MBJ
file# ML-17700-42
ID# 17700

RQ-452

EDDIE G. SHELL
COUNTY ATTORNEY
220 S. PIERCE
BURNET, TEXAS 78611
(512) 756-5476

RECEIVED
OCT 20 92
Opinion Committee

October 12, 1992

Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

Re: Constables salary/expenses

For years, Burnet County Constables have asked for more salary, equipment, and office. The commissioners have contended they are only part time, and should be paid accordingly.

On September 12, 1991, Constable Danny Reid and Constable Bill Holder requested to be heard by a grievance committee. They contended that:

1. The salary was not reasonable salary and not equitable with other elected officials.

2. The expenses were not adequate to cover expenses of operation.

The Constable's previous budget was as follows:

1990 - 1991	
Salary	8,004.00
Operating Supply	100.00
Travel	4,300.00
Repair/Maint.	150.00
Misc.	200.00
Machinery/Eqpt.	-0-
Telephone	-0-

On September 17, 1991, the Grievance Committee met. The grievance committee unanimously voted 9 - 0 for the two constables to receive additional funds as indicated in the attached written decision by the Grievance Committee.

The Grievance Committee also mandated adequate office space since the constables did not have any office space allotted to them. (See written decision by Grievance Committee)

The commissioner's position was that the grievance committee only had jurisdiction over the salary. They contended that operating supplies, travel, repairs, misc., were not subject to the Grievance Committee's review procedures. The constable's position was these items were personal expenses and part of the cost of being a constable. The commissioners let the $12,000.00 stand but denied the increased expenses and refused to furnish an office.

Constable Danny Reid, has submitted a letter to the County Judge, requesting that the Commissioners Court reconsider the last year ruling of the 9 member grievance committee. The constable contends that the 9 - 0 vote by a salary grievance committee is mandatory and not at the control of Commissioner's Court. We feel that we need a current Attorney General's ruling on several related questions about Constables.

1. Does a Salary Grievance Committee, by a 9 - 0 vote, have the authority to mandate the amount of salary of a constable.

2. Is the county required to furnish an office for a Constable based upon a 9 - 0 vote by the Grievance Committee.

3. Are the expenses listed above subject to a mandatory increase based upon a 9 - 0 ruling of the Grievance Committee.

Sincerely,

Eddie G. Shell
Burnet County Attorney