



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 28, 1939

Hon. E. L. Shelton
County Auditor
Cleburne, Texas

Dear Mr. Shelton:

Opinion No. 0-202
Re: Fixing salaries of county officials

Your request for an opinion on the following question:

"Whether the Commissioners' Court may change salaries of county officials after they have once fixed them in the month of January?"

has been received by this office.

Article 3912e, Section 13, provides in effect that the Commissioners' Court in counties having a population of twenty thousand inhabitants or more and less than one hundred and ninety thousand inhabitants, according to the last preceding Federal census, is authorized and it shall be the duty of the Commissioners' Court to fix the salaries of all the officers named therein and further provides that each of said officers shall be paid in money an annual salary in twelve equal installments.

Article 3, Section 53, of the Constitution, provides:

"The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract, made without authority of law."

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In view of the foregoing statute and section of the Constitution quoted, it is the opinion of this Department and you are respectfully advised that it is the duty of the Commissioners' Court in counties with the population as above mentioned to fix said salaries and that after they are fixed they cannot be changed.

Trusting that the foregoing answers your inquiry,
we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Assistant

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APPROVED:

ATTORNEY GENERAL OF TEXAS