



Office of the Attorney General  
State of Texas

March 3, 1992

DAN MORALES  
ATTORNEY GENERAL

Honorable Terry D. McEachern  
District Attorney  
64th and 242nd Judicial Districts  
Hale County Courthouse  
Plainview, Texas 79072

Opinion No. LO92-002

Re: Whether the five percent increase limitation on the salaries of assistant county auditors imposed by Local Government Code section 111.013 applies to the amount budgeted from one fiscal year to the next or to the amount of salary actually paid (RQ-272)

Dear Mr. McEachern,

You have requested an opinion from this office concerning the construction of Local Government Code section 111.013. The text of that provision states:

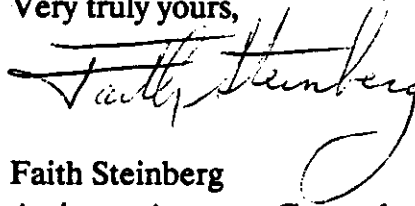
*An increase from one fiscal year to the next in the amount budgeted for expenses of the the county auditor's office or the salary of an assistant auditor shall not exceed five (5) percent without approval of the commissioners court. (Emphasis added.)*

You ask whether the five percent increase limitation imposed by this section is applicable to an increase in the amount *budgeted* for the assistant auditor's salary or to an increase in the *actual salary paid* to the official. In the circumstances prompting your request, the salary amount budgeted for the new fiscal year is the same as that budgeted for the prior year; however, it is more than five percent greater than the amount actually paid to the assistant auditor in the prior year.

We believe the language of the statute is unambiguous on this point. The five percent limitation on increases in salary applies to the amount budgeted for the position from one fiscal year to the next. If the amount budgeted for the salary of

the assistant auditor has stayed constant, the increase in the amount actually paid does not run afoul of the statutory limitation.

Very truly yours,

A handwritten signature in cursive script that reads "Faith Steinberg". The signature is written in black ink and is positioned above the typed name.

Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/lb

Ref.: ID#