



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

September 30, 2021

Ja'Nekia W. Barton, Esq.  
Attorney for Bolivar County Board of Supervisors  
Post Office Box 1917  
Cleveland, Mississippi 38732

Re: Base Salary and Secretarial Expenses of Bolivar County Prosecutor

Dear Ms. Barton:

The Office of the Attorney General has received your request for an official opinion.

### **Question Presented**

Does the board of supervisors have authority to increase the statutory base salary of the county prosecutor by adding secretarial expenses to the salary, thereby increasing the financial obligations of the county regarding retirement and taxes for the elected official?

### **Brief Response**

No. The salary of the county prosecutor is separate from secretarial expenses paid by the board of supervisors to the county prosecutor.

### **Applicable Law and Discussion**

The county prosecutor's salary is set pursuant to Mississippi Code Annotated Section 25-3-9, which provides the allowable salaries based on population and physical location. MS AG Op., *Slover* at \*2 (Aug. 9, 2019). That statute also provides, for certain counties, allowable secretarial expenses to be paid to the county prosecutor under various circumstances. Moreover, Section 19-23-19 provides a general allowance, at the discretion of the board of supervisors, up to \$1,000, to be paid to the county prosecutor "for secretarial services actually rendered to said county prosecuting attorney in the discharge of the official duties of his office."

The board of supervisors' authority to pay the county prosecuting attorney for secretarial services is "separate and distinct from the authority to employ and compensate a county prosecutor." MS AG Op., *McDade* (Dec. 16, 1992). Accordingly, it is the opinion of this office that secretarial

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expenses cannot be included in the prosecutor's salary, nor used in the calculation of retirement or taxes for the prosecutor.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Gregory Alston*

Gregory Alston  
Special Assistant Attorney General

OFFICIAL OPINION