries of his assistant prosecuting attorneys, investigators, secretaries, and other office personnel, subject to the approval of the commissioners court of the county or counties composing the district."

The law does not provide what to do when the counties are incapable of coming to a meeting of the minds on the subject.

How is the discrepancy in budget for a multicounty jurisdiction resolved?

Thank you,

Robert C Lassmann
24th Judicial District Attorney

GOLIAD

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