



Sidney "Buck" LaQuey
GRIMES COUNTY AUDITOR

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OPINION COMMITTEE

December 31, 2007

RQ-0661-GA

Office of the Attorney General
Greg Abbott, Attorney General of Texas
P. O. Box 12548
Austin, Texas 78711-2548

FILE # ML-45496-08
I.D. # 045496

RE: Attorney General Opinion

Dear Sir:

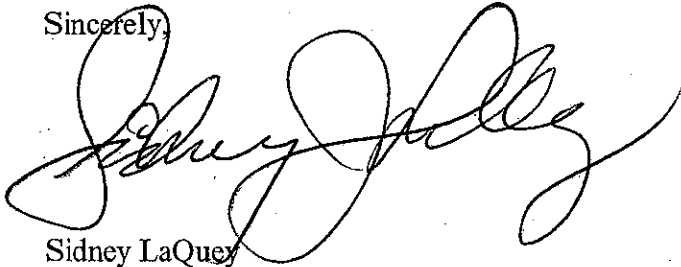
I am requesting an opinion on whether a county commissioner can be paid while working for the jail division under the supervision of the Sheriff's Department in addition to receiving money as an elected County Commissioner. Pct. 4 County Commissioner of Grimes County has been working and received a salary paid by the jail division of the sheriff's department in addition to receiving the salary as the elected County Commissioner of Pct. 4. This County Commissioner is working approximately 80 hours per month and receiving pay by the jail division of the sheriff's department. The salaries for both of these positions are being paid on one check from the county.

Over the last several months this Commissioner has voted to approve bills, line item transfers and budget matters directly affecting the Law Enforcement Center, the Sheriff's Department and the Jail. This commissioner has not abstained from any motion or vote on budget or money issues for the Law Enforcement Center, the Sheriff's Department or the Jail from which her salary is being paid. In addition, this commissioner during the adoption of the budget was given control over a \$30,000.00 line item for the Law Enforcement Center for repairs and maintenance. Request for this money to be spent comes through the Sheriff's Department.

I have researched and found AG opinion #JC-0067 and although I feel it answers my question I am asking that you issue a separate opinion addressing this particular case of a County Commissioner also working and receiving a salary from the jail division under the supervision of the sheriff's department.

Please state what the outcome would be for a commissioner violating their oath of office in this type situation. I would appreciate your opinion on this matter as soon as possible to avoid any possible litigation against the county.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sidney LaQuey', written in a cursive style.

Sidney LaQuey
County Auditor

cc: Grimes County Judge Betty Shiflett
File