



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable A. T. Fribble
County Attorney, Mills County
Goldthwaite, Texas

Dear Sir:

Opinion No. 0-6131
Re: Salaries or Compensation
of the County Commissioners
of Mills County

We have your letter of October 11, 1944, requesting our opinion regarding the salaries or compensation of the County Commissioners of Mills County. As we understand your letter, the assessed valuation on the 1944 tax rolls of your County is over Four Million Five Hundred Thousand Dollars, (\$4,500,000). You state in effect that the County Commissioners have been receiving \$75.00 per month each as compensation for the year 1944. We assume that the assessed valuation for said County for the year 1943 was less than Four Million Five Hundred Thousand Dollars (\$4,500,000).

Article 2360, Vernon's Annotated Civil Statutes, provides, in part, as follows:

"... In counties having assessed valuation of less than Four Million Five Hundred Thousand Dollars (\$4,500,000), each commissioner shall receive Five Dollars (\$5) per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his Commissioner's Precinct, providing in no event shall his total compensation exceed Nine Hundred Dollars (\$900) in any one year...."

"In counties having assessed valuation of more than Four Million Five Hundred Thousand and One Dollars (\$4,500,001) and less than Six Million Dollars (\$6,000,000), each commissioner shall receive Five Dollars (\$5) per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his Commissioner's Precinct, provided in no event shall his total compensation exceed Twelve Hundred Dollars (\$1200) in any one year...."

It will be noted that the foregoing statute specifically provides that the salary or compensation of each county commissioner, in counties having an assessed valuation of less than \$4,500,000.00, shall be \$5.00 per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his Commissioner's Precinct, providing in no event shall the total compensation exceed \$900.00 in any one year. This statute also specifically provides that the salary or compensation for each commissioner in counties having assessed valuation of more than \$4,500,000.00 and less than \$6,000,000.00, each county commissioner shall receive as compensation \$5.00 per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his Commissioner's Precinct, providing in no event shall his total compensation exceed \$1200.00 in any one year.

In view of the foregoing statute, it is our opinion that the compensation of the county commissioners cannot exceed the maximum amount provided by said statute and that such compensation must be based on the total assessed valuation of all property certified by the County Assessor-Collector and approved by the Commissioner's Court for county purposes for the previous year. The County Commissioners of your County would not be legally entitled to any increase in compensation for the year 1944 based upon the 1944 assessed valuation. The compensation of the County Commissioners of said County for the year 1944 must be based upon the 1943 assessed valuation and the compensation of the County Commissioners for the year 1945 must be based upon the 1944 assessed valuation.

Therefore, the County Commissioners of your County are not entitled to any increase in compensation for the year 1944 based upon the assessed valuation for 1944.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/

Ardell Williams
Assistant

AW:rt:ddt

APPROVED OCT 23 1944
/s/ Charles C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED
OPINION COMMITTEE
By B. W. B.
Chairman