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September 14, 2020

RQ-0380-KP

The Honorable Ken Paxton
Attorney General of Texas
Office of the Attorney General
Attention: Open Records Division
P.O. Box 12548
Austin, Texas 78711

FILE# ML-48884-20

I.D.# 48884

Re: Whether the Justices of the Peace request to supplement administrative salaries from their individual tech funds violated Article 3, Section 53 of the Texas Constitution.

Dear Attorney General Paxton:

This letter is a request that the Texas Attorney General issue an opinion pursuant to Section 402.042 of the Texas Government Code.

BACKGROUND:

In the request presented to Commissioner's Court on June 15, 2020, Judge Cavanaugh represented all four Justices of the Peace in requesting a one-time bonus for the administrative staff. He represented to the Court that, due to COVID-19, the administrative staff of the four Justice of the Peace offices have had to work a significant amount of overtime due to resulting backlogs.

QUESTION:

I am requesting an opinion as to whether or not the wording of Judge Cavanaugh's request would make the issuance of the one-time bonuses from the tech funds illegal under Article 3, Section 53 of the Texas Constitution. A copy of June 15, 2020 meeting is included here-in. Judge Cavanaugh's presentation begins at 19:05. Also included is the correspondence between Judge Cavanaugh and the County Treasurer, Ann Krpoun regarding the issue at hand.

Sincerely,

Jennifer D. Robison, CPA
Brown County Auditor

Cc: County Judge Dr. Paul Lilly
District Judge William Stephen Ellis
Enclosures