

1/23/17

Item # 23

**S U M M A R Y**

Chapter 111 of the Local Government Code does not prohibit as a matter of law the adoption of an order that automatically transfers funds to reduce compensation for a position when the position has been vacated and filled by a new employee. Whether a commissioners court may implement such an order with respect to a specific position depends on the particular circumstances, including any law that specifically governs compensation for the position.

Section 74.104 of the Government Code does not permit a commissioners court to reduce a court coordinator's salary by automatic operation of standing commissioners court orders without a determination of reasonable compensation by the judge who selected the court coordinator.

Very truly yours,



KEN PAXTON  
Attorney General of Texas

CHARLES E. ROY  
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VIRGINIA K. HOELSCHER  
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## Joe A. Lopez

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**From:** Joe A. Lopez  
**Sent:** Wednesday, January 18, 2017 1:19 PM  
**To:** Leroy R. Medford; Cynthia Mares; Ray Rodriguez; Lalo Uribe; Cesar A. Guerra; Jesse Gonzalez  
**Subject:** pre agenda topic

Leroy read below. Since the Purchasing Board already approved my Budget including personnel figures I believe we can't make changes; at least not during this fiscal year. The difference is only \$18.40 per pay – period. But regardless of cost... I think I have the right to keep the position funded as is.

During the Budget process I was told I needed to cut \$92K from my budget. I would have liked to not cut so much from the budget but wanted to work with the Budget officers and the Court to help offset any shortfalls this year. I took that budget cut to the Board and got it approved.

That being said I'm only asking the Court to approve the budget I have in place nothing more or nothing less. Hope this state law helps justify the item as I need it presented.

Thanks.

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE B. COUNTY OFFICERS AND EMPLOYEES

CHAPTER 152. AMOUNT OF COMPENSATION, EXPENSES, AND ALLOWANCES OF COUNTY OFFICERS AND EMPLOYEES

SUBCHAPTER A. GENERAL PROVISIONS

UBCHAPTER B. AMOUNT OF COMPENSATION, EXPENSES, AND ALLOWANCES GENERALLY APPLICABLE

Sec. 152.011. AMOUNT SET BY COMMISSIONERS COURT. **The commissioners court of a county shall set the amount of the compensation, office and travel expenses, and all other allowances for county and precinct officers and employees who are paid wholly from county funds.**

ec. 152.017. **EXCEPTIONS.** This subchapter does not apply to:

- (1) a judge of a court of record;
- (2) a presiding judge of a commissioners court in a county with a population of 3.3 million or more;
- (3) a district attorney paid wholly by state funds or the district attorney's assistants, investigators, or other employees;
- (4) a county auditor, county purchasing agent, or the auditor's or purchasing agent's assistants or other employees; or
- (5) a person employed under Section 76.004, Government Code.