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OPINION COMMITTEE

General Greg Abbott
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June 14, 2007

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RE: Whether a County Judge may be appointed as the County Budget Officer in a county with a population over 125,000 and 225,000 under Subchapter C of the Local Government Code §111.046-111.060.

Dear General Abbott:

Background: Williamson County is a county with a population of roughly 350,000. Williamson County currently operates under Subchapter B of the Local Government Code but wishes to operate under Subchapter C. The question is this: if the county chooses to operate under Subchapter C, can the commissioner's court appoint the County Judge to serve as the County's Budget Officer?

Local Government Code: It is clear under Subchapter A of the Local Government Code that counties with a population of less than 225,000, "the County Judge serves as the budget officer for the Commissioner's Court of the County", (*See* Local Government Code §111.002). It is also clear, under Subchapter B, that counties with a population of more than 225,000, "the County Auditor serves as the Budget Officer for the Commissioner's Court of the county", (*See* Local Government Code §111.032). But under Subchapter C, which is applicable to counties with a population of more than 125,000, the statute states that:

- (a) The Commissioner's Court of the county may appoint a County Budget Officer to prepare the county budget for the fiscal year.
- (b) A county that establishes the office of County Budget Officer may abolish that office by a formal action of the Commissioner's Court . . . [but] If the office is abolished, the duties of Budget Officer shall be performed by:

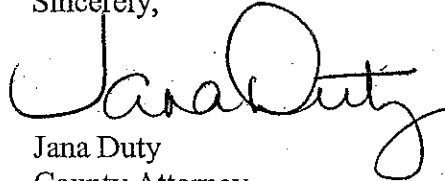
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- (1) The County Judge, if the county has a population of 225,000 or less;
- (2) The County Auditor, if the county has a population of more than 225,000.

The position or office of Budget Officer, if created under Subchapter C, is also able to "assist the Commissioner's Court in the performance of the Court's duties relating to the efficiency and effectiveness of county operations" (*See* §111.071 Local Government Code).

Can Williamson County, a county of roughly 350,000, operate under Subchapter C and appoint the County Judge as the County's Budget Officer?

Sincerely,

A handwritten signature in black ink, appearing to read "Jana Duty". The signature is written in a cursive, flowing style with a large initial "J".

Jana Duty
County Attorney

JD/vh