



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. M. Williams
County Auditor
Tarrant County
Fort Worth, Texas

Dear Sir:

Opinion No. 9-5261
Re: Salaries of department
heads in district and
county offices in Tarrant
County.

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

"The question has arisen in Tarrant County pertaining to the maximum salaries to be paid heads of departments in various County offices, quoting from supplement volume 12, 1942 pocket part, article 3912-E, section 19, paragraph H, at the bottom of first paragraph as set out.

"Provided that said compensation shall not exceed the maximum amount hereinafter set out. The maximum compensation which may be allowed deputies, assistants or clerks above named for services shall be as follows:

"and heads of departments in County or District offices shall receive not less than \$2,500.-00 per annum each."

"Does the last part of first paragraph set the maximum amount of salaries of department heads?"

Subdivision (h) of Section 19 of Article 3912e, Vernon's Annotated Texas Civil Statutes, applicable to counties having a population in excess of 190,000 inhabitants

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according to the last preceding Federal Census, and applicable to Tarrant County, Texas, reads in part as follows:

"(h) Whenever any district or county officer, or precinct officer when such officer is compensated on a salary basis, with the exception of district attorneys and criminal district attorneys, shall require the services of deputies, assistants, and employees in the performance of his duties he shall apply to the Commissioners' Court for authority to appoint such deputies, assistants, and employees, stating by sworn application the number needed, the position to be filled, the duties to be performed, and the amount to be paid. Such 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 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 deputies, assistants, and employees shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The maximum compensation which may be allowed to the deputies, assistants, or clerks above named for their services shall be as follows:

"First Assistant or Chief Deputy not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum; one assistant or deputy not to exceed Three Thousand (\$3,000.00) Dollars per annum; other assistants, deputies, and employees not to exceed