

# OFFICE OF THE ATTORNEY GENERAL



79-00199

File # 165

CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA  
MAY 16 1979

LEE L. MALE  
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT

WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Mr. J. Gorman Houston, Jr.  
P.O. Box 14  
Eufaula, Alabama 36027

Barbour County - Sheriffs

Barbour County was obligated to pay sheriff a salary of \$13,000 per year for term of office from 1975 to 1979 under Act No. 193 of 1973 Session

Dear Mr. Houston:

Reference is made to your request for an opinion from the Attorney General as to the following matter:

"By Act No. 1174 (H.1047) Acts of Alabama, 1969, Vol. III, Page 2191, the salary of the Sheriff of Barbour County was set at \$12,000.00 per annum.

"Charles Gilmore was elected Sheriff of Barbour County, in the General Election of 1970, and took office in January of 1971. He was reelected in the General Election of 1974 for a term that commenced in January, 1975.

"In 1973, Act No. 193 (H. 763) Acts of Alabama, 1973, Vol. I, Page 229,

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was enacted and approved by the Governor. This Act provides that in Counties having populations between 20,000 and 30,000 the annual salary of a Sheriff shall be \$13,000.00.

"According to the 1970 census, the population of Barbour County is 22,543.

"Does Act No. 193 override Act No. 1174, insofar as the salary of the Sheriff of Barbour County is concerned? Does the Barbour County Commission have an obligation to pay to the former Sheriff, Charles Gilmore, the additional sum of \$1,000.00 for each year of his term of office, which commenced in January, 1975?

"Former Sheriff, Charles Gilmore, used his personal freezer at the Barbour County Jail in Clayton, Alabama, and he has submitted a claim to the Barbour County Commission for \$10.00 per month for the period of time such freezer was used at the County Jail. There was no prior agreement between the Sheriff and the Commission concerning this.

"Is the County Commission obligated to pay this claim?"

The salary of the sheriff of Barbour County was set by local Act No. 1174 in 1969 as \$12,000.00 per annum. In 1973 the Legislature passed Act No. 193 which set the salaries of sheriffs in certain counties in the State on the basis of the population of the county. The salary for the sheriff in the population range in which Barbour County came was \$13,000.00 a year. Therefore, the Barbour County Commission was obligated to pay Sheriff Gilmore \$13,000.00 for each year of his term in office from 1975 to 1979.

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The payment of the claim against the county by Sheriff Gilmore for the use of his personal freezer at the county jail is within the discretion of the County Commission. If the County Commission thinks that the claim is valid, they may pay it.

If our office can be of further assistance, please do not hesitate to call on us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By -

A handwritten signature in cursive script, appearing to read "Lynda F. Knight".

LYNDA F. KNIGHT  
Assistant Attorney General

LFK;mj