



County Government 101



TEXAS

254 Counties

Waller County formed in 1873
from portions of Austin County
& Grimes County

Named after Edwin Waller, a
signer of the Texas Declaration
of Independence from Mexico,
and the first mayor of the city of
Austin

Texas Government

Texas is governed by a constitution which was made effective in 1876.

The Texas Constitution provides for legislative, executive & judicial branches of government at the state level.

Articles 9 & 11 establish counties & cities as basic governing units at the local level.

Authority to Govern

- The authority of various county officials is set out and defined generally by statutes.
- Statutes are laws that are passed by the legislature in Austin, and signed into law by the governor.
- Most of the time statutes apply to the whole state, but once in awhile the legislature passes laws that only apply to certain counties or towns, usually based on population.

Waller County Commissioners' Court

- The Waller County Commissioners' Court is the main governing body of Waller County.
- The powers and duties of the Commissioners' Court are set out in various statutes.
- The main powers are:
 - Budgeting
 - Supplying other elected officials with funds and space to conduct business
 - Providing funds for roads & bridges

County Judge

Description of Office

- The Texas Constitution vests broad judicial and administrative powers in the position of county judge, who presides over a five-member commissioners court, which has budgetary and administrative authority over county government operations.
- The county judge handles such widely varying matters as hearings for beer and wine license applications, hearing on admittance to state hospitals for the mentally ill and mentally retarded, juvenile work permits and temporary guardianships for special purposes. The judge is also responsible for calling elections, posting election notices and for receiving and canvassing the election returns. The county judge may perform marriages.
- A county judge in Texas may have judicial responsibility for certain criminal, civil and probate matters - responsibility for these functions vary from county to county. In those counties in which the judge has judicial responsibilities, the judge has appellate jurisdiction over matters arising from the justice courts. The county judge is also head of civil defense and disaster relief, county welfare and in counties under 225,000 population, the judge prepares the county budget along with the county auditor or county clerk.

County Commissioners

Description of Office

- The job of the county commissioner calls for hands-on service delivery, as well as policy-making decisions about a variety of important matters.
- Four commissioners, each elected from a quarter of the county's population, serve along with the county judge on the commissioners court. Many people know that the commissioners court is responsible for building and maintaining the roads and bridges of the county. In your county, your commissioner may have individual responsibility for the roads in his precinct or county road maintenance may be centralized under a unit road system.
- The commissioners court also has the responsibility to adopt the budget and tax rate that is sufficient to fund the personnel, equipment and infrastructure necessary to deliver the services provided by the county. Typically, the commissioners court is responsible for conducting business on behalf of the county, and only the commissioners court can enter into contracts on behalf of the county.

Commissioners Cont.

- The commissioners court does much more than maintain roads and adopt a budget and a tax rate. County government's operations are often tailored to meet the needs and resources of the community, so the programs overseen by the commissioners court may vary from county to county. In a typical county, the commissioners court also establish precinct boundaries for commissioners and justices of the peace, determine the number and type of county employees and their compensation, acquire property for rights of way or other public uses, adopt and enforce subdivision regulations, provides rural ambulance services and subsidizes rural fire protection, and supervises and controls the county courthouse and other county buildings and facilities
- Oath & Bond - \$3,000.00 payable to County Treasurer

Other Elected Officials

- District Judge – State Official
- District Attorney – State Official
- County Court-at-Law Judge – County Official
- Sheriff – County Official
- District Clerk – County Official
- Treasurer – County Official
- County Clerk – County Official

Elected Officials

- Tax Assessor-Collector – County Official
- Justices of the Peace – Precinct Officials
- Constables – Precinct Officials

*Job descriptions from Texas Association of Counties. www.county.org

District Judge

- One in Waller County
- 506th
- Highest level state trial courts in TX
- Jurisdiction over felony cases and civil cases with no limit on maximum damages
- Hires the county auditor and sets salaries for auditor and his/her assistants & for court reporter
- Has appellate and supervisory control over Commissioners Court

Criminal District Attorney

- **Description of Office**

- The main duty of both the county attorney and the district attorney is to represent the state in criminal cases. Both work with law enforcement officers in the investigation and preparation of cases to be heard before the criminal courts.
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- These public prosecutors determine whether prosecution in any given case should be instituted and, if instituted, pushed to a successful conclusion.
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- Other duties include prosecution of juvenile offenders, representation of victims of violence in protective orders and representing the Texas Department of Protective & Regulatory services in removing children from abusive households
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- The county attorney typically provides legal advice to the commissioners court and other elected officials. When requested in writing, the county attorney provides written legal counsel to county officials about their duties of office. Absent a specific statutory mandate, however, it is not the duty of the county attorney to represent the county in civil cases.
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- Some counties do not have both a county attorney and a district attorney. These counties have either a criminal district attorney or a combination county and district attorney. In these counties, one individual performs the functions of both the county attorney and the district attorney.

County Court-at-Law Judge

- Jurisdiction over family law cases
- Jurisdiction over misdemeanors
- Jurisdiction over probate matters
- Jurisdiction over civil cases no more than \$200,000 in controversy
- Hears appeals from Justice of the Peace Courts

Sheriff

- The sheriff is the chief peace officer in the county and has a range of duties that include criminal investigations, traffic enforcement, and operation of the jail, including the safekeeping of inmates and operation of the jail commissary. The sheriff also provides security for the courthouse, including the county and district courts, assists with service of subpoenas and other process and accepts bail for prisoners in his custody. In a county without a Bail Bond Board, the Sheriff sets bail bond policy for the county. Finally, the sheriff may conduct sales of forfeited property, property being sold at auction for failure to pay property taxes and property sold to satisfy judgments in civil cases.
- As with all elected county officials, the sheriff has ultimate authority over the operations of the office, including the authority to hire and fire personnel and direct their daily activities. The sheriff also has authority to determine how to use all other resources allocated to the office during the budget process.

District Clerk

- The district clerk has a duty to keep the records of the district court safe and properly arranged. The district clerk must, among other things record the acts and proceedings of the district court, enter all judgments of the court under the direction of the judge, record all executions issued and the returns issued on the executions, administer child support payments, administer trust accounts for minors ordered by the courts keep an index of the parties to all suits filed in the court, and make reference to any judgment made in the case and keep an account of all funds collected by the office, including fines and fees, and determine the amount due to citizens who serve on a jury in district court.

County Clerk

- The county clerk serves as clerk of both the county court and the commissioners court, and it is the clerk that maintains the official records of both the county court and the commissioners court. As clerk of the county court, the county clerk also receives and is responsible for money paid in fines and fees and for the payment of juror fees.
- The county clerk also is the custodian of a variety of other important public records, such as deeds and other instruments and birth and death certificates. The county clerk also issues marriage licenses.

County Treasurer

- The county treasurer, as the chief custodian of all county funds, including the general fund and special funds, such as those dedicated to a certain purpose and those under the control of an elected official other than the commissioners court. The treasurer has a duty to receive all money received by the county from any source and place it in the appropriate county depository. All county money received by any official must be delivered promptly to the county treasurer for proper handling.
- The county treasurer is also responsible for disbursing county funds as directed by the commissioners court consistently with the law. The county treasurer often acts as the chief liaison between the county and all depository banks. In this capacity, he or she maintains records of all deposits and withdrawals, and reconciles all bank statements, thus assuring their accuracy and the safety of county funds. The county treasurer, who may be designated as the county's investment officer, is required to submit regular reports to the commissioners court about the county's finances.

County Tax Assessor-Collector

- The major tax duty of the assessor-collector, is the assessment (calculation) of taxes on each property in the county and collection of that tax, but the tax assessor-collector does not appraise property. That function is performed by the Appraisal District, which is not a part of county government. As an agent of the Texas Department of Transportation, the assessor-collector also is responsible for the registration and licensing of motor vehicles owned by residents of the county.
- In most Texas counties, the tax assessor-collector is the voter registrar. But, in Waller County those duties are held by the Election Administrator.
- The county tax assessor-collector is also responsible for the collections of special fees imposed by the county and state on coin-operated vending machines, alcoholic beverage permits and registration and titling boats.

Justices of the Peace

- The justice of the peace is the legal jurisdiction most accessible to the average citizen.
- Justices of the peace hear misdemeanor cases punishable by fine only. The justice court also has authority to hear most civil cases in which the amount in controversy does not exceed \$10,000.
- The justice of the peace also performs the functions of a magistrate and conducts inquests. In addition, a justice of the peace may issue a variety of civil process, as well warrants for search and arrest. Justices of the peace also conduct preliminary hearings, administer oaths, perform marriages and serve as a coroner in counties where there is no medical examiner. They can also deal with matters concerning foreclosure of mortgages and enforcement of liens on personal property, as well as landlord-tenant disputes.

Constables

- Constables are certified peace officers and, along with their deputies, have all the enforcement powers of any other peace officers and often participate actively in criminal investigations. In many communities, constables focus on truancy cases. Not only does a constable perform traditional law enforcement functions, the constable also serves as bailiff for the justice courts, serves subpoenas and other process and plays an important role in making sure the judgments rendered in civil cases are satisfied. The constable also has duties related to keeping accounts of the financial transactions of the office and is responsible for property seized or money collected by court order.
- CC to set – not more than \$1,500 or less than \$500 payable to Texas Governor

Appointed Officials

- County Auditor – Hired by District Judges
- County Engineer – Hired by Comm. Court
- Fire Marshal – Hired by Comm. Court

(Each has authority over hiring decisions in their departments.)

Employees hired by Comm. Court

- Library Director (independent of supervision)
- Recycling Manager (supervised by Pct. 4 Comm.)
- IT Administrator (currently Pct. 4 Comm.)
- Maintenance Supervisor (supervised by County Judge)
- Veterans' Service Officer (supervised by County Judge)

Auditor

- The county auditor maintains the integrity of financial administration of county government by overseeing the county's financial record-keeping and assuring that all expenditures comply with the county budget and the law. The county auditor has continuous access to all books and financial records of every elected official and conducts detailed reviews of all county financial operations.
- The office of county auditor is not subject to the control of the commissioners court or any other county official, but is appointed by the district judge(s) serving the county. Both the county auditor and commissioners court are required by law to approve claims for disbursement of county funds. The integrity of county financial administration is entrusted to a dual control system of "checks and balances."

County Engineer

- Responsible for overseeing construction and maintenance of county roads and bridges.
- In Waller County supervises the engineering department, 911 addressing program, flood plain program, and environmental health department.

Fire Marshal

- Responsible for inspection and building permits of commercial buildings
- Responsible for arson investigations

Texas Open Meetings Act

CC

is on



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

Texas Open Meetings Act Basics

- The Waller County Commissioners' Court is subject to the Texas Open Meetings Act
- The Open Meetings Act generally applies when:
 - A quorum (3 out of 5) of a governmental body is present and discusses public business
OR
 - A quorum of a governmental body is present and the governmental body is providing or receiving information to/from a 3rd party.

Notice of the meeting must:

- Be posted at least 72 hours prior to the meeting time
- Contain the date, time, location and subject of the public meeting
- Be specific enough that the public has a general idea of what will be discussed

Use caution.

- Commissioners receive information from staff, other officials, and the public routinely.
- It is important to avoid having discussions with more than one other commissioner or the county judge about public business when not in a public meeting called in accordance with the Open Meetings Act.

CAUTION

- A Commissioner/County Judge can violate the Open Meetings Act by discussing public business over the phone, email, or in any type of writing if the “discussions” occur between a quorum, even if the quorum is not together in the same physical location at the time.
- EXAMPLE – Comm. A calls Comm. B on the phone to discuss road construction. Comm. A then calls Comm. C to discuss the same thing.
- THIS IS AN OPEN MEETINGS VIOLATION

More particulars...

- Closed/Executive Sessions
 - Personnel matters
 - Attorney
 - Real Property
 - Security issues
 - Gifts to government
 - Various uncommon items

Emergency Meetings

- 2 hours notice posted
- “only if immediate action is required of a governmental body because of an imminent threat to public health and safety or because of a reasonably unforeseeable situation.”

Civil Penalties

- The District Court may void whatever action was taken in violation of the OMA.
- An injunction can be placed against a Comm. Or the Court to prevent further violations.
- Costs of litigation and attorneys fees could be awarded against the county.
- ANYONE CAN SUE

Criminal Penalties

- Up to \$500.00 fine
- Up to 6 months in jail

Misc.

Conflicts of Interest

- Chapter 171 Texas Local Government Code

Salary Grievances

Texas Association of Counties

Texas Attorney General – Mandatory Training

Confidentiality ???

Donations