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MAR 25 1999

Opinion Committee

Honorable John Cornyn
Attorney General for the State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RE: Opinion Request – Webb County
Effective date of increases to officials' and employees' salaries and wages due to late adoption of county budget

Dear Sir,

Your opinion is requested concerning the following matter.

BACKGROUND

The Webb County Commissioners Court adopted its annual budget for Fiscal Year 1998-99 on October 13, 1998. The salaries, allowances, and expenses of the elected officials were set on September 30, 1998. Several officials received an increase in their salaries. A number of those officials have suggested that their salary increases are effective October 1, 1998, when Webb County's fiscal year officially begins. Webb County follows Chapter 111, Subchapter A, Local Government Code, in its budget preparation process for fiscal years 1997-98 and 1998-99. Webb County has adopted October 1 as the beginning of the fiscal year in both instances

QUESTION

Are salary increases to County officials and employees effective on and payable from the first day of the County's fiscal year, or on the day that the budget is adopted?

ARGUMENT

I believe that the salary increases are effective from the date that the County's budget is adopted.

County funds may be disbursed only in "strict compliance" with the budget.¹ The compensation of county and precinct officers is set annually at a regular meeting of the Commissioners Court during the regular budget hearing and adoption proceedings.² No other guidance is offered on

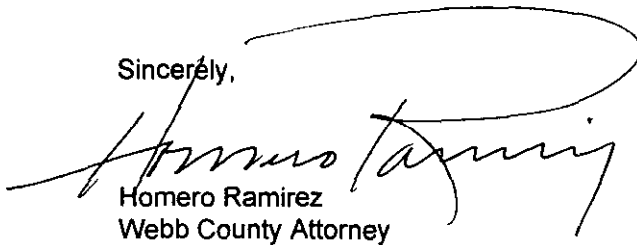
¹ Tex. Loc. Gov't Code Ann. §111.010(b) (Vernon 1988). Brooks, Texas Practice, Vol. 35, p. 537.

² Tex. Loc. Gov't Code Ann. §§152.011 and 152.013(b) (Vernon 1988).

this matter. For all other employees, state law provides that employees may be paid from the County's general fund or any other funds; their compensation is set annually.³

Brooks, however, advises that a Commissioners Court may not incur obligations not provided in the budget unless a proper amendment of the current budget or until adoption of next year's budget.⁴ Therefore, assuming that compensation is an obligation incurred by the County, since no budget amendment was made to the current budget, the obligation is incurred when the current year's budget was adopted on October 13, 1998.

Sincerely,



Homero Ramirez
Webb County Attorney

JHR/ars

³ Tex. Loc. Gov't Code Ann. §§152.001 and 152.011 (Vernon 1988).

⁴ Brooks, *id.*