



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

February 10, 1939

Hon. O. E. Gerron
County Attorney
Ector County
Odessa, Texas

Dear Sir:

Opinion No. 0-139
Re: (1) Chief deputies for sheriff-
tax collector-assessor.
(2) Ex-officio compensation.

This will acknowledge receipt of your letter of January 12th in which you ask our opinion whether the sheriff-tax collector and assessor is entitled to a chief deputy sheriff at a maximum salary of \$1,800.00 per annum and a chief deputy tax collector-assessor at a maximum salary of \$1,800.00 per year.

You are advised that this question was answered in an opinion rendered by Assistant Attorney General Cecil C. Roach, same being opinion No. 0-91. A copy of this opinion is enclosed for your consideration.

In line with this opinion, you are advised that the sheriff-tax collector and assessor of Ector County would not be entitled to two chief deputies, inasmuch as he is holding only one office.

You further requested an opinion whether the Commissioners' Court could allow the sheriff-tax collector and assessor an ex-officio compensation under existing laws.

You are referred to Article 3895, R. C. S., which provides for ex-officio compensation in cases where the compensation and excess fees do not exceed the maximum provided for office. As stated by you, the Commissioners' Court does not know at this time nor may they deter-

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mine the amount of fees the office will collect during the ensuing year. However, it has been consistently held by this Department that the officer is required to report all fees earned, even though the official has reached the maximum allowed by law. Should an officer retain an amount in excess of the maximum compensation allowed by law, due to an over-allowance of ex-officio compensation, such an over-allowance is returnable to the county. The amount cannot be determined until the close of the fiscal year.

Therefore, you are advised the Commissioners' Court in its discretion may allow the sheriff-tax collector and assessor an ex-officio compensation in such amount as may be determined by the court.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Benjamin Woodall

Benjamin Woodall
Assistant

BW:AW

ENCLOSURE

APPROVED:

George C. Mann
ATTORNEY GENERAL OF TEXAS