



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Paul T. Holt
County Attorney
Travis County
Austin, Texas

Dear Sir:

Opinion No. O-3030-
Re: Salary of deputy district clerks
of Travis County.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"I have been requested by Mr. Geo. H. Templin, District Clerk of Travis County, Texas, to get an opinion from you as to whether or not Opinion No. O-2582, re: Officer's Salary Law, is applicable to the deputies which he employs in his office.

"I refer you to Article 3902, Section 5, Revised Civil Statutes, which applies to Travis County, Texas, in reference to population."

Article 3902, Vernon's Annotated Civil Statutes, reads in part as follows:

"Whenever any district, county or precinct officer shall require the services of deputies, assistants or clerks in the performance of his duties he shall apply to the County Commissioners' Court of his county for authority to appoint such deputies, assistants or clerks, stating by sworn application the number needed, the position to be filled and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said court shall make its order authorizing the appointment of such deputies, assistants and clerks and fix the

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compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said court may be proper; provided that in no case shall the Commissioners' Court or any member thereof attempt to influence the appointment of any person as deputy, assistant or clerk in any office. Upon the entry of such order the officers applying for such assistants, deputies or clerks shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The compensation which may be allowed to the deputies, assistants or clerks above named for their services shall be a reasonable one, not to exceed the following amounts:

"....

"5. In counties having a population of one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, first assistant or chief deputy not to exceed Twenty-six Hundred (\$2600.00) Dollars per annum; heads of departments may be allowed by the Commissioners' Court, when in their judgment such allowance is justified, the sum of Two Hundred (\$200.00) Dollars per annum in addition to the amount herein allowed, when such heads of departments sought to be appointed shall have previously served the county or political subdivision thereof for not less than two continuous years; other assistants, deputies or clerks not to exceed Twenty-three Hundred (\$2300.00) Dollars per annum each.

Opinion No. 0-2582 of this department deals with the salaries of the county officials of Travis County, Texas, under the officers' salary law and does not deal with the salaries of deputies, assistants and clerks under Article 3902, Vernon's Annotated Texas Civil Statutes. We enclose herewith a copy of Opinion No. 0-2582.

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You are respectfully advised that it is the opinion of this department that Section 5 of Article 3902, Vernon's Annotated Texas Civil Statutes is applicable to the situation set forth in your letter and that Opinion No. 0-2502 of this department is not pertinent to nor applicable in any way to the question of the determination of the salaries of deputy district clerks of Travis County, Texas.

Very truly yours

ATTORNEY GENERAL OF TEXAS

BY

H. J. Fanning

H. J. Fanning
Assistant

REF:AM

ENCLOSURE

APPROVED JAN 13, 1941

George W. Merritt

ATTORNEY GENERAL OF TEXAS

