

***Laura Lee Brock, CPA
Clay County Auditor*****COUNTY of CLAY, TEXAS
Clay County Courthouse Annex
214 N Main
Henrietta, Texas 76365****RECEIVED***By Opinion Committee at 11:47 am, Jun 27, 2024*

June 26, 2024

Office of the Attorney General
300 W 15th Street
Austin TX 78701

Dear Attorney General Paxton,

I am writing this request on behalf of the Commissioner's Court of Clay County Texas. The Court is requesting an opinion regarding the County Attorney's use of the SB22 funds to hire an additional Administrative Assistant for his office. While we understand the hiring of additional staff including an Administrative Assistant is allowed with SB22 funds, the County Attorney has submitted employment information to the County Treasurer to hire the County Judge's Administrative Assistant as a dual role for both the County Judge and County Prosecutor.

While there is a continuing discussion that the Administrative Assistant is a non-exempt position, the County Attorney is asserting that her duties would qualify her as exempt. This is not the opinion of Texas Association of Counties, Human Resources, me nor the County Treasurer. The County Attorney is stating this would exempt that position from overtime accumulation. While I am not requesting an opinion on the Fair Labor Standards Act, I merely provide this for additional background.

My request concerns the dual role of an Administrative Assistant working for both the County Judge as well as the Prosecuting Attorney. Does this dual role pose a conflict of interest or any other matter of concern?

Thank you for your consideration of this request.

*Laura Lee Brock, CPA*Laura Lee Brock, CPA
County Auditor
Clay County, Texas