

GUIDE TO TEXAS LAWS FOR COUNTY OFFICIALS



TEXAS ASSOCIATION OF COUNTIES

2006 Edition

GUIDE TO TEXAS LAWS FOR COUNTY OFFICIALS

Prepared By David B. Brooks

FOR
TEXAS ASSOCIATION OF COUNTIES
1210 SAN ANTONIO
AUSTIN, TEXAS 78701

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TEXAS ASSOCIATION *of* COUNTIES

1210 San Antonio • Austin, TX 78701

P.O. Box 2131 • Austin, TX 78768-2131



Sam D. Seale • Executive Director

Dear County Official:

The *Guide to Texas Laws for County Officials* is a research tool designed to assist new county officials identify state laws affecting the operations of county offices. The *Guide* was originally published in 1980 and has been periodically updated since that time. All previous editions should be considered obsolete and should be discarded.

TAC wishes to thank officials of the State Office of Rural Community Affairs for their role in developing and maintaining the Guide through the years. Special thanks go to Austin attorney David B. Brooks, author of *County and Special District Laws*, by West Publishing Company, for researching and updating this current version through actions of the Regular and Special Sessions of the 79th Texas Legislature as of August 1, 2006.

Additional copies may be obtained by contacting the Administrative Department of the Texas Association of Counties.

Sincerely,

Sam Seale
Executive Director

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INTRODUCTION

PURPOSE OF THE GUIDE

The statutory duties and responsibilities of county government officials in Texas are numerous. They range from mandatory requirements pertaining to essential public functions to optional authority to carry out discretionary activities. Responsibilities of county officials are found throughout the Texas Constitution, Texas Revised Civil Statutes Annotated, and the various codes, including the Local Government Code, Agriculture Code, Election Code, Government Code, Natural Resources Code, Family Code, Tax Code, Parks and Wildlife Code, Water Code, and Business and Commerce Code. Some applicable laws were enacted before 1900. However, many statutory responsibilities have been added or redefined during recent legislative sessions.

This guide is a compilation of current statutes affecting the administration and operation of the principal county offices. While the compilation informs county officials about the more important statutes affecting their offices, it is primarily intended to provide them with a convenient reference source for questions regarding the scope of their individual duties.

While most of the referenced statutes apply to officials of all counties, actual county operations vary according to population, geographic location, and other factors. For example, larger counties may provide a broader range of programs pertaining to human resources and economic development. Also, counties along the Gulf Coast have some powers not granted to other counties. Thus, county officials in some counties have responsibilities that their counterparts in other counties do not have.

FOCUS OF THE GUIDE

While this guide is comprehensive, it does not list every statute that may affect county government. The document is intended primarily as a quick reference guide for county officials. Its main focus is a description of the office and the administrative duties associated with it. Therefore, the statutes included are those directed at the particular county official, or which enunciate a distinct duty, responsibility, or condition affecting the office. Financial, personnel, public welfare, and ministerial responsibilities were emphasized. Statutes that were not generally included were those pertaining to criminal law enforcement and the judiciary. (An exception was made for the justice of the peace, since the main duties of this officer are judicial in nature.) Therefore, statutory responsibilities and laws affecting county offices listed in the Penal Code, Code of Criminal Procedure, and Rules of Civil Procedure are generally not included.

Also, population bracket laws that apply only to counties in a specific population category were generally not included.

For each office, the various duties were divided into general categories, indicated by descriptive sentences. Then, categories were separated by subject groupings, indicated by spacing. Similar statutes relating to different county officers were not always located under the same category. Some categories were combined for the sake of brevity. The approach was to identify a function or responsibility, not to record the statute in total. Consequently, the statutes were summarized as briefly as possible. Mandatory duties were summarized as briefly as possible. Mandatory duties were indicated, wherever possible, by "shall" or "must." Discretionary duties, or duties directed at more than one officer, were indicated by "may." A short narrative description of each office precedes the listing of responsibilities.

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COUNTY COMMISSIONERS COURT

The commissioners court is the governing body of the county. The Texas Constitution specifies that the courts consist of a county judge and four county commissioners elected by the qualified voters of individual commissioners precincts. The county judge is the presiding officer of the county commissioners court. The court has the authority to divide the county into four individual commissioners' precincts. The court shall exercise powers over county business as provided by law (Tex. Const. Art. V, Sec. 18).

Many state administrative responsibilities rest with the court as well as a growing number of permissive authorities. The Local Government Code contains many of the provisions that guide the commissioners court in carrying out its responsibilities for the operation of county government. For example, the Code covers the duties and authority of the commissioners court and other officers related to financial management, public officers and employees, regulatory matters, property acquisition, buildings, and many other areas of county affairs. Another important statute concerning the commissioners court is Chapter 81 of the Local Government Code, which sets out the following responsibilities and powers:

- ◆ Establish public ferries where required.
- ◆ Lay out and establish, change, and discontinue public roads.
- ◆ Build bridges and keep them in repair.
- ◆ Appoint road overseers and apportion hands.
- ◆ Exercise general control over all roads, highways, ferries, and bridges.
- ◆ Provide for the support of paupers.
- ◆ Provide for burial of paupers.
- ◆ Acquire property necessary to obtain a surface water supply or to transport and deliver surface water.

Numerous other statutes augment the above grants of authority. To provide an index to the multiplicity of activities of the county commissioners court, the following compilation of statutes summarizes general responsibilities and lists statutory authorizations for each function of the court.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES	
A major area of responsibility for the county commissioners court is construction and maintenance of roads and bridges in the county that are not part of the state highway system. More than 50 counties have their own road and bridge acts, which control when in conflict with general law. When these acts are silent on a subject, then the general law is effective.	
	Local Government Code
Shall require a plat to be prepared prior to subdivision of land;	Sec. 232.001
May specify road construction for subdivisions;	Sec. 232.003
May require a bond from the owner of the tract to be subdivided;	Sec. 232.004
Approve or refuse to approve plats;	Sec. 232.002
May file an action to enforce subdivision requirements;	Sec. 232.005
Permit revisions or cancellation of a subdivision;	Secs. 232.008, 232.009
Must provide for uniformity in permit requirements for approval of subdivision plats;	Sec. 245.001 et seq.
Authority to collect a fee for excavating or cutting the surface of a county road;	Sec. 240.907
Counties with national forest situation may set aside 50 percent of national forest funds received for benefit of public road system in county;	Sec. 130.906
	Government Code
May issue bonds for certain purposes (including to purchase and construct bridges for public purposes and to improve and maintain public roads);	Sec. 1301.001
Observe statutory limits on bond issues including overall limit of 5 percent;	Sec. 1301.003
May invoke justice court jurisdiction to enforce deed restrictions in residential subdivisions;	Sec. 27.034
May enter into interlocal agreements with cities to construct and maintain city streets and alleys;	Sec. 791.032
May issue road and turnpike bonds and assess taxes to create sinking fund for debt retirement and pay interest, not to exceed ¼ (one-fourth) assessed valuation of real property;	Sec. 1471.011

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES, continued	
	Government Code
May call bond election for road and turnpike bonds;	Sec. 1471.015
	Transportation Code
Specified powers of court include general control over all roads, highways, and bridges;	Sec. 251.016
Must report to comptroller, through county auditor, annually stating total road and bridge expenditures made for construction and maintenance;	Sec. 256.009
Adoption of county road map indicating public interest in roadways;	Chapter 258
Repair and replacement of cattle guards on county roads;	Sec. 251.0095
Assessment of cost for subdivision road improvements;	Sec. 253.003
Creation of freight rail districts;	Chapter 171
Creation and participation in regional mobility authorities;	Chapter 370
Authority of county to remove personal property from county road right-of-way;	Sec. 280.002
Creation and participation in coordinated county transportation authorities;	Chapter 460
May finance city streets with approval of the city;	Sec. 251.012
May accept donations for building or keeping up roads;	Sec. 252.109
May improve subdivision roads and assess property owners;	Sec. 253.001 et seq.
Commissioners shall be ex-officio road commissioners of their respective precincts if accepted by an order of the commissioners court; must post bond with county judge;	Sec. 252.001 et seq.
Adopt system for laying out, draining, and repairing public roads;	Sec. 252.005
Creation of county mass transit authority;	Chapter 457
Creation and participation in rural and urban transit districts;	Chapter 458
Road district toll roads;	Chapter 365
Regulation of sight distances on county roads;	Chapter 255
Make and enforce all reasonable and necessary rules and orders for the construction and maintenance of public roads;	Sec. 251.003

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES, continued	
	Transportation Code
Post notice of time for laying out road;	Sec. 251.054
Establish road connecting land to road system (neighborhood road);	Sec. 251.053
Request advice on plans or specifications for road construction from Texas Department of Transportation (TxDOT);	Sec. 201.803
Acquire right-of-way as requested by TxDOT;	Sec. 224.002
May condemn right-of way or materials at request of and for use of the TxDOT;	Sec. 224.003
Select and maintain detour roads when county roads not part of the state system of highways are under construction;	Sec. 251.011
May allow use of county road for civic events;	Sec. 251.158
May forbid use of certain highways under certain conditions;	Sec. 201.901
May assume jurisdiction over roads of the highway system;	Sec. 224.033
May establish road districts;	Sec. 257.021
May abolish road districts;	Sec. 257.022
Each commissioner in charge of a road district or precinct has power to contract up to \$50;	Sec. 257.002
Counties or portions of counties may join together to form road districts and issue bonds for road construction, maintenance, and operation;	Sec. 257.112
May give memorial designations to parts of highway system; may erect markers with approval of the TxDOT;	Sec. 225.002 et seq.
May direct condemnation proceedings within municipalities for land necessary to county road system or link to state highway;	Sec. 251.101
Must record a public interest in a private road;	Sec. 281.005
Oversee expenditure of road fund;	Sec. 252.108
May employ not more than four road commissioners;	Sec. 252.103

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES, continued	
	Transportation Code
Let contracts for road work;	Sec. 252.213
Provide for convicts working on county roads;	Sec. 252.005
Upon approval of county road system by voters, may appoint county road engineer to be responsible for efficient and economical construction and maintenance of county roads;	Sec. 252.301
Appoint road superintendent and fix salary;	Sec. 252.203
Contribute to TxDOT for proper development and construction of public roads;	Sec. 222.052
May not use money from lateral road account for unauthorized purposes;	Sec. 256.008
Use any necessary material most convenient to build, repair, or maintain public roads; regardless of the location or extent of the material; may condemn road materials to be used if agreement for payment is not reached;	Sec. 251.006
May accept donations of money, land, labor, equipment, or any other kind of property or material to aid in building or maintaining roads;	Sec. 252.109
Purchase or hire necessary road machinery, tools, implements, teams, etc., for road work;	Sec. 252.212
Allow use of county road equipment for other governmental entities at a cost not exceeding \$15,000;	Sec. 251.015
Power and authority to cause all necessary bridges to be built and kept in repair;	Sec. 251.081
May contract for building a toll bridge, where inexpedient for county to do so, and set toll to be paid by users and arrange with builder for upkeep;	Sec. 363.002
Adjoining counties may agree to erect bridges over streams between counties;	Sec. 251.082
May erect bridges in city limits or cooperate with city in erecting bridge;	Sec. 251.083
Shall keep bridges erected in city limits in good repair;	Sec. 251.083
May provide for construction and maintenance of adequate drainage for public roads;	Sec. 254.001 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES, continued	
	Transportation Code
May extend traffic rules to roads of private subdivisions and counties with a population of 500,000 or less;	Sec. 542.007
Order that public roads be laid out, opened, discontinued, or altered when necessary;	Sec. 251.051
Allow 20 days for public notice before responding to petition for new road or change on old road;	Sec. 251.052
Shall classify all public roads in their counties;	Sec. 251.007
May provide for the naming of county roads and the assigning of address numbers;	Sec. 251.013
In counties less than 60,000 may authorize and construct cattle guards on public roads;	Sec. 251.009
May authorize any person to make drain along public road for drainage of land;	Sec. 254.001 et seq
Appoint jury of freeholders in county to lay out county roads-preliminary survey;	Sec. 251.054
May regulate the sight distance at county road intersections;	Sec. 255.002
May authorize bonds for causeways, bridges, tunnels, turnpikes, or highways in Gulf Coast counties (bracket legislation);	Sec. 284.001 et seq.
May grant franchise to private persons or cooperatives for construction, maintenance, and operations of toll underpass or tunnel under bodies of water (bracket legislation for causeways, bridges, tunnels, in Gulf Coast counties);	Sec. 282.001 et seq. Sec. 283.001 et seq.
May assess and collect tolls on bridges for which county bonds issued and may create sinking fund;	Sec. 284.069
Counties bordering on river between Texas and Mexico may acquire existing bridges under specified conditions;	Sec. 364.001 et seq.
	Health & Safety
May dispose of carcasses of animals killed on county roadways by burying on county property;	Sec. 361.117
	Parks & Wildlife Code
May use marl, sand, gravel, shell, or mudshell on roads;	Sec. 86.013

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
1. ROADS AND BRIDGES, continued	
	Utilities Code
Authority of gas utilities to use public rights-of-way;	Sec. 181.021 et seq.
Right of electric utilities to use public rights-of-way;	Sec. 181.041 et seq.
Rights of cable television utilities to use public rights-of-way;	Sec. 181.101 et seq.
	Agriculture Code
May use county road equipment for soil conservation purposes.	Sec. 201.151
2. PERSONNEL	
Commissioners may appoint certain officials to handle other personnel-related duties.	
	Local Government Code
Appoint county librarian;	Sec. 323.005
May fill vacancies in the office of county judge, county clerk, district and county clerk, sheriff, county attorney, county treasurer, county surveyor, inspector of hides and animals, county tax assessor-collector, justice of the peace and constable;	Sec. 87.041
Provide for secretarial personnel;	Sec. 151.901
Authorize county and district officers to appoint deputies and assistance and set salaries;	Secs. 151.001-151.004
Appoint fire marshal;	Sec. 352.011
May employ accountant for independent audit;	Sec. 115.031
Supervise employees necessary to repair, maintain and operate courthouses in counties over 500,000 with the exception of those supervised by sheriff;	Sec. 291.005
May create civil service commission in counties over 200,000 after authorization by the voters;	Sec. 158.001 et seq.
May arrange with one or more other counties to jointly employ and compensate one or more special auditors in counties with population less than 25,000;	Sec. 115.042
May specify reasons for needing auditor to district judge in order for him to appoint one in county with population less than 10,200;	Sec. 84.002

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
2. PERSONNEL, continued	
	Local Government Code
The commissioners court of two or more counties that each have a population of less than 25,000 may agree to jointly employ and compensate a county auditor;	Sec. 84.008
Approve bonds of county clerk; establish self-insurance in lieu of bond;	Sec. 82.001
May authorize appointment of reserve deputy sheriffs or deputy constable and compensate as provided by law;	Secs. 85.004, 86.012
Grievance procedures for county employees in counties with a population of 2.4 million;	Chapter 160
Approve hiring by sheriff of additional guards;	Sec. 85.005
Authorize constable to hire deputies;	Sec. 86.011
Shall appropriate and cause to be paid salaries for assistants to the auditor approved by district judge;	Sec. 84.021
Reimburse auditor for mileage traveling to and from county seat;	Sec. 152.035
The commissioners court of a county shall set the amount of compensation, office and travel expenses, and all other allowances for county and precinct offices and employees who are paid wholly from county funds;	Sec. 152.011
May adopt uniform rules on overtime compensation and compensatory time for county employees whose salaries are approved by commissioners court in counties of 355,000 population;	Sec. 157.021
Minimum amounts of salary defined;	Sec. 152.012
Commissioners court shall set the salary, expenses, and other allowances of elected county or precinct officers;	Sec. 152.013
May authorize payment of reasonable travel expenses of certain persons conducting county business;	Sec. 152.901
May authorize payment of expenses incurred by county and precinct officials for continuing education programs;	Sec.152.907
May provide employee insurance pursuant to the Texas Political Subdivision Employees Uniform Group Benefits Act;	Chapter 172
May provide hospitalization insurance to a county official, deputy, assistant, or other county employee;	Sec. 157.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
2. PERSONNEL, continued	
	Local Government Code
May indemnify county officials against personal liability for loss of funds or damage to property;	Sec. 157.903
May obtain insurance and other coverage for county officials and employees, in addition to the district attorney and officials of special districts by participation in a governmental pool or self insurance fund;	Sec. 157.043
May provide for reasonable accommodations for employees partially physically restricted by pregnancy.	Sec. 180.004
May provide for medical care and hospitalization and may provide for compensation, accident, hospital, and disability insurance for certain persons if salaries are paid from county funds or flood control district in such county;	Sec. 157.002
In county with population of 355,000 or more may adopt uniform rules on the hours of work of department heads, assistants, deputies, and other employees;	Sec. 157.021
May provide pay for services of interpreters employed by the district courts, does not apply to interpreters for deaf persons;	Sec. 152.903
May authorize payroll deductions for credit union membership, dues in labor union or other bona fide employees association, payments to a charitable organization, or payment of fees for parking in a county owned facility;	Sec. 155.001
May provide liability insurance for some or all county officers and employees;	Sec. 157.041
Set fees for services of sheriffs and constables;	Sec. 118.131
Approve bond for sheriff;	Sec. 85.001
Approve amount of bond to be made by county treasurer;	Sec. 83.002
Designation of county purchasing agents;	Sec. 262.011 et seq.
Continuing education requirements;	Sec. 81.0025
Acceptance of gifts;	Sec. 81.032
Authority to permit county and precinct officials to collect fees and other charges by credit card;	Sec. 132.002 et seq.
Prohibition of influencing the appointment of deputies and assistants for other offices;	Sec. 151.004

DUTY/RESPONSIBILITY	AUTHORITY
2. PERSONNEL, continued	
	Local Government Code
Group health insurance for county employees;	Sec. 157.101 et seq.
Assessment of subdivision plat application fee to cover cost of inspecting roads and drainage;	Sec. 232.0021
Payroll deductions for county employees for credit unions, labor unions, parking, charitable organizations;	Sec. 155.001
Approve amount of bond to be made by county constable;	Secs. 86.002, 86.003
	Transportation Code
Appoint jury of freeholders to lay out county roads-preliminary survey;	Sec. 251.054
May employ not more than four road commissioners;	Sec. 252.103
May appoint road superintendent and fix salary;	Sec. 252.203
May, with approval of voters, appoint county road engineer to be responsible for efficient and economical construction and maintenance of county roads;	Sec. 252.301 et seq.
Provide for convicts working on county roads;	Sec. 252.005
May in conjunction with sheriff employ deputies as county traffic officers to enforce highway laws of state; set salaries;	Sec. 701.001 et seq.
	Government Code
May not retaliate against county employees reporting a violation of the law under Whistleblower Act;	Chapter 554
Texas County and District Retirement System;	Chapter 841
Prevailing wage rate law;	Chapter 2258
Access to criminal history information;	Chapter 411
Designation of emergency liaison officers;	Sec. 418.105
Veteran's employment preferences;	Chapter 657
Whistleblower Act;	Chapter 554
Eight-hour workday for public employees laboring on public works;	Sec. 605.001
Reimbursement for hotel and meal expenses pursuant to guidelines adopted by Texas Ethics Commission;	Sec. 611.001
Right to work law;	Sec. 617.004
May obtain criminal history record information for applicants for county employment;	Sec. 411.1295

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
2. PERSONNEL, continued	
	Health and Safety Code
May appoint board of managers for a county hospital;	Sec. 263.041
	Human Resources Code
May fix salaries for members of juvenile board where exists;	Chapter 152
	Election Code
May authorize county clerk rather than tax assessor-collector to register voters;	Sec. 12.031
Appoint election judges;	Sec. 32.002
	Labor Code
May contract with Texas Workforce Commission for employment services;	Sec. 307.002
	Civil Practice and Remedies Code
Prohibition of discrimination based on race, religion, sex, color, or national origin;	Chapter 106
Personal liability of public servants limited to \$100,000.	Chapter 108
3. OFFICES, BOARDS, AND COMMISSIONS	
Commissioners create offices, boards, and commissions to carry out certain purposes.	
	Local Government Code
May set up office of county fire marshal;	Sec. 352.011
In counties over 5,000 may establish board of park commissioners to oversee parks;	Sec. 320.001 et seq.
Implementation of County Building Authority Act in counties with a population of 600,000 or more;	Chapter 293
May appoint county historical commission;	Sec. 318.002
May create county industrial commission;	Sec. 381.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
3. OFFICES, BOARDS, AND COMMISSIONS, continued	
	Health and Safety Code
May create county hospital authority;	Chapter 264
May establish hospital district in counties of 75,000 or less;	Chapter 282
Optional process to establish hospital district;	Chapter 283
May establish mosquito control district;	Chapter 344
May appoint a health authority;	Chapter 121
	Agriculture Code
May establish noxious weed control district;	Sec. 78.011 et seq.
May establish agricultural experiment farm and station;	Sec. 43.002
May create wind erosion conservation district, with approval of voters;	Sec. 202.001 et seq.
May appoint a county sealer of weights and measures to inspect, test, seal, repair, or adjust any weights, measures, or weighting or measuring devices;	Sec. 13.105 et seq.
	Natural Resources Code
In counties bordering Gulf of Mexico, may create Beach Park Board of Trustees to improve, equip, finance, maintain, and operate public parks;	Chapter 62
	Code of Criminal Procedure
May establish personal bond office;	Art. 17.42
	Tax Code
Selection of appraisal district representation.	Sec. 6.01 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
4. OPERATING FACILITIES	
Commissioners court is also responsible for providing buildings for use as offices and other operating facilities for the county.	
	Local Government Code
Sale of county real estate;	Sec. 263.001
Provide courthouse and county offices at county seat;	Sec. 291.001
In counties with cities outside the county seat larger than 5,000, may establish branch offices for tax assessor-collector;	Sec. 292.024 et seq.
May maintain branch courthouse outside of county seat in counties under 30,000 population;	Sec. 292.0231
May provide branch offices in cities other than county seat when county over 110,000 with cities outside county seat of 10,000;	Sec. 292.022
May provide auxiliary courthouse and facilities away from county seat;	Sec. 292.002
May provide buildings or offices other than courthouse for courts and public business;	Sec. 292.001
May acquire as a gift certain real estate;	Sec. 280.002
May lease land acquired for airport;	Sec. 263.051
May lease land acquired from the federal government;	Sec. 263.052
Have managerial control over use and operation of buildings used for exhibits and coliseums and auditoriums;	Secs. 319.002-319.004
May rent or provide office space for agencies of federal government engaged in unemployment assistance;	Sec. 272.003
May sell land, building facilities, and lease back in counties over 250,000;	Sec. 263.053
Provide safe, suitable jails;	Sec. 351.001
Provide offices, office supplies, furniture, automobiles, as necessary for county officials;	Sec. 152.011
May exercise right of eminent domain for public purposes;	Secs. 261.001-261.003
May arrange for lease of contiguous city-county land for park purposes;	Sec. 331.008
May operate and maintain parks (all counties);	Sec. 331.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
4. OPERATING FACILITIES, continued	
	Local Government Code
May establish and operate island parks in counties bordering on the Gulf of Mexico;	Sec. 321.001
May operate or lease parking station near courthouse in counties over 150,000;	Sec. 445.003
Counties on state line may contract outside state for justice centers;	Sec. 361.021 et seq.
May create building authority to provide courthouse (counties over 600,000 after authorization by election);	Sec. 293.001 et seq.
May enter into joint agreement for construction, ownership, and maintenance of buildings, especially the jail, where there is an incorporated city having a population of not less than 2,000 located more than 10 miles away;	Sec. 305.001
May acquire, construct, reconstruct, or remodel buildings to accomplish public purpose;	Sec. 292.001
May own, construct, equip, enlarge, and maintain building or buildings as criminal justice centers;	Sec. 361.002
May acquire real property, easements, and right-of-way in connection with flood control activities;	Sec. 411.001
May acquire land and buildings for parks, playgrounds, historical museums and sites;	Sec. 331.001
May purchase and install public platform tonnage scales to weigh livestock, produce, agricultural, or other products;	Sec. 270.003
Auxiliary county buildings within five miles of county seat for counties with a population of 18,000 or less;	Sec. 292.0025
Selection of county depository;	Chapters 116, 117
45-day time period for issuance of county building permits in counties of 3.3 million	Sec. 233.901
May acquire land for and purchase, construct, repair, equip, and other permanent improvements for county library purposes;	Sec. 323.051 et seq.
May provide for the creation of a public facility corporation;	Sec. 303.001 et seq.
Counties bordering on the Gulf of Mexico may establish, construct, maintain seawalls (procedures specified);	Sec. 421.001 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
4. OPERATING FACILITIES, continued	
	Government Code
Counties of 275,000 may issue bonds to erect public health administration buildings and acquire sites and equipment;	Sec. 1473.171 et seq.
May issue bonds in order to construct and maintain facilities for irrigation purposes;	Sec. 1474.001
May own, construct reservoirs, dams, levees, wells, canals, and other improvements, acquire right-of-way;	Sec. 1474.151
May exercise eminent domain to carry out navigation projects;	Sec. 1475.002
May operate parking stations near coliseums and auditoriums in counties over 1,000,000;	Sec.1473.261 et seq.
May acquire a natural gas system for courthouses and other buildings;	Sec. 1477.101 et seq.
Must give six months notice to Texas Historical Commission before sale, lease, or damage of the historical or architectural integrity of courthouse;	Sec. 442.008
	Health and Safety Code
Lease county hospital (any county);	Chapter 263
Sell and lease back land, buildings, equipment, etc., for hospital district purposes;	Sec. 281.052
May establish hospital and other health facilities;	Sec. 263.021
May contract with city for establishment and maintenance of hospital;	Sec. 265.002
Ensure facilities for treatment of tuberculosis;	Sec. 263.023
Compliance with indoor air pollution guidelines for government buildings;	Sec. 385.001 et seq.
May acquire land on which to locate public dumping and garbage disposal grounds through use of general fund; right of eminent domain for this purpose;	Sec. 364.014
May comply with voluntary state guidelines regarding air quality in county buildings.	Sec. 385.001 et seq.
Comply with building requirements for fire escapes;	Sec. 791.002
Two or more counties may join together to establish a hospital;	Sec. 263.001
May operate solid waste facilities;	Sec. 361.151

COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
4. OPERATING FACILITIES, continued	
	Property Code
Exemption of county property from attachment, execution, forced sales, judgment liens;	Sec. 43.002
	Agriculture Code
Provide supplies and improvements for agricultural experiment station and farm;	Sec. 43.010
May establish and maintain an agricultural experiment station and farm;	Sec. 43.002
May acquire property for agricultural experiment farm and station through donation as close to county seat as possible;	Secs. 43.007, 43.008
	Natural Resources Code
Rent for surveyor's office outside courthouse to be paid by commissioners.	Sec. 23.016
5. BONDING AUTHORITY	
In order to carry out certain responsibilities, the commissioners court is authorized to issue bonds for certain purposes. Commissioners also responsible for management of debt incurred by the sale of such bonds.	
	Local Government Code
May issue revenue bonds in connection with county parks;	Sec. 320.071
May issue bonds to finance construction of seawalls;	Sec. 421.006
May issue bonds for acquisition of land and buildings for parks, playgrounds, and historical museums;	Sec. 331.004
Counties over 600,000--building authority may issue bonds to provide courthouse;	Sec. 293.051
Provisions for issuing certificates of obligation;	Sec. 271.041 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
5. BONDING AUTHORITY, continued	
	Government Code
May issue bonds for the following purposes: To erect county courthouse and jail; to purchase land/buildings for homes for dependent and delinquent boys and girls; to establish county poor houses, farms, and homes for needy or indigent in the county; to purchase and construct bridges for public purposes; to improve and maintain public roads;	Sec. 1301.001(a)
Authorize and issue bonds approved by taxpaying voters;	Sec. 1301.001(b)
May levy tax to create sinking funds to retire bonds issued; any surplus to be used for maintaining and repairing courthouse and jail and the roads and bridges;	Sec. 1301.004
May issue refunding bonds in lieu of bonds legally issued;	Sec. 1207.001 et seq.
May issue road and turnpike bonds and assess taxes to create sinking fund for debt retirement and pay interest, not to exceed 1/4 (one-fourth) assessed valuation of real property;	Sec. 1471.001
May levy taxes to meet obligation;	Sec. 1251.004
May issue navigation bonds;	Sec. 1475.003
Bonds by coastal counties may be issued for canal purposes;	Sec. 1475.051 et seq.
Issue bonds for reclamation and irrigation;	Sec. 1474.001
May issue notes for repairs caused by irrigation damage;	Sec. 1474.003
May exchange bonds for property or in payment of contracted work to be done;	Sec. 1471.104
May issue revenue bonds to acquire and operate sports center (counties over 1.3 million);	Sec. 1432.001 et seq.
May issue bonds to acquire manufacturing or commercial facilities;	Sec. 1477.001 et seq.
May issue certificates of indebtedness for construction and operation of firefighter training facilities;	Sec. 1477.201 et seq.
May issue public securities in any denomination;	Sec. 1201.021
May issue bonds to pay for surveys, plats and maps, and assess tax to finance (counties over 500,000);	Sec. 1477.252

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
5. BONDING AUTHORITY, continued	
	Government Code
May issue revenue bonds if authorized in election to finance acquisition of water;	Sec. 1477.051 et seq.
May issue bonds or time warrants to finance acquisition of fire-fighting equipment;	Sec. 1477.151 et seq.
Counties over 275,000 may issue bonds to erect public health administration buildings and acquire sites and equipment;	Sec. 1473.171 et seq.
Counties over 900,000 may issue bonds and levy taxes for acquisition/construction of county workhouses and farms for prisoners;	Sec. 1473.191 et seq.
Counties over 900,000 may issue certificate of indebtedness for acquiring, constructing, and repairing crime detention facilities;	Sec. 1473.231 et seq.
Approve road district bonds;	Sec. 1471.001
May fix period of maturity for bonds not to exceed 40 years and may redeem;	Sec. 1201.021 et seq.
Observe statutory limits of issues for specific type bonds, courthouse bonds, jail bonds, bridge bonds, and for purposes specified; May invest sinking fund in specified securities with maturity dates no later than due date of bond redemption; road bonds	Sec. 1301.003 Sec. 1471.026
Interest on such investments accrues to sinking fund;	Sec. 1471.026
May call bond election for road and turnpike bonds (procedures);	Sec. 1471.015
Issue bond upon approval of 2/3 of voters;	Sec. 1471.019
Retain custody of bonds until sold to highest bidder and place purchase price in county treasury to credit of road fund;	Sec. 1471.023
Upon petition of voters may call election to determine issuance of compensation bonds;	Sec. 1471.082
Observe statutory procedures set out for exchange of bonds between district and county;	Sec. 1471.083
May issue bonds not to exceed 1/4 (one-fourth) of assessed valuation of real property in order to construct/maintain facilities for reclamation and irrigation purposes; may levy and collect taxes to retire bonds and create sinking fund;	Sec. 1474.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
5. BONDING AUTHORITY, continued	
	Government Code
Observe statutory procedures for issuance, form, and requisites of compensation bonds;	Sec. 1471.084
May hold election on repurchase and cancellation of bonds sold but proceeds unexpended;	Sec. 1471.029
May make requisites of refunding bonds, procedure;	Sec. 1207.001
May hold election and order for issuances of navigation bonds;	Sec. 1475.004
Election required to issue bonds;	Sec. 1251.001
Set maturity dates (30-year limit) for road bonds;	Sec. 1471.021
Must include tax levy or payment method when submitting bond issue to voters;	Sec. 1251.004
Post time and place of bond election and publish in newspaper;	Sec. 1251.003
May provide for levy and collection of tax to pay annual interest on bonds and provide sinking fund;	Sec. 1251.004
May borrow from federal agency and levy tax to repay indebtedness;	Sec. 2259.031 et seq.
May obtain declaratory judgment concerning validity of issuance of securities;	Sec. 1205.001 et seq.
Procedures for bond issue to refund outstanding causeway revenue bonds;	Sec. 1472.001 et seq.
County bonds, generally;	Chapter 1301
Issuance of anticipation notes;	Sec. 1431.001 et seq.
Issuance of bond anticipation notes;	Sec. 1477.351 et seq.
Issuance of bonds for athletic and sports;	Sec. 1432.001 et seq.
Issuance of higher education improvement bonds;	Chapter 1434
Issuance of bonds for parks and fairground facilities;	Chapter 1435
Issuance of bonds for firefighting equipment;	Sec. 1477.151 et seq.
Issuance of bonds for county water supply;	Sec. 1477.151 et seq.
Payment of interest on county bonds;	Chapter 1301
Economic development bonds;	Sec. 1433.001 et seq.
May call election on cancellation or revocation of authority to issue bonds and refund bonds;	Sec. 1252.001 et seq.
May refund outstanding debt if approved by attorney general;	Sec. 1207.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
5. BONDING AUTHORITY, continued	
	Government Code
Issuance of bonds for county buildings;	Chapter 1473
Issuance of private activity bonds;	Sec. 1372.001 et seq.
Issuance of bonds for employment, industrial, and health resource purposes;	Chapter 1433
Public Funds Investment Act;	Chapter 2256
Filing of official bonds;	Sec. 604.001
Surety requirements of official bonds;	Sec. 604.002
Person aggrieved entitled to payments under official bonds;	Sec. 604.006
May issue bonds to purchase or otherwise acquire a public library building;	Sec. 1473.001 et seq.
	Vernon's Revised Civil Statutes
Federal farm loan bonds as lawful investments;	Art. 842
Federal and state securities as lawful investments;	Arts. 842a, 842a-1
	Transportation Code
Counties or portions of counties may join together to form road districts and issue bonds for road contribution maintenance, and operation—can levy tax to pay road district bonds;	Sec. 257.112
Must levy tax to pay interest and provide sinking fund before selling bonds;	Sec. 256.051
May authorize bonds for causeways, bridges, tunnels, turnpikes, or highways (bracket legislation);	Chapter 284
	Health & Safety Code
May issue bonds for solid waste facilities;	Chapter 364
Have bonding authority related to clean air financing;	Chapter 383
Have bonding authority for creating hospital districts (counties of 75,000 or less);	Chapter 282
Have authority to levy tax for optional hospital district;	Chapter 283
Have a bonding authority for establishment of hospital and/or other health facilities;	Chapter 263
County hospital authority may issue revenue bonds;	Chapter 264
Approve bonds issued by Board of Fire Commissioners;	Chapter 794

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
5. BONDING AUTHORITY, continued	
	Agriculture Code
May call election for authorization to issue bonds to acquire land or make improvements on agricultural experiment station;	Sec. 43.007
	Texas Constitution
May issue bonds for construction and maintenance of roads;	Art. III, Sec. 52
6. CONTRACTING AUTHORITY	
Commissioners have the general business responsibility for the county as well as contracting authority. Counties may enter into contracts or cooperative agreements with other local governments to accomplish mutually beneficial purposes, with the state for various services, and with private entities for services or supplies.	
	Local Government Code
Make bond and take oath of office concerning use of county funds and contracts;	Sec. 81.002
May contract with certain agencies to accomplish flood control and soil conservation;	Sec. 411.003
May furnish fire protection and firefighting equipment; also may contract with incorporated area to provide services;	Secs. 352.001, 352.002
May contract with other political subdivisions for purpose of flood control;	Sec. 411.002
May enter into joint agreement for construction, ownership, and maintenance of buildings;	Sec. 305.001
May allocate 50 percent of monies collected from federal forests for benefit of public roads;	Sec. 130.906
May contract for joint financing, construction, and maintenance of jail between counties under 20,000 and cities;	Sec. 361.041
May cooperate among counties through contracts to furnish and operate jail;	Sec. 351.031

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
6. CONTRACTING AUTHORITY, continued	
	Local Government Code
Counties on state line may contract outside the state for justice centers;	Sec. 361.022
May contract for donation of a fixed amount to a crime stoppers organization;	Sec. 351.901
Counties of 20,000 or less may operate auditorium jointly with city;	Sec. 301.001
May contract with cities for use of county library;	Sec. 323.008
May contract with established library to provide service;	Sec. 323.001
Require contract for deposit of public funds;	Sec. 116.021 et seq.
Required to submit contracts for competitive bidding;	Sec. 262.023
May exempt food items from competitive bidding;	Sec. 262.024
May contract for insurance, high technology items, landscape maintenance, travel management, and recycling services through competitive proposals;	Sec. 262.030
May purchase without competitive bids property sold by another local government or the state;	Sec. 262.024
May contract with a nongovernmental association for provision of law enforcement services by the county on a fee basis;	Sec. 351.061
May purchase road machinery and equipment through state purchasing commission;	Sec. 262.002
May participate in cooperative purchasing programs;	Sec. 271.101 et seq.
May participate in regional business certification programs with other counties, cities, and political subdivisions;	Sec. 280.004
May sell surplus or salvage property by competitive bid or auction;	Sec. 263.151 et seq.
May approve change orders in contracts not exceeding \$50,000;	Sec. 262.031
May exchange any county real estate interest for any private real estate interest;	Sec. 263.006
May sell surplus or salvage property without auction or bidding to another county;	Sec. 263.152
May lease land formerly owned by state MH/MR to other governmental entity or nonprofit organization for human services activities;	Sec. 263.007

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
6. CONTRACTING AUTHORITY, continued	
	Local Government Code
May lease land held by county for building of hotel in conjunction with county convention center in counties over 1.3 million;	Sec. 263.101
May provide for the sale of county-developed computer software;	Sec. 270.007
May authorize expenditure of funds for membership in nonprofit association or organization of counties;	Sec. 81.026
May rent or provide office space for agencies of federal government engaged in unemployment assistance;	Sec. 272.003
May convey land to U.S. government for certain purposes;	Sec. 263.201 et seq.
May adopt resolution of participation in state purchasing program on annual basis;	Sec. 271.083
May acquire land singly or jointly with city for use by U.S. government;	Sec. 280.001
Require publication of notice of intended sale of tract of land;	Sec. 272.001
Mandatory pre-bid conference for purchasing contracts;	Secs. 262.0256, 271.0565
Suits against county on construction contracts;	Sec. 262.007
Issuance of COs pursuant to Certificate of Obligation Act;	Sec. 271.041 et seq.
Alternative project delivery methods including design-build contracts and design-build firms, including architects and engineers;	Sec. 271.111 et seq.
Commitment of current revenue onl in contracts to acquire real or personal property with contractual right to terminate at end of budget year;	Sec. 271.903
Consideration of bidder's principle place of business in awarding contracts in counties of 400,000 or less;	Sec. 271.905
Notice of lawsuit against county or county official;	Sec. 89.0041
May authorize district, county or precinct official to receive money or property belonging to another county official;	Sec. 113.903
Use of facsimile signatures;	Chapter 618
International cooperation agreements with Mexico;	Sec. 792.001 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
6. CONTRACTING AUTHORITY, continued	
	Government Code
Contracts for professional services;	Chapter 2254
Interlocal cooperation agreements, generally;	Chapter 791
Collective bargaining and public strikes;	Chapter 617
May acquire (not through eminent domain) a natural gas system and sell any natural gas not needed by county (counties over 5,000);	Sec. 1477.101 et seq.
Must abide by Professional Services Procurement Act when contracting for professional services;	Chapter 2254
May contract with other local governments or state agencies for the purchase of goods and services without competitive bidding;	Sec. 791.025
	Transportation Code
Counties or portions of counties may join together to form road districts;	Sec. 257.112
May erect bridges in city limits and may cooperate with city in erecting bridges;	Sec. 251.083
May operate airport jointly with city;	Sec. 22.001 et seq.
May contract for enforcement of certain warrants with a city traffic within the county;	Sec. 702.001 et seq.
May purchase or hire necessary road machinery, tools, implements, teams, etc. for road work;	Chapter 251
May let contracts for road work;	Sec. 252.005
May use road equipment and employees to assist another governmental entity if the cost does not exceed \$15,000;	Sec. 251.015
May contract with other counties for extension of farm to market roads;	Sec. 251.055
	Health and Safety Code
Joint establishment and operation of hospital by counties and cities or towns;	Sec. 265.011
May sell county hospital and use proceeds for county health care fund;	Sec. 263.029
May contract with city of 10,000 for establishment and/or maintenance of hospital;	Sec. 265.001
May cooperate with municipal authorities to promote public health;	Chapter 121

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
6. CONTRACTING AUTHORITY, continued	
	Health and Safety Code
Two or more counties (each under 15,000) may join together to establish hospital;	Sec. 263.001
May cooperate with cities and other counties for provision of emergency medical services;	Sec. 774.001
May execute cooperative agreements to ensure air quality management, inspection, and enforcement;	Sec. 382.115
Contracts with alcoholism programs and centers;	Sec. 464.032 et seq.
May contract with a public or private alcoholism center;	Chapter 464
	Utilities Code
Two or more political subdivisions may jointly finance, construct, etc., electric utility facilities;	Sec. 164.001 et seq.
	Human Resources Code
May cooperate with other counties to provide better probation services and detention and diagnostic facilities for juveniles;	Sec. 62.002
	Civil Practice and Remedies Code
Recognition of venue for trial litigation;	Chapter 15
Establishment of alternative dispute resolution centers;	Chapter 152
County liability under Texas Tort Claims Act;	Chapter 101
Liability under recreational use statute;	Chapter 75
Liability for sexual exploitation by a mental health service provider;	Chapter 81
Limitation on right to bring suit to recover damages in connection with the sale or manufacture of firearms and ammunition;	Chapter 128
	Parks and Wildlife Code
May execute agreements with local, state, and federal agencies for planning, constructing, maintaining, and operating public recreational facilities and necessary access roads;	Sec. 13.304

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
6. CONTRACTING AUTHORITY, continued	
	Vernon's Revised Civil Statutes
May cooperate with state and federal government in construction of canneries for relief of unemployed;	Art. 2372e
	Election Code
May cooperate in holding joint election with other political subdivisions;	Sec. 271.001 et seq.
May contract for election administration;	Secs. 31.091-31.100
	Labor Code
May contract with state employment service;	Sec. 307.002
	Code of Criminal Procedure
Contracts with private attorneys and private vendors for collection of unpaid fines, fees, and court costs;	Art. 103.0031
	Agriculture Code
May operate cooperatively experiment and home economics program;	Secs. 43.031-43.033
Cooperate with State Agriculture Department in eradication of insects, pests and disease in citrus-bearing counties;	Sec. 73.001 et seq.
In certain counties may rent county machinery to landowners for soil conservation (bracket legislation);	Sec. 201.151
	Natural Resources Code
May lease land for mineral development after public notice and hearing;	Sec. 71.002 et seq.
	Tax Code
May contract with any competent attorney to represent the unit to enforce the collection of delinquent taxes;	Sec. 6.30(c)
	Water Code
May enter into cooperative agreements to promote water quality.	Sec. 26.175

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
7. ELECTIONS	
The commissioners court is responsible for the holding of general and special elections of the county. Special elections include those authorizing creation of special districts, issuance of bonds, and other purposes.	
	Local Government Code
May call election for moving the location of the county seat;	Sec. 73.011 et seq.
Voter approval required to make water resources survey--counties with river flowing through or forming part of boundary;	Sec. 412.013
Voter approval required to appropriate funds to advertise for growth and development;	Sec. 381.002
Voter approval required for zoning and building construction ordinances around certain lakes;	Sec. 231.075
Order of election to relocate county seat;	Sec. 73.011 et seq.
Receipt of election returns for detachment or attachment of territory to a county;	Sec. 71.011 et seq.
May hold referendum concerning property in counties under 40,000;	Sec. 291.007
Election to authorize tax to retire bonds funding construction of seawalls;	Sec. 421.007
	Government Code
Terms of office beginning on January 1 st following general election;	Sec. 601.003
May call election on revocation or cancellation of authority to issue bonds;	Sec. 1251.001 et seq.
Call election on bonds to fund road and turnpike construction;	Sec. 1471.015
Conduct hearing and approve or disapprove holding of election;	Sec. 1471.015
Determine place to hold election;	Sec. 1471.015
Upon petition of voters may call election to determine issuance of compensation bonds;	Sec. 1471.082 et seq.
Upon petition, hold election on issuing bonds to finance irrigation projects (procedure);	Sec. 1474.052 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
7. ELECTIONS, continued	
	Government Code
Hold election to authorize additional bond issue to alter, complete, or supplement original irrigation project (procedure);	Sec. 1474.002 et seq.
Order election on issuance of bonds to finance navigation projects;	Sec. 1475.004 et seq.
May hold election on repurchase and cancellation of bonds sold but proceeds unexpended;	Sec. 1471.029
May, after authorized by voters, issue bonds to finance acquisition of water;	Sec. 1477.051 et seq.
Must include tax levy or payment method when submitting bond issue to voters;	Sec. 1251.004
Post time and place of bond election in public places and publish in newspaper;	Sec. 1251.003
Election required for bond issue;	Sec. 1251.001
	Agriculture Code
When authorized by voters, may create Wind Erosion Conservation District;	Sec. 202.011
Upon petition, hold election to create district for noxious weed control in certain counties;	Secs. 78.011-78.021
Shall order election to establish agricultural experiment farm and station when requested by 10 percent of voters;	Secs. 43.003-43.006
May call election for authorizing issuance of bonds to acquire land or make improvements on agricultural experiment station;	Sec. 43.007
Hold election to determine of animals permitted to run at large;	Secs. 143.021, 143.051
	Transportation Code
Upon approval of voters may appoint county road engineer to be responsible for construction maintenance of county roads;	Chapter 252
Upon petition, shall hold election to determine if county should enact a special road tax; procedure and result;	Sec. 256.052

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
7. ELECTIONS, continued	
	Election Code
Appoint election judges;	Sec. 32.002
May authorize county clerk or some person other than tax assessor-collector to register voters;	Sec. 12.001 et seq.
Approve payment of expenses for election;	Sec. 1.014
Required to adopt voting system;	Sec. 123.001 et seq.
Ballots;	Sec. 124.061 et seq.
Canvass votes;	Secs. 67.002-67.005
Any two or more commissioners may act for county judge relating to election duties when office is vacant or judge fails to act;	Sec. 31.121
May contract for election administration;	Secs. 31.091-31.100
Voting hours;	Sec. 41.031
Voting after polls close;	Sec. 41.032
Uniform dates for holding general and special elections;	Sec. 41.001
May cooperate in holding joint elections with other political subdivisions;	Sec. 271.001
Formation of election precincts;	Secs. 42.001-42.064
Designation of polling places;	Secs. 43.031-43.033
Designate buildings for polling places;	Secs. 43.031-43.033
Provide polling places that are accessible to persons with disabilities (the handicapped);	Sec. 43.034
Fair Campaign Practices Act;	Chapter 258
Qualifications for general voting;	Chapter 11
Candidacy for public office;	Chapter 141
Determination of voter registrar for county;	Chapter 12
Voter registration and renewal;	Chapters 13, 14, 15, 16
Uniform election dates;	Chapter 41
Determination of election precincts;	Chapter 42
Determination of polling places;	Chapter 43
Canvassing election returns;	Chapter 67
Write-in candidates;	Chapter 146
Regulation of political campaigns and advertising;	Title 15
Judicial Campaign Fairness Act;	Sec. 253.151 et seq.
Local option elections for sale of alcoholic beverages;	Chapter 501

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
7. ELECTIONS, continued	
	Tax Code
Call election, upon petition by voters, to consolidate tax assessing and collection functions;	Sec. 6.26
	Water Code
Carry out election required for authorization of weather modification activities;	Sec. 18.0841
Election to authorize issuance of bonds for levee improvement district (procedures);	Secs. 57.203-57.207
Election to dissolve districts.	Secs. 57.326-57.328
Upon petition, hold election to create single county navigation district;	Secs. 61.033, 61.034
8. REGULATORY RESPONSIBILITY	
Counties have statutorily specified regulatory responsibilities. Additionally, in some cases they have an advisory role with state agencies.	
	Local Government Code
May adopt and enforce subdivision regulations;	Sec. 232.001 et seq., Sec. 242.001
Must provide for the timely approval of subdivision plats;	Sec. 232.0025
May regulate subdivision development and provide water and wastewater services in economically distressed areas;	Sec. 232.021 et seq.
May acquire certification of adequate groundwater availability for subdivision plat applications;	Sec. 232.0032
Regulate land use through subdivision platting requirements in economically distressed counties;	Sec. 232.071 et seq.
May cancel platted subdivisions of undeveloped land likely to become colonias;	Sec. 232.0085
May adopt building or set back lines on the public roads in the county;	Sec. 233.002 et seq.
May regulate outdoor lighting and subdivisions near major astronomical observations;	Sec. 240.031 et seq.
May regulate parking on county-owned or leased property;	Sec. 445.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
8. REGULATORY RESPONSIBILITY, continued	
	Local Government Code
May regulate the placement and height of amateur radio antennae;	Sec. 250.002
May regulate massage establishments;	Sec. 243.001 et seq.
Authorize privileges and concession operations in county parks;	Sec. 331.006
May hold hearing to determine if park should be closed and abandoned;	Secs. 317.001-317.004
Counties with public beaches may close portion for special events and fees may be charged;	Sec. 240.902
Padre Island zoning;	Sec. 231.011 et seq.
Regulation of explosives, firearms, bows and arrows;	Chapter 235
Regulations for flood control in Gulf Coast;	Sec. 240.901
Issuance of permits based on regulations in place at time of application;	Chapter 245
Amistad Recreation Area zoning;	Sec. 231.031 et seq.
May enact and enforce regulations to regulate, restrict, or control management and use in land, structures, and other development in flood or rising water prone areas- -Gulf Coast counties to facilitate participation in federal flood insurance programs;	Sec. 240.901
May adopt certain zoning regulations related to elimination of airport hazards;	Secs. 241.001-241.903
Call election, upon petition by voters, to grant authority to the county to adopt zoning and building ordinances for the area around lakes;	Secs. 231.071-241.083
May regulate keeping of wild animals;	Sec. 240.001 et seq.
May regulate use of public platform scales;	Sec. 270.003
Regulation of automotive wrecking and salvage yards;	Sec. 234.001 et seq.
Regulation of slaughterers;	Sec. 234.031 et seq.
Regulation of wild animals;	Sec. 240.002 et seq.
Regulation of water wells in counties with a population of 1.4 million;	Sec. 240.041 et seq.
Regulation of cellphone towers in counties of 1.4 million;	Sec. 240.081 et seq.
Regulation of sexually-oriented businesses;	Chapter 243
May designate where water corporation should place line along right-of-way on county roads;	Sec. 402.101 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
8. REGULATORY RESPONSIBILITY, continued	
	Utilities Code
Hold hearings on telephone service.	Sec. 181.064
May designate where lines should be placed in right-of-way on county roads for gas distribution;	Sec. 181.021
	Transportation Code
May adopt ordinance that requires a junkyard to be licensed by the county and may require location to be approved by the Commissioners Court;	Sec. 396.001 et seq.
Authorized to pay for relocation of water lines owned by water control and improvement districts when necessary to complete farm-to-market roads;	Sec. 251.103
May make and enforce all reasonable and necessary rules and orders for the working and repairing of public roads;	Sec. 251.003
May regulate rates of ferriage; Tex. Const. Art. VII, Sec. 3 provides that the state shall never relinquish the right to regulate fares collected by companies for the use of ferries devoted to public use;	Sec. 342.202
May enact ordinances to ensure the safe use of county roads by aircraft;	Sec. 24.022
Regulation of automobile wrecking and salvage yards;	Chapters 396, 397
Regulate all charges and tolls for crossing bridges or ferries;	Sec. 342.201
Grant approval to a toll road authority to abate county property taxes on signs regulated by the authority;	Chapter 395
	Vernon's Revised Civil Statutes
Certify application for creation of housing corporations;	Art. 1524c
Regulate operation of such housing corporations outside city limits;	Arts. 1524e, 1524f. 1525g
	Property Code
County planning and zoning commission may adopt supplemental rules and regulations governing condominiums.	Sec. 81.003

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
8. REGULATORY RESPONSIBILITY, continued	
	Health & Safety Code
May make recommendation to Air Control Board and may bring enforcement actions under clean air act;	Sec. 382.111 et seq.
Enforce laws to promote public health;	Sec. 121.003
May make regulations in certain areas for collection handling, storage, and disposal of solid waste;	Sec. 364.001
May require license for solid waste disposal site;	Sec. 361.154
May adopt order requiring permits for food service establishments, roadside food vendors, etc., in order to enforce state law;	Chapter 437
May adopt standards for on-site sewage disposal (septic tanks);	Sec. 366.001 et seq.
May license and regulate waste haulers;	Sec. 368.011
May adopt procedures for abatement and removal of junked vehicles or parts thereof as public nuisances;	Chapter 365
May prohibit refuse or junk accumulating near public highways;	Sec. 365.034
Identify and enforce extermination of prairie dogs by landowners;	Sec. 825.036
May appropriate funds to cooperate with state and federal efforts at predatory animal and rodent control work;	Sec. 825.001 et seq.
Regulation of dangerous dogs;	Sec. 822.041 et seq.
Regulation of dangerous wild animals;	Sec. 822.101 et seq.
Registration and regulation of dogs;	Sec. 822.021 et seq.
Regulation of cemeteries;	Sec. 713.021 et seq.
May buy poison for destruction of animal pests;	Sec. 825.021
May establish license procedures for private sewage facility;	Chapter 366
Provide bounties for destruction of certain animals in certain counties;	Sec. 825.031 et seq.
	Alcoholic Beverage Code
May not impose stricter standards on premises licensed to sell alcoholic beverages	Sec. 109.57
May prohibit sale of alcoholic beverages by dealer within 300 feet of any church, school or public hospital;	Sec. 109.33

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
8. REGULATORY RESPONSIBILITY, continued	
	Water Code
May set standards regarding construction in flood plains;	Sec. 16.311 et seq.
Regulation of water rights and services;	Chapter 13
Enforcement of water quality controls;	Sec. 26.171 et seq.
Development of local and regional water plans;	Sec. 16.051 et seq.
May inspect public waters for certain purposes;	Sec. 26.171 et seq.
May set standards regarding MUD construction in ETJ;	Sec. 54.2271
	Parks and Wildlife Code
May acquire land, construct facilities for public recreation;	Sec. 13.304
May issue water safety regulations for lakes within county but outside city authority;	Sec. 31.092
May regulate operations and equipment of boats in public waters and may designate certain areas for swimming and fishing;	Sec. 31.092
May require owner of public or private dam or other obstruction to construct or repair fishways or fish ladders;	Sec. 66.109
	Agriculture Code
Regulate sale of produce and other duties of director of experimental farm and station;	Secs. 43.014-43.017
Provide the appointment or election of a county weigher;	Sec. 13.251 et seq.
May request state agriculture commission to investigate reports of insect pests and plant disease--may establish control and eradication zone for treatment after report;	Sec. 71.008
Cooperate with state agriculture commission with eradication of insect pests and disease in citrus-bearing counties;	Sec. 73.001 et seq.
May order change in status of county or portion of county in regulation of sale, use, and transportation of herbicides;	Sec. 76.144

DUTY/RESPONSIBILITY	AUTHORITY
8. REGULATORY RESPONSIBILITY, continued	
	Agriculture Code
May establish, implement, and conduct program for control and eradication of fire ants;	Sec. 77.001
Hold election to determine if animals may run at large;	Secs. 143.021, 143.051, 143.071
	Natural Resource Code
Report to the attorney general the name and address of each person who has taken minerals or other things of value from public land;	Sec. 11.071
Gulf Coast counties may regulate mass gatherings attracting 200 or more persons on beach areas;	Sec. 61.251 et seq.
Authority to license mobile business establishments on public beaches;	Sec. 61.164 et seq.
In counties bordering Gulf Coast may regulate traffic on beaches and may prohibit littering of beaches;	Sec. 61.122
Responsible for issuing permit for removal of sand, marl, gravel, or shell;	Sec. 61.213
Authority of Gulf Coast counties to regulate motor vehicles and animals on beaches, and to define "littering";	Sec. 61.122
Regulation of signs and barriers around quarries and pits, in counties of 2.4 million population;	Sec. 133.091 et seq.
In certain counties bordering Gulf of Mexico, may establish a dune protection line after public notice and hearing;	Sec. 63.011
Shall appoint a local committee of three real property owners to advise Veterans Land Board on applications.	Sec. 161.217

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
9. FISCAL OPERATION	
The commissioners court has financial responsibility for the county, setting the tax rate, authorizing expenditures, and issuing bonds. Statutes related to the bond process are covered in a separate section. This enumeration includes other statutes related to the commissioners' responsibility for fiscal operation of the county.	
	Local Government Code
Adoption of budget by counties with population of 225,000 or less;	Sec. 111.001 et seq.
Adoption of budget by counties over 225,000;	Sec. 111.031 et seq.
Adoption of budget by counties over 125,000;	Sec. 111.061 et seq.
May relieve county clerk of financial record keeping duties related to issuing of warrants;	Sec. 113.023
Receive monthly and annual reports on receipts and disbursement from auditor;	Secs. 114.024, 114.025
Maintain a county finance ledger with an index;	Sec. 112.008
Receive report at every regular term from treasurer on all money received and disbursed and of all debt due to and owed by the county;	Sec. 114.026
Receive report of treasurer or auditor on examination of accounts and dockets of other county officials who collect money;	Sec. 115.901
Examine report of collection of money submitted by auditor;	Sec. 115.002
Receive report at every regular term from treasurer on all money received and disbursed and of all debt due to and from the county;	Sec. 114.026
Approval of report of treasurer to be entered in minutes;	Sec. 115.022
Sale or lease of county property;	Chapter 263
Financing of capital improvements with impact fees;	Chapter 395
Sale of county computer software;	Sec. 270.007
Approve reports of treasurer on all money paid out and coming into the treasury;	Sec. 112.054
Accept quarterly statement of financial accounts submitted by clerk;	Sec. 114.021

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
9. FISCAL OPERATION, continued	
	Local Government Code
Accept and enter in minutes lists of indigent and delinquent taxpayers submitted by tax assessor-collector;	Sec. 112.033
Examine and approve for entry in finance ledger reports submitted by county officers who collect or handle money;	Sec. 114.044
Settle and pay any judgment rendered against county;	Sec. 89.006
Decide on payment of warrant when requested by treasurer;	Sec. 113.041
Direct disbursement from treasury by treasurer in accordance with law;	Sec. 113.041
May contract with bank to act as depository for a 2-year or 4-year contract term;	Sec. 116.021
May invest funds in direct debt securities of the United States or in certain repurchase agreements;	Sec. 116.112
Designate clearinghouse when one or more depositories used;	Sec. 116.115
May revoke depository contract for cause;	Sec. 116.155
Authorize cancellation of claim on presentation of voucher by treasurer;	Sec. 113.066
May sell or dispose of judgments belonging to county;	Sec. 130.901
May transfer money from one fund to another except that may not transfer leaving less than enough to pay claims on a particular fund;	Sec. 113.004
May appropriate percentage of assessed valuation for purpose of advertising and promoting growth of county when authorized by voters;	Sec. 381.002
May employ accountant for independent audit;	Sec. 115.031
In certain counties, shall pay county clerk for work in keeping the finance ledger;	Sec. 153.002
Approve efforts of justice of peace to collect fines or judgments imposed;	Sec. 112.052
Must notify comptroller of fees determined by commissioners court for county officials;	Sec. 118.131
Allow credits to outgoing tax assessor-collector in forwarding tax rolls to successor;	Sec. 112.034

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
9. FISCAL OPERATION, continued	
	Local Government Code
Competitive bidding requirements;	Sec. 262.021 et seq.
Set fee for collection in civil cases (except cases for delinquent taxes) for law library fund;	Sec. 323.023
Commissioners court to fix maximum amount of expenditure by counties with river flowing through or as a boundary to survey water resources after referendum of citizens;	Sec. 412.013
May authorize payment of fees, fines, and other charges by credit card or electronic means;	Sec. 132.001 et seq.
May authorize the creation of a change fund for use by county officials who collect money;	Sec. 130.902
May, in counties over 3.3 million population, establish petty cash fund in amount approved by auditor;	Sec. 130.909
Order payment for publishing of exhibit showing amounts paid out of each fund for year;	Sec. 114.022
May withhold warrants to persons indebted to the county;	Sec. 154.025
County financial reports;	Chapter 114
Authority to establish petty cash funds for county and district officials and department heads;	Sec. 130.909
Participation in comptroller's least cost review program;	Sec. 140.007
Maintenance of petty cash fund for county officials;	Sec. 130.909
May accept gifts, grants, donations, bequests, and devises of money and other property for any county purpose;	Sec. 81.032
	Occupations Code
May levy occupation tax on coin-operated machine, up to 1/4 of state tax;	Sec. 2153.451
May charge fee for releasing machine sealed for failure to pay tax;	Sec. 2153.453
Must include tax levy or payment method when submitting bond issues to voters;	Sec. 1251.004

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
9. FISCAL OPERATION, continued	
	Transportation Code
Shall state the rate of toll or ferriage when establishing a ferry;	Sec. 342.202
Shall limit rate to 1 cent per head of cattle or horses swimming a river at licensed ferries;	Sec. 342.203
May impose a county fee for vehicle registration;	Sec. 502.101 et seq.
Make and enter in minutes a list of assessments against landowners affected by drainage construction;	Sec. 254.017
May levy taxes for flood control;	Sec. 256.054
May transfer surplus funds from registration fees to other county funds;	Sec. 256.007
	Health and Safety Code
Receive five percent transfer from compact waste disposal facility license holder pursuant to Texas Radiation Control Act;	Sec. 401.244
Levy tax to fund mosquito control districts where created;	Chapter 344
	Civil Practice and Remedies Code
Payment of tort claims by county;	Chapter 102
	Tax Code
May impose county sales and use tax in certain counties for landfill or criminal detention center purposes;	Chapter 325
May levy hotel occupancy tax to fund the construction of convention centers.	Chapter 352
Implementation of Tax Increment Financing Act;	Chapter 311
County Sales and Use Tax Act;	Chapter 323
County hotel occupancy tax;	Chapter 352
County health services sales and use tax;	Chapter 324

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
9. FISCAL OPERATION, continued	
	Government Code
May invest funds in obligations of the United States, obligations of the State of Texas, certificates of deposit, and other specific obligations;	Chapter 2256
Adopt rules governing investment of local funds and designate officer or employee responsible for investment;	Chapter 2256
Must adopt written policy for investment of county funds; financial officers must attend training;	Chapter 2256
Prompt payment for goods and services;	Chapter 2251
Provide funding through collection of fines and other sources to finance court administration system in certain counties;	Sec. 75.401
	Labor Code
Authorities to enter into agreements with state regarding establishment and maintenance of employment service officers;	Chapter 307
Payment of minimum wage by contractors of county.	Sec. 62.0515
10. PUBLIC HEALTH AND WELFARE	
A general responsibility of the commissioners court is to provide for the public health and welfare. Provision for public welfare may include social services, libraries, and parks and recreation. Specific statutes affect some activities in this general area.	
	Local Government Code
May prohibit or regulate keeping of wild animals;	Sec. 240.001 et seq.
May in certain counties prohibit slaughter houses near schools or residence;	Sec. 234.031 et seq.
In counties over 5,000 may establish Board of Park Commissioners to oversee county parks;	Sec. 320.001 et seq.
May provide for animal exhibits and establish museum, and other improvements;	Sec. 319.001 et seq.
All counties may operate and maintain parks, playgrounds, and historical museums and sites;	Sec. 331.001
May charge admission fee to county park upon voter approval;	Sec. 316.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Local Government Code
May cooperate with cities in acquisition and management of parks, etc.;	Sec. 331.008
Support of paupers;	Sec. 81.027
Building and setback line authority over housing and other structures;	Sec. 233.031 et seq.
Adoption of fire code;	Sec. 233.061 et seq.
Authority to order repair, removal, or demolition of dangerous structures in Gulf Coast counties;	Sec. 233.001
Counties with beaches may close portion of public beach for special events;	Sec. 240.902
Establish suitability of parks in counties on Gulf Coast with islands; authorize roads on such island parks and issue bonds;	Sec. 321.001 et seq.
May, in Gulf Coast counties, provide for county park ranges;	Sec. 351.081
May provide for the creation of a sports facility district;	Chapter 325
May jointly establish and operate recreational facilities with other political subdivisions;	Sec. 332.021
Certain counties and cities may jointly establish and operate an auditorium;	Sec. 301.001
May establish, maintain, and operate county free libraries;	Sec. 323.001
May set aside from tax income funds to maintain libraries;	Sec. 323.002
May receive gifts on behalf of library;	Sec. 323.003
May adopt general rules for operation of library;	Sec. 323.005
Accept annual report by librarian on operation and finances of library;	Sec. 323.005
Has general supervision of library;	Sec. 323.006
May contract with private libraries to provide service;	Sec. 323.012
May contract with established library to provide service;	Sec. 323.011
May contract with cities for use of county library;	Sec. 323.008
May, upon termination of existing contracts for library service, call in all books and movable property;	Sec. 323.013
May contract with other county to use or cooperatively operate library;	Secs. 323.009, 323.010
May furnish fire protection and firefighting equipment;	Sec. 352.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Local Government Code
May regulate outdoor burning during drought conditions;	Sec. 352.081
May require removal of unsafe buildings in certain counties;	Sec. 233.001
May authorize creation of library districts governed by a board of trustees;	Chapter 326
May authorize fire inspection fees to be collected by county fire marshal;	Sec. 352.016
May contract with any incorporated volunteer fire department outside of the city limits for services;	Sec. 352.005
In counties under 20,000, may contract with municipalities for fire protection;	Sec. 352.003
May in counties over 250,000 population and adjacent counties adopt a fire code;	Sec. 233.061 et seq.
May declare need for housing authority; may include other counties in regional housing authority;	Sec. 392.012
May set and collect fees for the use of county recreational facilities and services;	Sec. 316.001
May administer or engage in community and economic development projects;	Sec. 381.003
May participate in the financing of sports and community venues and related infrastructure;	Chs. 334, 335
Reports of use and accidents involving equipment in counties with a population of 500,000 or more;	Sec. 270.006 et seq.
Engagement in water supply and distribution, and wastewater collection and treatment, in counties with a population under 10,000;	Chapter 413
	Government Code
Colonia self-help centers;	Sec. 2306.581 et seq.
Texas Disaster Act of 1975 for emergency management;	Chapter 418

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Government Code
Maintenance of county emergency management programs;	Sec. 418.102
Rendering aid to other political subdivisions under mutual aid agreements;	Sec. 418.107
Emergency mutual aid;	Sec. 418.109
Historic courthouse preservation and maintenance, grants and loans;	Sec. 442.0081 et seq.
Funding of community supervision and corrections departments;	Chapter 76
May acquire land for and purchase and construct library; may issue bonds;	Sec. 1473.001 et seq.
	Health and Safety Code
Regulation of public swimming pools;	Sec. 341.064
Authority of county to engage in cleanup programs for contaminated brown fields and economic redevelopment;	Sec. 361.901 et seq.
Authority to establish a mental health court program for persons charged with criminal offenses;	Sec. 616.002
Appointment of commissioners for health care funding districts created in counties along Mexican border and with a population of 1.4 million;	Chapters 288, 289, 290
Compliance with Public Employer Community Right-To-Know Act;	Chapter 506
Creation of local drug and alcohol education program;	Chapter 465
Financing of hospital improvements pursuant to Hospital Project Financing Act;	Chapter 223
Adoption of performance standards for building energy efficiency;	Chapter 388
Contract with Texas Board of Health regarding inspection of milk and milk products;	Sec. 435.005
Responsibility of county for indigent residents not admissible to state mental health hospital;	Sec. 615.001
Authority to establish a mental health court program for persons charged with criminal offenses;	Chapter 616

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Health and Safety Code
Disposal of animal carcasses on county roads;	Sec. 361.117
Enforcement of state laws and rules regarding mobile food units and roadside food vendors in counties of 3.4 million population;	Sec. 121.0035
Management of solid waste and issuance of bonds pursuant to County Solid Waste Control Act;	Chapter 364
Indigent Health Care Act;	Chapter 61
Establishment of recycling program;	Sec. 361.425
Regulation of septic tanks;	Chapter 366
Burial of paupers;	Sec. 694.002
County funding of public health and sanitation, generally;	Sec. 122.001
May establish and operate a community mental health center MHMR services;	Chapter 534
Accept annual report of board of hospital managers;	Sec. 263.053
Contract with city for establishment and maintenance of hospital;	Secs. 265.001, 265.002
Make provisions for facilities for treatment of tuberculosis;	Sec. 263.023
Two or more counties may join together to establish hospital;	Sec. 263.001
May jointly establish and operate hospitals (counties, cities or towns);	Sec. 265.011
May sell county hospital and use proceeds for county health care fund;	Sec. 263.029
Sale and lease back of land, buildings, equipment, etc., for hospital district purposes;	Sec. 281.052
May establish public hospital districts in counties of 75,000 or less;	Chapter 282
May cooperate with cities and other counties for provision of emergency medical services;	Chapter 773
May contract with state hospitals for support and maintenance of mentally ill;	Sec. 551.041
May cooperate with municipal authorities to promote public health;	Chapter 121

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Health & Safety Code
May appropriate funds to hospital to provide medical care for indigents;	Sec. 122.004
Observe requirement of hospital project financing act and county hospital authority act;	Chapters 223, 264
May cooperate in establishment of nonprofit health facilities development corporations;	Chapter 221
Provide for indigent health care and treatment;	Chapter 61
May provide for the burial or other disposition of deceased paupers;	Sec. 694.002
May create and support with county money a commission for promoting drug and alcohol education and treatment;	Chapter 464
May set aside facilities for quarantined person; may provide transportation to state chest hospital; may donate or convey land to state chest hospital;	Sec. 13.031 et seq.
May establish hospital and other health facilities;	Sec. 263.021
May maintain more than one hospital;	Sec. 263.002
Appoint board of hospital managers;	Sec. 263.041
May establish hospital district-optional process (bracket legislation related to hospital establishment and operation);	Chapter 283
May create county hospital authority;	Chapter 264
May provide for the creation of health services districts;	Chapter 287
May provide for the abatement of public nuisances;	Chapter 343
May use solid waste fee revenue collected by state in accordance with approved regional plans;	Sec. 361.014
May establish mosquito control districts;	Chapter 344
May regulate the disposal of litter and may regulate the disposal of recycled materials;	Sec. 365.017
May operate solid waste facilities;	Chapter 364
Community mental health and mental retardation centers operated on behalf of county perform governmental function;	Sec. 534.001
May adopt rabies control requirements;	Chapter 826
May authorize creation of perpetual trust fund to provide for maintenance and upkeep of cemeteries;	Chapter 713

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Health and Safety Code
May provide maintenance of certain cemeteries for historical and other reasons;	Sec. 713.028
Must purchase playground equipment for parks that complies with federal Consumer Products Safety Commission guidelines;	Sec. 756.061
Appoint members to a board of managers for emergency communication districts (certain counties);	Chapter 772
May participate in regional emergency communication system;	Chapter 771
May designate local rabies control authority;	Sec. 826.017
May provide for the registration of dangerous wild animals, including lions, tigers, monkeys, and others.	Sec. 822.101 et seq.
	Human Resources Code
Varying responsibilities in area of juvenile probation contained in bracket legislation;	Chapter 152
Authorize salaries for juvenile probation personnel; may contract for services;	Chapter 152
May contract with Texas Youth Commission for county provision of juvenile probation services;	Sec. 61.083
May establish detention homes and parental schools for juveniles;	Sec. 62.001
May cooperate with other counties to provide better probation services and detention and diagnostic facilities for juveniles;	Sec. 62.002
County funding for public welfare, child welfare, and relief services;	Sec. 11.003
May provide for long term residential facility for detention of juvenile offenders;	Chapter 63

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
10. PUBLIC HEALTH AND WELFARE, continued	
	Vernon's Revised Civil Statutes
May create cultural educational facilities finance corporation;	Art. 1528m
	Transportation Code
May determine speed limits on county roads within range of 30 to 60 miles per hour;	Sec. 545.355
	Property Code
May enforce deed restrictions in counties with a population exceeding 2 million;	Ch. 203
	Agriculture Code
May employ a veterinarian and cooperate with Texas Animal Health Commission in protecting livestock and domestic animals from diseases;	Sec. 161.003
Adoption of county herbicide regulations;	Sec. 76.144
Receive reports from slaughterhouses;	Sec. 148.012
Nomination of local inspectors for tick eradication;	Sec. 167.101 et seq.
Adoption of ordinances restricting the planting, sale, or distribution of invasive plant species;	Sec. 71.153
May not purchase beef products imported from outside United States;	Sec. 150.012
	Natural Resources Code
Issuance of permits for "mass gathering" on public beaches attracting more than 200 persons;	Sec. 61.251 et seq
In counties bordering on Gulf of Mexico, may create Beach Park Board of Trustees to improve, equip, finance, maintain, and operate public park;	Chapter 62
	Water Code
May publish notices of declaration of state of disaster due to drought conditions;	Sec. 16.055
Participation in national flood insurance program.	Sec. 16.13145

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
11. ADMINISTRATIVE DUTIES	
Various statutes affect the administrative operation of the commissioners court.	
	Local Government Code
Shall have seal of court and use on all official acts;	Sec. 81.004
Form for process issued by court executed at least five days before return date specified in process;	Sec. 81.022
May post notice on courthouse door when unable to have it published as required by law;	Sec. 81.007
Shall meet at courthouse or auxiliary building each month--meet at other times also;	Sec. 81.005
Member of commissioners court may not serve as a director or officer of a corporation doing business with the county;	Sec. 81.002
Take oath of office and post bond with treasurer;	Sec. 81.002
County commissioners must complete 16-hour continuing education course each year;	Sec. 81.0025
Three members of court constitute quorum except in levying of tax which needs presence of four members;	Sec. 81.006
Any member may serve on committees and related bodies in conjunction with association of counties;	Sec. 81.026
Shall hold commissioners court at courthouse;	Sec. 81.005
Requirement of presentation of claim to court before filing suit against county or county official after 60 days;	Sec. 89.004
Designation of terms for meeting at county courthouse or other authorized meeting places;	Sec. 81.005
Three members considered a quorum;	Sec. 81.006
Punishment for contempt of court at \$25 or 24 hours confinement;	Sec. 81.023
Sworn testimony given under oath before court;	Sec. 81.030
Authority of county to offer advertising space on county building, vehicle, or web site;	Sec. 263.251
Delegation of duties in counties with a population of 1 million;	Sec. 81.028
Receipt of list prepared by attorney general outlining powers and duties of counties;	Sec. 240.903
Authority of county to secure a patent, copyright, or trademark;	Sec. 270.009
May provide information and the payment of fees and taxes over the Internet;	Sec. 132.007

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
11. ADMINISTRATIVE DUTIES, continued	
	Local Government Code
Receive and review application for property tax exemptions for historical purposes;	Sec. 318.012
Require clerk to keep minutes of meetings and submit for approval at next meeting;	Sec. 81.003
May require testimony before commissioners court to be given under oath;	Sec. 81.030
Financial disclosure may be required of county officials;	Chapter 159
When office of county judge is vacant, any two county commissioners may act in his stead relevant to organization of counties;	Sec. 71.023
Set out regulations for control of courthouse by sheriff;	Sec. 291.003
May establish central mailing system in counties over 1 million population;	Sec. 89.007
May require clerk to have translated into English any part of records in Spanish;	Sec. 193.007
Exercise of county condemnation powers;	Chapter 261
Approve effort of sheriff to collect judgments, fines, fees and forfeitures where no collection made;	Sec. 112.051
Creation of corporations pursuant to Texas Housing Finance Corporations Act;	Chapter 394
County Purchasing Act;	Sec. 262.021 et seq.
Conduct meetings at authorized locations including at alternative sites to accommodate large attendance;	Sec. 81.005
May designate day of week for regular court session;	Sec. 81.005
	Government Code
May broadcast open meetings over the Internet;	Sec. 551.128
May require trustee of real property acquired by county to submit trust documents;	Sec. 2252.091 et seq.
Open Meetings Act, generally;	Chapter 551
Open Records Act, generally;	Chapter 552
Nepotism, generally;	Chapter 573
Whistleblower Act, generally;	Chapter 554
Recognition of federal census figures;	Chapter 2058
May participate in Texasonline project for electronic transmission of documents, licenses, permits, and payments;	Sec. 2054.251 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
11. ADMINISTRATIVE DUTIES, continued	
	Health and Safety Code
License waste haulers transporting in unincorporated areas in counties under 375,000 population;	Sec. 368.012
	Transportation Code
Issue license for persons to operate ferry for hire;	Sec. 342.103
Direct amount of bond for such license;	Sec. 342.104
Creation of local government corporation;	Chapter 430
	Education Code
Common school districts;	Chapter 22 [Appendix]
Creation, consolidation, and abolishment of school districts;	Chapter 19 [Appendix]
Rural high school districts;	Chapter 25 [Appendix]
County administration of public free schools by board of county school trustees;	Chapter 17 [Appendix]
	Property Code
Escheat of abandoned property valued at not more than \$100;	Sec. 76.001 et seq.
Exercise of condemnation powers;	Chapter 21
	Agriculture Code
Serve as governing body of Wind Erosion Conservation District with powers as set out;	Sec. 202.021
Receive and publish report on activities of agricultural experiment farm and station;	Sec. 43.013
	Natural Resources Code
May order records of surveyor transcribed;	Sec. 23.055
	Tax Code
Implementation of Property Redevelopment and Tax Abatement Act;	Chapter 312
Adopt a tax rate;	Sec. 26.05
Post required notice and hold hearing on proposal to increase taxes;	Sec. 26.06(b)

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
11. ADMINISTRATIVE DUTIES, continued	
	Water Code
Hold hearing on creation of single county water control and improvement district; underground water district, fresh water supply district levee improvement district, navigation districts;	Chapters 51-53, 57, 61-63,
Petition the Texas Environmental Quality Commission for creation of a storm water control district.	Sec. 66.014
12. JUDICIAL RESPONSIBILITIES	
The commissioners court has certain responsibilities to the judicial operations at the county level.	
	Local Government Code
May provide office buildings or jails outside county seat;	Sec. 292.001 et seq.
May own, construct, equip, enlarge, and maintain buildings as criminal justice centers (bracket legislation);	Sec. 361.001 et seq.
Shall provide safe suitable jails, definition;	Sec. 351.001
May require review of jail commissary accounts by county auditor;	Sec. 351.0415
May cooperate among counties through contracts to furnish and operate jail;	Sec. 351.031
May contract for joint financing, construction, and maintenance of jail between counties and cities under 20,000;	Sec. 361.041
May increase salaries in sheriff's department upon voter petition in counties over 25,000 population;	Sec. 152.072
Allow or disallow or refuse claims against the county;	Sec. 89.004
In counties over 1.25 million may employ special counsel to represent the county in suits brought against the county;	Sec. 89.001

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
12. JUDICIAL RESPONSIBILITIES, continued	
	Local Government Code
Approve efforts of justice of peace to collect fines or judgments imposed by him;	Sec. 112.052
May sell rights to judgment proceeds belonging to county;	Sec. 130.901
May establish and provide for maintenance of County Law Library;	Sec. 323.021
May contract with private detention facilities for low-risk county inmates;	Chapter 351
In metropolitan counties may provide for the creation of a crime control and prevention district;	Sec. 363.001 et seq.
	Family Code
May contract with a private entity for the receipt and disbursement of child support payments.	Sec. 204.001 et seq.
May establish a visitation center for purposes of enforcing court orders regarding child custody and access.	Sec. 153.014
	Transportation Code
May appoint persons with authority to file charges for enforcement of handicap parking laws;	Sec. 681.0101
	Government Code
Observe requirements of Texas Commission on Jail Standards;	Chapter 511
Provide funding through collection of fines and other sources to finance court administration system;	Sec. 75.401
May provide for additional terms for county courts when needed;	Sec 26.002
Must provide interpreters for deaf jury members in district, county, and justice courts;	Sec. 62.1041
Set aside places in courthouse for use by prospective jurors;	Sec. 62.018

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
12. JUDICIAL RESPONSIBILITIES, continued	
	Government Code
Compliance with public information statute requiring disclosure to public and containing exemptions;	Chapter 552
May hold meetings by means of telephone conference calls if necessary;	Sec. 551.125
May apply for grants and loans to the state historical commission pursuant to historic courthouse preservation program.	Sec. 442.0081
Shall provide facilities, equipment, and utilities for adult probation department;	Chapter 76
	Civil Practices and Remedies Code
Recognition of religious freedom in connection with exercise of governmental authority;	Chapter 110
May establish an alternative system for resolving citizen disputes;	Sec. 152.001 et seq.
	Texas Family Code
Shall provide a suitable place for detention of court-related children.	Sec. 51.12
13. PUBLIC WORKS	
The commissioners court has responsibilities relating to water supply, irrigation and drainage, waste disposal, clean air, and agriculture.	
	Local Government Code
Counties with a taxable value greater than \$290 million are authorized to spend up to \$15,000 per year in preliminary engineering survey relating to drainage, reclamation, conservation, levee improvement, and water control;	Sec. 411.004
May contract with political subdivisions for joint right-of-way, construction, maintenance of canals, drains, and levees for flood control;	Sec. 411.002
May establish public improvement districts.	Chapter 372
Powers of counties under 7,500 population along Rio Grande River with no incorporated territory;	Sec. 81.033

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
13. PUBLIC WORKS, continued	
	Local Government Code
May contract with various federal, state, and local entities for carrying out flood control and soil conservation programs;	Sec. 411. 003
In counties bordering on Gulf of Mexico may determine water prone areas; regulate management and use of land and structures;	Sec. 240.901
Participation in state Association of Counties;	Sec. 89.002
Participation in county government risk management pool;	Chapter 119
Creation of a county civil service system in counties with a population of 200,000 or more;	Sec. 158.001 et seq.
Zoning authority over certain lakes, military zones, Padre Island, etc.;	Chapter 231
Closing of Gulf Coast beaches for nonprofit three-day festivals;	Sec. 240.902
Zoning authority around airports;	Chapter 241
Acquisition of property pursuant to Public Property Finance Act;	Sec. 271.001 et seq.
Acting as a sponsor to create corporations under Public Facility Corporation Act for purpose of acquiring and renovating public property;	Chapter 303
Establishment of library districts;	Chapter 826
Establishment of sports facility districts;	Chapter 325
Creation of county historical commission;	Chapter 318
Creation of Crime Control and Prevention Districts;	Chapter 363
Stimulation of economy with community and economic development programs;	Sec. 381.004
Creation of county development districts;	Chapter 383
Creation of county assistance districts in counties with a population of 45,000 or less;	Chapter 387
Participation in regional planning commissions;	Chapter 391
Establishment of county housing authorities;	Chapter 392
Competitive bidding on public works contracts;	Sec. 271.021 et seq.
May acquire, own, or operate water or wastewater utility system to serve unincorporated territory;	Sec. 412.016

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
13. PUBLIC WORKS, continued	
	Local Government Code
May provide for annual exhibits of horticultural and agricultural products, livestock, and mineral products;	Sec. 319.001 et seq.
May contract for energy conservation consumption reduction in governmental facilities;	Chapter 302
	Government Code
May issue bonds by election and levy and collect taxes for the purpose of constructing and maintaining pools, lakes, reservoirs, waterways, dams, and canals for irrigation and for purchasing improvements;	Sec. 1474.001 et seq.
County is authorized to own and construct reservoirs, dams, levees, wells and canals, and other improvements and to acquire the necessary rights-of-way and other lands by purchasing or condemnation;	Sec. 1474.151
Shall exercise control and management of affairs and operation of the irrigation system and shall operate under the powers assigned to districts of water improvements districts;	Sec. 1474.152
May issue bonds for the improvement of rivers, creeks, and streams to prevent overflow and for all necessary drainage purposes;	Sec. 1474.004
	Transportation Code
Annual report submitted by auditor to state comptroller regarding county road expenditures;	Sec. 256.009
	Natural Resources Code
Creation of beach park board of trustees for Gulf Coast counties;	Chapter 62
Lease of county property for mineral development including coal and lignite;	Chapter 71
Protection of Gulf Coast beach dunes;	Chapter 63
	Parks and Wildlife Code
Regulation of wildlife through development of regional habitat conservation plans for endangered species;	Sec. 83.011 et seq.

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
13. PUBLIC WORKS, continued	
	Property Code
Notice of possible public improvement district assessments for districts under Local Government Code chapter 372;	Sec. 5.014
Exemption of real property held by the county from attachment, execution and forced sale;	Sec. 43.002
	Health and Safety Code
May acquire land on which to locate public dumping and garbage disposal grounds through use of general fund;	Sec. 364.014
May operate solid waste facilities;	Sec. 361.151
May acquire, construct, operate, or maintain all or part of one or more solid waste disposal systems and may contract for its collection, transportation and handling by a person for the county;	Sec 364.013
May make recommendations to Environmental Quality Commission to bring enforcement actions for clean air act;	Sec. 382.112
A county may execute a cooperative agreement with the Texas Environmental Quality Commission or with local governments (1) to provide for the performance of air quality management, inspection, and (2) for the transfer of money or property for the functions cited;	Sec. 382.115
May issue revenue bonds for the purpose of acquiring, constructing, and improving air pollution control facilities and their real property;	Sec. 383.021
Regulation of litter under Texas Litter Abatement Act;	Chapter 365
Establishment of local health units and health authorities pursuant to Local Public Health Reorganization Act;	Chapter 121
Establishment of county hospital authority;	Chapter 264
May establish license procedures for private sewage facilities;	Ch. 366
	Agriculture Code
May use county equipment in soil conservation and to prevent erosion;	Sec. 201.151
May establish agricultural experiment farm and station;	Sec. 43.002

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
13. PUBLIC WORKS, continued	
	Agriculture Code
May issue bonds with voter approval for acquiring land and construction thereon for an agricultural experiment station and lease such to the state or US government;	Sec. 43.007
May establish and conduct cooperative demonstration work in agricultural and home economics with Texas A&M;	Secs. 43.031 – 43.033
May solely establish, implement, and conduct a program for the eradication or control of the fire ant or work in conjunction with other public or private programs;	Sec. 77.001
	Water Code
Upon petition, may create water control and improvement districts for improvements and construction for irrigation, navigation, drainage, and the preservation and conservation of natural resources within the county;	Chapter 51
May conduct hearing and election, upon petition, for creation of fresh water supply districts to conserve, transport, and distribute fresh water from any sources for domestic and commercial uses;	Chapter 53
May conduct hearing and election to create water improvement districts to provide for irrigation and furnish water for domestic and commercial uses;	Chapter 55
May conduct hearing and election to create levee improvement districts to construct and maintain levees along rivers, creeks, and streams; reclaim lands from stream overflows; provide for proper drainage;	Chapter 57
May conduct hearing and election to create navigation districts to improve rivers, bays, canals and other inland water; construct canals and waterways to permit navigation;	Chapter 61
May conduct hearing and election to create navigation districts to improve and conserve inland and coastal water for navigation;	Chapter 62
May conduct hearing and election to create self-liquidating navigation districts;	Chapter 63

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
13. PUBLIC WORKS, continued	
	Water Code
The commissioners court may have the opportunity to submit an opinion to the Texas Environmental Quality Commission for consideration prior to passing on a MUD request for a bond issue to finance a district project;	Sec. 54.5161
Conduct hearing to create irrigation districts;	Chapter 58
Conduct hearings to create drainage districts;	Chapter 56
Shall adopt orders necessary for eligibility to participate in the National Flood Insurance Program.	Sec. 16.3145
14. JUVENILES	
	Local Government Code
May impose juvenile curfews for unincorporated territory of county;	Sec. 351.903
	Human Resources Code
May accept state aid for the acquisition of post-adjudication residential or day-treatment juvenile centers;	Sec. 141.086
Establishment of detention homes and parental schools for delinquent juveniles;	Chapters 62, 63
Creation and funding of juvenile boards;	Chapter 152
May review budget for juvenile probation departments submitted by juvenile board;	Sec. 152.0012
	Texas Family Code
May create local data advisory board in connection with juvenile justice information system;	Sec. 58.111
Appointment of child welfare board;	Sec. 264.005
Establishment of children's advocacy centers;	Sec. 264.402 et seq.
Contracts with state Department of Protective and Regulatory Services for foster care;	Sec. 264.101 et seq.
Child abuse prevention and protection plan required for state expenditures;	Sec. 264.010

COUNTY COMMISSIONERS COURT

DUTY/RESPONSIBILITY	AUTHORITY
14. JUVENILES, continued	
	Texas Family Code
County participation in integrated statewide system for enforcement of child support and medical support;	Chapter 231
Participation in county advisory work group for Title IV-D services;	Sec. 231.012
	Education Code
Requirements of juvenile board regarding student code of conduct, juvenile justice alternative education programs; state approval required for counties over 125,000 population.	Chapter 37

COUNTY JUDGE

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COUNTY JUDGE

The county judge is both presiding officer of the commissioners court (Tex. Const. Art. V, Sec. 18) and judge of the county court (Tex. Const. Art. V, Sec. 15). As such, the judge is often thought of as the chief executive officer of the county.

The duties of the county judge vary depending on the population of the county. In most rural counties, the judge has broad judicial responsibilities and is often the principal source of information and assistance.

The judge's duties as part of the commissioners court are detailed in the section on the court. It is incumbent upon the judge, as presiding officer of the commissioners court, to carefully abide by statutes requiring that meetings of governmental bodies be open to the public. Additional specific statutory charges are enumerated in the following: elections, finance, bonds and sureties, court operations, mental health, special districts, and general administration.

COUNTY JUDGE

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Government Code
Post bond, payable to treasurer, to be approved by commissioners court;	Sec. 26.001
Appointment of special judges;	Secs. 26.011 - 26.028
Appointment of acting county judge by commissioners court if incumbent suspended;	Sec. 26.015
	Texas Constitution
Vacancies in judicial offices.	Art. V, Sec. 28
2. ELECTIONS	
The county judge has a variety of responsibilities associated with the holding of elections.	
	Local Government Code
Issue certificate of election to officers elected in creation and organization of new county;	Sec. 71.023
Declare office of treasurer vacant if elected person fails to make bond within specified time of 20 days;	Sec. 83.004
Call election related to creation of new counties;	Sec. 71.011
Call election in newly created county by judge from which county derived;	Sec. 71.023
Receive results of election; certify and transmit to speaker of house of representatives;	Sec. 71.012
Declare results of election to relocate county seat;	Sec. 73.014
	Vernon's Revised Civil Statutes
In state representative districts composed of one county receive election returns and issue certificate of election;	Art. 196

DUTY/RESPONSIBILITY	AUTHORITY
2. ELECTIONS, continued	
	Election Code
May not certify ineligible persons as elected;	Sec. 67.016
Serve as member of county election board;	Sec. 51.002
May order elections;	Sec. 3.004
May declare election void in case of a tie and order another election;	Sec. 2.002
Receive returns from election for use in official canvass of results;	Chapter 66
Canvassing procedures;	Chapter 67
Certify elections after voters canvassed;	Sec. 67.016
May verify petition signatures;	Sec. 141.069
Provide bilingual election materials in English and Spanish;	Chapter 272
Order county election stating date, offices, etc.;	Sec. 3.004
Require posting of notice of election;	Secs. 4.001 - 4.007
Have order for election mailed to precinct judges;	Sec. 4.007
Hold special elections for US Congress and for members of legislature;	Chapters 203, 204
Certification of runoff candidates in election;	Sec. 2.027
Supervise the casting of lots for tie vote in runoff;	Sec. 2.028
Ordering elections;	Chapter 3
Giving notice of upcoming election;	Chapter 4
May contract with political subdivisions or parties to hold elections;	Secs. 31.091 - 31.100
	Water Code
Carry out election required for weather modification activities;	Sec. 18.0841
Accept petition for election of directors for levee improvement districts;	Sec. 57.060
Order election for levee improvement district (procedure);	Secs. 57.203 - 57.205
Call meeting for election of navigation district commissioners.	Sec. 61.158

DUTY/RESPONSIBILITY	AUTHORITY
3. FINANCIAL RESPONSIBILITIES	
The county judge has certain financial responsibilities.	
	Local Government Code
Receive applications for designation as county depository;	Sec. 116.023
Include revenue estimate from taxes in proposed budget;	Sec. 111.004
File copy of proposed budget with clerk;	Sec. 111.006
May require information from any county officer when necessary to budget preparation;	Sec. 111.005
Serve as budget officer assisted by auditor and county clerk;	Sec. 111.002
Make report at each regular meeting of commissioners court of any money collected for county;	Sec. 114.044
Report on money collected must follow statutory format;	Sec. 114.044
Sign or attest to warrant issued against county treasurer or have clerk perform this responsibility;	Sec. 113.042
Sign and approve requisition for purchase of materials before claim can be honored by auditor;	Sec. 113.901
Approve resolution by commissioners court to hire accountant for independent audit;	Sec. 115.031
Keep accounts of all monies accruing to office;	Sec. 114.041
Charge fees as specified in statute;	Sec. 118.101
	Government Code
Sign statement prepared each term reporting all jury fees and fines collected;	Art. 51.402
Sign bonds issued by county before delivery;	Sec. 1301.002
Must keep fee book and observe other regulations;	Chapter 603
	Health and Safety Code
Pay bounties authorized by commissioners for destruction of certain animals in certain counties (bracket legislation);	Chapter 825
Set allowable fees for court-appointed attorneys and physicians in mental health proceedings;	Sec. 571.017

DUTY/RESPONSIBILITY	AUTHORITY
3. FINANCIAL RESPONSIBILITIES, continued	
	Agriculture Code
Approve payment on expenses of county agricultural experiment farm and station.	Sec. 43.016
4. PERSONAL BOND AND SURETIES	
The county judge has specific responsibilities for setting and receiving bond or sureties for certain county officials and other persons.	
	Local Government Code
Approve bond from commissioners;	Sec. 81.002
Accept bond of tax assessor-collector deputies for branch offices;	Sec. 292.028
Approve oath and bond for county surveyors;	Sec. 72.005
Accept bond from county treasurer within 20 days after certificate of election;	Sec. 83.002
Receive bond for subdivision road construction set by commissioners court;	Sec. 232.004
	Vernon's Revised Civil Statutes
Accept bond from stevedores;	Art. 5192
	Transportation Code
Accept bond from road commissioners;	Sec. 252.104
Accept bond from road superintendent;	Sec. 252.204
Accept bond from operator of ferry;	Sec. 342.104
	Water Code
Accept appeal bond regarding levee improvement districts;	Sec. 57.022
Accept bond for navigation district commissioners.	Sec 61.076

COUNTY JUDGE

DUTY/RESPONSIBILITY	AUTHORITY
5. ADMINISTRATION OF COUNTY COURT	
The county judge has certain administrative responsibilities associated with the operation of the county court.	
	Local Government Code
Hold commissioners court at county seat;	Sec. 81.005
Maintain offices at county seat, keep records at county seat;	Sec. 291.002 et seq.
Presiding officer of commissioners court;	Sec. 81.001
Practice of law in connection with a substantial interest of a business entity;	Sec. 171.010
May hold court in auxiliary courthouses;	Sec. 292.002
	Occupations Code
Serve as member of county bail bond board in counties over 110,000;	Sec. 1704.053
	Government Code
Constitutional county court, generally;	Chapter 26
Participate in selection of jury lists;	Sec. 62.004 - 62.007
Select jury panel; require additional prospective jurors to be notified;	Sec. 62.015
May appoint counsel for any party making affidavit in inability to employ counsel;	Sec. 26.049
Employ stenographers or clerks where approved by commissioners court;	Sec. 55.001
Not permitted to practice law in court with original or appellate jurisdiction;	Sec. 82.064
Appoint clerk pro tem when clerk is party to proceeding;	Sec. 51.401
Appoint court reporter.	Sec. 52.041

DUTY/RESPONSIBILITY	AUTHORITY
6. MENTAL HEALTH	
The county judge has certain duties in the area of preservation or promotion of mental health.	
	Health and Safety Code
Determine relative private/public nature of records filed with clerk in allowing or prohibiting inspection of records of mentally ill;	Sec. 571.015
Request county attorney to represent state in commitment hearing;	Sec. 571.016
Set allowable fees for court-appointed attorneys and physicians;	Sec. 571.017
May file application for temporary hospitalization on behalf of person;	Sec. 574.001 et seq.
Require examination by two physicians;	Sec. 574.009
In indefinite commitment proceeding may: Hold hearing; Set new trial; Stay order for commitment; Direct clerk to issue writ of commitment; Hold hearings for commitment of drug abusers; Return to home county person released from state mental retardation facility; Conduct hearing to determine liability for payment for care of child in state institution.	Sec. 574.031, 574.032 Sec. 574.067 Sec. 574.070 Sec. 574.046 Sec. 462.061 Sec. 571.008 Sec. 552.019
7. SPECIAL DISTRICTS	
The county judge has certain responsibilities associated with creation and operation of special districts.	Health and Safety Code
Participate in creation of hospital districts, sign bonds issued, sell bonds;	Chapters 282, 283
	Agricultural Code
Serve as chairman of the board for a wind erosion conservation district;	Sec. 202.021

DUTY/RESPONSIBILITY	AUTHORITY
7. SPECIAL DISTRICTS, continued	
	Water Code
Designate cemetery for re-interment necessitated by eminent domain proceedings of waters districts;	Sec. 49.224
Call hearing on creation of single-county water control and improvement district;	Sec. 51.017
Duties regarding levee improvement district; set hearing if commissioners court not in session;	Sec. 57.014
Accept appeal bond;	Sec. 57.022
Creation of district;	Sec. 57.011 et seq.
Accept petition for election of directors;	Sec. 57.060
Call meeting for election of navigation district commissioner;	Sec. 61.158
May not have interest in contract with navigation district when serving on board.	Sec. 61.119
8. GENERAL ADMINISTRATIVE DUTIES	
The county judge has various general administrative responsibilities.	
	Local Government Code
Preside over commissioners court;	Sec. 81.001 and Tex. Const. Art. V, Sec. 18
Sign minutes of commissioners court meetings after received and approved;	Sec. 81.003
Fill vacancy in commissioners position;	Sec. 87.042
Upon petition order election to relocate county seat;	Sec. 73.011, 73.013
Order election for location of county seat;	Sec. 73.001
Maintain offices at county seat, keep all records at county seat;	Sec. 291.002
Execute conveyance of land to US Government as prescribed by commissioners court;	Sec. 263.201 et seq.
May appoint a county industrial commission;	Sec. 381.001
In conjunction with district judges of the county may appoint a purchasing agent;	Sec. 262.011

DUTY/RESPONSIBILITY	AUTHORITY
8. GENERAL ADMINISTRATIVE DUTIES, continued	
	Transportation Code
May issue temporary license to operator of ferry until next meeting of commissioners court;	Sec. 342.106
	Government Code
Give notice of meetings; prohibit illegal closed meetings;	Chapter 551
Serve on county emergency board when created by governor for purposes of drafting state militia;	Sec. 431.072
Declaration of local disasters;	Sec. 418.108
May receive copies of Texas Register containing state rules and regulations;	Sec. 2002.015
	Health and Safety Code
Pay bounties authorized by commissioners for destruction of certain animals in certain counties (bracket legislation area);	Chapter 825
Permit removal of organs of deceased persons upon qualified request of organ procurement organization;	Sec. 693.002
Mass gatherings permits;	Sec. 751.006 et seq.
Appoint local registrar of births, as representative of State Department of Health;	Sec. 191.022
	Human Resources Code
Serve on juvenile board when created;	Chapter 152
	Alcoholic Beverage Code
Refuse or issue alcoholic beverage permits under certain conditions;	Sec. 61.42(c)
Performance of duties regarding wine and beer retailing permits as well as other alcoholic beverage licenses;	Secs. 25.052, 26.07, 61.312
May delegate responsibilities of hearing alcoholic beverage permit and license applications;	Secs. 25.052, 61.312

DUTY/RESPONSIBILITY	AUTHORITY
8. GENERAL ADMINISTRATIVE DUTIES, continued	
	Parks and Wildlife Code
Issue notice of damage by protected wildlife species (procedure) (Texas P & WD issues permits to control the protected species);	Secs. 43.151 - 43.154
	Texas Family Code
May conduct marriage ceremonies.	Sec. 2.202

COUNTY TAX ASSESSOR-COLLECTOR

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COUNTY TAX ASSESSOR-COLLECTOR

The tax assessor-collector is a constitutionally required office for counties over 10,000 population (Tex. Const. Art. VIII, Sec. 14). In smaller counties the office may be created by a majority of the voters, or, as is the case in some Texas counties, the sheriff may perform the duties (Tex. Const. Art. VIII, Sec. 16, 16a).

In the past, the tax assessor-collector determined the value of property and collected taxes within the county. This office could also contract with other governmental units to perform the same services. However, effective on January 1, 1982, state law required that counties participate in a single appraisal district (Tex. Const. Art. VIII, Sec. 18). Under the revision, many duties regarding property taxes which were performed by the county tax assessor-collector, such as appraisal, became duties of the office of the chief appraiser of the districts. Currently, the county tax assessor-collector is to assess and collect taxes on property in the county for the county and, under certain conditions, for another taxing unit (Tax Code Sec. 6.23).

Tax assessor-collector functions under Texas Tax Code, as enacted in 1979 and amended in later years, are enumerated on the following pages. Also listed are the office's responsibilities for motor vehicle registration, voter registration, and other taxing and financial duties.

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
Duties of assessor and collector in local administration.	
	Tax Code
Assessor-collector shall assess and collect taxes on property in county for county (under certain conditions for other taxing units);	Sec. 6.23(a)
Collection and assessment may be done for county by another taxing unit by contract with the approval of the assessor-collector and the commissioners court;	Sec. 6.24(b)
Receive from chief appraiser certified estimate of total appraised value of all property in district; have access to appraisal records.	Sec. 25.20
2. CALCULATION OF TAXES	
The county tax assessor-collector calculates taxes on property in the county, including county tax on agricultural land, timberland, and railroad rolling stock.	
	Tax Code
A. Property in General	
Receives from chief appraiser the appraisal roll for county taxes;	Sec 26.01(b)
On receipt of appraisal roll, assessor shall determine total appraised, assessed, and taxable value of property in taxing unit, plus value of new property;	Sec 26.04(a)
Shall submit appraisal roll for tax purposes showing total appraised, assessed, and taxable values of all properties including new property;	Sec. 26.04(b)
Shall add properties and values of Chapter 24 (agriculture, timber, rolling stock) to appraisal rolls and use combined values to calculate county taxes;	Sec. 26.09(b)
Shall enter amount of tax appraisal roll and submit to governing body to constitute the unit's tax roll;	Sec. 26.09(e)

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
2. CALCULATION OF TAXES, continued	
	Tax Code
Shall submit, to governing body of taxing unit within practicable time after receipt from the chief appraiser, appraisal roll for new units created during tax year;	Sec. 26.12(c)
Assess and collect taxes on a consolidated unit;	Sec. 26.13(c)
Shall enter changes made on appraisal roll to tax roll as provided by Sec. 25.25 of the Property Tax Code;	Sec. 26.15(b)
May motion for changes to correct mathematical errors to governing body of tax unit and enter corrections ordered;	Sec. 26.15(c)
Shall prepare and make corrected statement with explanation to taxpayer;	Sec. 26.15(d)
After tax is paid, assessor shall prepare and mail corrections which increase tax liability;	Sec. 26.15(e)
Changes may be made to tax roll at any time to correct name, address, or description of property, or other clerical errors not affecting amount of tax liability; this is done after the chief appraisal role;	Sec. 25.25
May motion for change in tax roll to correct clerical errors affecting amount of tax liability of a property owner who qualifies for a residence homestead exemption;	Sec. 26.15 (c)
B. Special Purpose Property	
<i>Agricultural Land</i>	
Calculate the tax that could be imposed on market value as well as tax on agricultural value;	Sec. 23.46(b)
If designation of land changed to nonagricultural use, calculate tax deferred for three years before, plus interest, prepare and deliver a statement for those additional taxes plus interest;	Sec. 23.46(c)
Prepare statements for additional taxes if land use changes;	Sec. 23.55(e)
<i>Timberland</i>	
Prepare statements for additional taxes for change in use of land;	Sec. 23.76(e)

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
2. CALCULATION OF TAXES, continued	
	Tax Code
<i>Railroad Rolling Stock</i>	
May not change apportioned values certified by the Comptroller;	Sec. 24.39
Add rolling stock value apportioned to county to tax rolls;	Sec. 24.39
Calculate county taxes on rolling stock;	Sec. 24.39
3. GENERAL LAW DISTRICTS	
The county tax assessor-collector may serve several general law districts.	
	Water Code
Subject to certain provisions for disqualification;	Sec. 49.059
<i>Navigation district</i> Assess and collect taxes for the district.	Sec. 61.237, 62.251
4. MOTOR VEHICLE REGISTRATION	
The county tax assessor-collector is responsible for motor vehicle registration.	
	Transportation Code
Collect the extra vehicle registration fee if imposed by commissioners court;	Sec. 502.172
Register motor vehicle for State Department of Transportation;	Chapter 502
Issue certificate of title for automobile purchasers and owners;	Sec. 501.027
May temporarily invest motor vehicle fees before remittance to the state;	Sec. 501.138
May deputize individual or business to register motor vehicles and transfer titles;	Sec. 502.112
Transfer of vehicle registration on second-hand autos;	Sec. 520.031 et seq.

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
4. MOTOR VEHICLE REGISTRATION, continued	
	Transportation Code
Issue and file on special license tags for operators of mobile amateur radio equipment;	Sec. 502.282
May issue collegiate license plates;	Sec. 502.270
May issue special license plate for classic motor vehicle;	Sec. 502.274
	Parks and Wildlife Code
Receive applications and issue certificates of numbers (and renewal certificates) for motorboats;	Secs. 31.024, 31.025, 31.0341
Issue certificates of title for motorboats or outboard motors;	Secs. 31.046
Disposition of fees collected for certificate of title;	Sec. 31.048
	Tax Code
Collect motor vehicle sales and use tax;	Sec. 152.041
Register motor vehicle purchased for rental;	Sec. 152.061
Affidavits, sales invoices, and any substantiating materials as to considerations, records;	Sec. 152.062
Calculation of county retention of motor vehicle sales tax collections;	Sec. 152.123
Receipts and disposition of collections.	Sec. 152.064
5. VOTER REGISTRATION	
The county tax assessor-collector may be responsible for voter registration.	
	Government Code
Provide list of voters to use in selecting names for jury wheel;	Sec. 62.001
	Election Code
Register voters unless otherwise directed by commissioners court with approval of county clerk and assessor-collector;	Sec. 12.001
Procedures for voter registration.	Secs. 13.001 - 13.145

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
6. TAXING AND FINANCIAL RESPONSIBILITIES	
	Local Government Code
Deposit all taxes collected in designated county depository;	Sec. 116.002
Accounts of tax collector kept in treasury;	Sec. 112.031
Receipts due to clerk from tax assessor-collector;	Sec. 112.032
Commission due collector;	Sec. 112.032
Receipt for commissions paid by county;	Sec. 112.032
Vouchers for expenditures;	Sec. 112.032
Treasurer receipt for money deposited;	Sec. 112.032
Compile and submit list of delinquent tax accounts to commissioner;	Sec. 112.033
Collect occupation tax;	Sec. 112.035
Deliver tax rolls and records to the successor;	Sec. 112.034
Keep accounts of all monies accruing to office;	Sec. 114.041
May accept check or credit card for payment of certain taxes;	Sec. 130.002
	Government Code
Collect taxes assessed to pay for road bonds in the same way as other taxes;	Chapter 1471
Payments in lieu of taxes made by federal government may be remitted through comptroller;	Sec. 403.0121
	Health and Safety Code
Assess and collect taxes for hospital district;	Chapters 282, 283
	Tax Code
File reports with governmental units on collections;	Sec. 31.10
Refund overpayment or erroneous payments;	Sec. 31.11
May disregard exemptions (elderly, disability, homestead) for tax pledged for payment of a debt;	Sec. 11.13(i)
May collect taxes on tangible personal property as approved by commissioners court.	Sec. 11.14

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
7. OPERATION OF OFFICE	
Miscellaneous statutes affect the operation of county tax assessor-collector's office.	
	Local Government Code
Must maintain an office at county seat;	Sec. 291.002
May have branch office;	Sec. 292.003
	Government Code
Serve on county emergency board when created by governor for purpose of drafting militia.	Sec. 431.072
8. COLLECTION AND REPORTING OF TAXES COLLECTED	
The county tax assessor-collector is responsible for the collection of taxes on property within the county and for reporting the taxes collected.	
	Tax Code
Prepare and mail tax bill to property owners;	Sec. 31.01
Mail bill for Permanent University Fund land to state comptroller (and collects tax from comptroller);	Sec. 31.01(b)
May include taxes due for more than one unit in one bill, but must include information about tax for each unit;	Sec. 31.01(e)
Notifies governing taxing bodies if delinquency date postponed because of late mailing;	Secs. 31.04(b)
May adopt policy accepting partial payment;	Sec. 31.07(c)
May accept payment by credit card;	Sec. 31.06
Upon request, issue certificate showing amount of delinquent taxes, penalties, interest, and charges fee for certificate (for treasury of taxing unit);	Sec. 31.08(a)
Each month, prepares and submits written report to governing body for all taxes collected in previous month;	Sec. 31.10(a)

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
8. COLLECTION AND REPORTING OF TAXES COLLECTED, continued	
	Tax Code
Prepares annual report for collected and delinquent taxes for past year;	Sec. 31.10(b)
Deposits taxes at least monthly in unit's depository;	Sec. 31.10(c)
Issues tax receipt to any person authorized to pay another's taxes; notes other person making payment and keeps record of tax liens transferred;	Sec. 32.06(b)
	Local Government Code
Preparation of budget for special funds maintained and controlled by tax assessor;	Sec. 111.095
Maintenance of accounts and tax role records.	Sec. 112.031 et seq.
9. TAX DELINQUENCY, DEFERRED PAYMENTS, SEIZURE OF PROPERTY	
The county tax assessor-collector is responsible for delinquency notification, deferred payment collection, and initiating action for seizure of property for unpaid tax bills.	
	Tax Code
A. Delinquent Taxes	
May make 36-month agreement for payment of delinquent taxes;	Sec. 33.02(a)
Prepares current and cumulative delinquent tax roll each year;	Sec. 33.03
Delivers notice of delinquency to each person on list at least once a year;	Sec. 33.04
B. Seizure of Property	
If taxable property is about to be removed or no other personal property is available to satisfy the tax, collector determines property is subject to seizure;	Sec. 33.21
May apply for tax warrant in any court in the county in which person is liable (several collectors may apply together);	Sec. 33.22(a)

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
9. TAX DELINQUENCY, DEFERRED PAYMENTS, SEIZURE OF PROPERTY, continued	
	Tax Code
B. Seizure of Property, continued	
May apply for warrant at any time;	Sec. 33.22(b)
Under tax warrant, seizes personal property;	Sec. 33.23(a)
Takes possession of such property pending its sale;	Sec. 33.23(c)
Must approve collection of cash or surety bond to prevent seizure of property;	Sec. 33.24
After seizure, makes reasonable inquiry to determine any person with interest in property other than delinquent taxpayer and delivers notice of time and place of sale, and description of property to be sold to interested parties;	Sec. 33.25
May receive payment for redemption of land by owner who cannot locate tax-sale purchaser; on demand, shall pay money back to purchaser.	Sec. 34.21
10. POST APPEAL ADMINISTRATIVE PROCEDURES	
The county tax assessor-collector is responsible for certain post appeal administrative procedures.	
	Tax Code
Shall correct tax roll and other records to reflect final determination;	Sec. 42.41
Shall prepare corrected tax bill after appeal, plus explanation (when taxes are increased and the smaller amount was paid previously).	Sec. 42.42
11. MISCELLANEOUS	
	Tax Code
Definition of assessor--officer or employee responsible for assessing property taxes as provided by Chapter 26 for a taxing unit;	Sec. 1.04(14)
Definition of collector--officer or employee responsible for collecting property taxes for a taxing unit;	Sec. 1.04(15)

COUNTY TAX ASSESSOR-COLLECTOR

DUTY/RESPONSIBILITY	AUTHORITY
11. MISCELLANEOUS, continued	
	Tax Code
Assessor may have appraisal roll or tax roll of a taxing unit retained in electronic data equipment (but must retain physical document);	Sec. 1.10
Standards, education, and training for tax assessor-collector's office are the responsibility of Comptroller, which is also responsible for professional and technical assistance to assessor-collector;	Secs. 5.03, 5.04, 5.08
Assessor of taxing unit is chief appraiser if taxing unit performs the duties of an appraisal office pursuant to a contract;	Sec. 6.05(c)
County assessor-collector determined by Article VIII, Sections 14,16, 16a, of Texas Constitution. For other than county or for home-rule city, see exceptions in Sec. 6.22(a) and (b);	Sec. 6.21(a)
Entitled to reasonable fee (not exceeding actual costs incurred) for collecting taxes for another taxing unit;	Sec. 6.27(b)
Elected or appointed assessor-collector must give bonds to state and county (amounts vary for state taxes, county taxes, and other taxing units--see 6.28(b)-(c) and 6.29(b).	Sec. 6.28
	Civil Practice and Remedies Code
Authority to acknowledge written instruments.	Sec. 121.001

County Clerk

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COUNTY CLERK

The county clerk is the clerk for the county courts, including probate courts, and the commissioners court. The clerk is also the recorder for the county (Tex. Const. Art. V, Sec. 20). All instruments filed for record are done so in the clerk's office. The clerk carries out elections for the county, issues marriage licenses, and maintains vital statistics.

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Make bond, take oath of office, secure errors and omissions insurance;	Sec. 82.001, 82.003
May appoint deputies;	Sec. 82.005
Serve as clerk of commissioners court;	Sec. 81.003
Maintain office at county seat;	Sec. 291.002
Maintain office at auxiliary courthouse and facilities but also keep office at county seat;	Sec. 292.004
	Government Code
May issue marriage licenses; administer all oaths and affirmation; take affidavits and depositions;	Sec. 51.402
Use seal of county court to authenticate actions of county clerk;	Sec. 51.502
In counties with fewer than 8,000 population, office of district clerk is combined with county clerk unless voters authorize separate offices (counties between 6,000 and 6,125 excepted);	Sec. 51.501
Not permitted to practice law in court with original or appellate jurisdiction.	Sec. 82.064
2. ELECTIONS	
The county clerk has overall responsibility for the holding of elections.	
	Local Government Code
Hold election for authorization to create civil service commission;	Sec. 158.001 et seq.
May hold referendum concerning property in counties under 40,000;	Sec. 291.007
	Government Code
Notify secretary of state of county and precinct officers elected;	Sec. 601.006
Publish and post notice of road district; petition for bond election;	Sec. 1471.016
Post notice of road district bond election;	Sec. 1471.018

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
2. ELECTIONS, continued	
	Election Code
Receive necessary forms from secretary of state;	Secs. 31.002, 67.009
Receive certified list of candidates from secretary of state;	Sec. 161.008
May contract with political subdivisions or parties to hold election;	Secs. 31.091 – 31.100
Furnish secretary of state with map showing boundaries of election precincts;	Sec. 42.037
May conduct training program for election officers; (Title 3 of Election Code spells out duties of election officers);	Secs. 32.113, 32.114
Early voting procedures;	Title 7
Maintain record for public inspection of persons applying for early ballot;	Sec. 81.004
May register voters when authorized by commissioners court with approval of the tax assessor-collector;	Sec. 12.031
Serve as chairman of election board;	Sec. 51.002
Tabulate unofficial returns;	Sec. 66.056
Receive election returns from precinct and hold in office for public inspection for 60 days (except when federal office is on ballots, records must be maintained for 22 months);	Secs. 66.051 – 66.058
Receive all unused election supplies;	Secs. 66.062
Transmit copy of returns after votes canvassed to secretary of state in certain elections;	Secs. 67.007, 67.017
On election day, transmit periodically to the secretary of state the results of races;	Secs. 68.034
Certify name of elected precinct chairman;	Sec. 172.118
Work with executive committees of political parties in nomination process and primary election;	Sec. 172.111 et seq.
Use rules to determine residence;	Sec. 1.015
Procedures for voter registration;	Secs. 13.001 – 13.145
Procedures relating to official ballot;	Secs. 52.001 – 52.095
Procedures in arrangement and expenses of election including voting booths and ballot boxes;	Secs. 51.001 – 51.036

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
2. ELECTIONS, continued	
	Election Code
Receive lists of county chairmen and precinct chairmen certified by chairmen of the county committee;	Sec. 172.118
Receive appointment of campaign treasurer for filing;	Sec. 252.005
File financial statements from candidates;	Sec. 254.066
Determination of validity of signatures on petition;	Chapter 277
Conduct joint elections of certain political subdivisions in certain counties (bracket legislation);	Secs. 271.001 – 271.014
	Water Code
Carry out election required for authorization of weather modification activities.	Sec. 18.0841
3. RECORDING DUTIES	
The county clerk has extensive recording responsibilities. (Financial records are enumerated under the clerk's financial responsibilities.)	
	Local Government Code
Must keep records in conformance with the Local Government Records Act;	Chapter 201
File copy of proposed budget and make available for inspection by taxpayers;	Secs. 111.006, 111.037, 111.066
File copy of approved budget and any subsequent amendments;	Secs. 102.009, 111.101, 111.040, 111.069
File records in condemnation proceedings regarding conveyance of land to U.S. government for flood control;	Sec. 263.201
Appointment of members of Board of Park Commissioners to be filed with county clerk;	Sec. 320.024
Record appointment of deputy sheriffs;	Sec. 85.003
Maintain records in a single class, or divide records into seven categories for microfilming and keep indexed;	Secs. 193.002, 193.008
Use seal of county court as seal of county recorder in official acts;	Sec. 191.001
Provide attested copies of all papers recorded in office as demanded and charge fees as law provides;	Sec. 191.004

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
3. RECORDING DUTIES, continued	
	Local Government Code
Transcribe records for newly created county;	Sec. 192.003
Shall reflect changes in municipal boundaries on any official county map kept;	Sec. 41.0015
Require specification of legal papers for filing and recording;	Sec. 191.007
Accept records for electronic filing in compliance with rules adopted by State Library and Archives Commission.	Sec. 191.009
	Family Code
Furnish and record marriage licenses;	Sec. 2.001 et seq.
Issuance of certificates of informal marriage;	Sec. 2.402
Issuance of marriage licenses and permits;	Sec. 2.012
	Occupations Code
File affidavits regarding posting of bond;	Sec. 1704.207
Provide notice to lay midwives of their legal responsibilities; file identification forms;	Chapter 203
	Transportation Code
File statement of intent, including location and description, to build bridge, causeway, etc., over any arm of the Gulf of Mexico;	Sec. 341.004
Issue notice directing landowners affected by neighborhood roads to be summoned and file orders establishing;	Sec. 251.053
Receipt of notice from Transportation Commission regarding issuance of oversized or overweight vehicle permits;	Sec. 623.013
File petition of taxpayers requesting drainage work;	Sec. 254.002
	Government Code
File and record bond of district clerk;	Sec. 51.302

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
3. RECORDING DUTIES, continued	
	Property Code
Duties as recorder; Subject to penalty for failing to record;	Sec. 11.004
May accept for recording documents properly acknowledged or sworn to;	Sec. 11.004
Instruments to be filed with clerk: all deeds, mortgages, conveyances, deeds of trust, bonds for title, covenants, defeasances or other instruments concerning lands, tenements, or goods, and chattels or movable property of any description;	Sec. 12.001 et seq.
Maintain condominium record-books recording master deeds, leases, or declarations;	Sec. 81.103
Maintain book of liens on property--record affidavits for securing lien, index, cross-index records;	Sec. 53.052
Record master form of mortgage and deeds of trust;	Sec. 12.009
May not file maps or plats of subdivisions without approval of commissioners court or of city governing body;	Sec. 12.002
Contract filed with clerk necessary for lien on homestead;	Sec. 53.059
File contract and bond to pay lien and claims;	Sec. 53.203
File declaration of homestead for exemption purposes; designation;	Secs. 41.022, 41.023
Receive judgment in justice of the peace court and partition of land under court order; file in office;	Secs. 12.005, 12.015
Receive notice of suit for land to be filed;	Sec. 12.007
File record of injuries related to hospital or clinic lien for services;	Secs. 55.005 - 55.006
File, index, and number certificates of redemption of US government;	Sec. 12.011
Recording subdivision plats;	Sec. 12.002
May accept filings of federal tax and other liens;	Chapter 14
Must accept for recording executory contracts for deed;	Sec. 5.076
	Vernon's Revised Civil Statutes
File decree on revocation of certificate of authority, foreign nonprofit corporations;	Art. 1396-8.16

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
3. RECORDING DUTIES, continued	
	Health and Safety Code
File all application, petitions, and certificates related to mental competency hearings;	Sec. 571.014
When commitment appeal filed, send transcript to court to appropriate jurisdiction;	Sec. 574.070
File acquisition of property for use as cemetery, crematorium, mausoleum, etc.;	Sec. 711.033
Register all births, deaths, and fetal deaths; certify adoptions;	Chapter 191
File affidavit on unclaimed bodies;	Sec. 691.025
	Natural Resources Code
Enter statement of forfeiture or contract to purchase land under Veterans Land Program;	Sec. 161.315
Shall keep records in office if there is no county surveyor; see also VRCS Art. 5282c, Sec. 28(a);	Sec. 23.057
Keep record of sale of public land within county;	Sec. 51.065
Custodian of county surveyor records if no surveyor in county;	Sec. 23.057
File lease of public lands within county;	Sec. 51.127
	Tax Code
Maintain records of state tax liens;	Secs. 113.004, 113.005
File tax lien releases;	Sec. 113.009
Receive petition from voters for election to consolidate assessing and collecting functions;	Sec. 6.26
	Water Code
Record permit issued to take and use water;	Sec. 11.136
File information on water control and improvement districts;	Sec. 51.015
File notice of creation of multicounty water control and improvement districts;	Sec. 51.032
Transfer records of levee improvement district to district clerk;	Sec. 57.024
File oath of navigation district commissioners;	Sec. 61.075

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
3. RECORDING DUTIES, continued	
	Business and Commerce Code
File and index financing statement of security interest in loan transactions, fees;	Secs. 9.501, 9.519
File and index amendment to financing statements, fees;	Sec. 9.502
File and index termination statement;	Sec. 9.513
File and index financial statement of assignment of security interest in collateral fees;	Sec. 9.514
Acceptance for filing of secured transactions;	Sec. 9.401
File and index statement of release of collateral fees;	Sec. 9.406
Report on filed statements on request.	Sec. 9.523
4. FINANCIAL RECORDS	
The county clerk has certain financial responsibilities including maintaining certain financial records.	
	Local Government Code
File copy of proposed budget and make available for inspection by taxpayers;	Secs. 111.006, 111.037, 111.066
File copy of approved budget and any subsequent amendments;	Secs. 111.009, 111.040, 111.069
File copy of budgets of cities within boundaries;	Sec. 102.009
Assist county judge in preparation of budget;	Secs. 111.003, 111.033
Collect fees as specified in statute;	Sec. 118.051 - 118.062
Hold funds deposited relating to condemnation proceedings to acquire land for use by US government;	Sec. 280.001
Warrants issued on county treasury must be signed by judge or clerk of court issuing warrant;	Sec. 113.042
Make reports to auditor on monthly basis on trust funds; all checks on trust funds to be co-signed by auditor (counties over 190,00);	Sec. 117.058
Observe procedures set out by auditor for accounting and for depositing money in county depository (counties over 190,000);	Sec. 112.002
Unless commissioners court adopts order relieving clerk of duties, clerk issues all deposit warrants for county treasury in triplicate;	Sec. 113.023

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
4. FINANCIAL RECORDS, continued	
	Local Government Code
Issue triplicate warrants for all deposits made on county treasury (except in counties over 2.2 million);	Sec. 113.023
Keep accounts of all monies accruing to office;	Sec. 114.041
Keep finance ledger for commissioners court with account for each county officer who receives or collects money for county;	Sec. 112.004
Make quarterly reports on status of accounts in finance ledger to commissioners court;	Sec. 114.021
Publish or post exhibit showing amounts paid out of each fund for previous four quarters--annually;	Sec. 114.022
Keep account of tax collector according to statute;	Sec. 112.031
Accept receipt specifying amounts of tax rolls;	Sec. 112.032
Credit collector's account when tax rolls passed to successor;	Sec. 112.034
Authority to collect five-dollar records archive fee;	Secs. 118.011, 118.025
Authority of counties with a population of 3.3 million to renovate buildings and facilities without notice to the city or obtain a building permit;	Sec. 245.007
Keep separate account for sheriff;	Sec. 112.051
Make full report of collections to commissioners court--also enter reports of other county officers on finance ledger;	Sec. 114.044
Make reports in form specified by statutes;	Sec. 114.044
Keep account of justice of peace fines imposed and/or collected;	Sec. 112.052
Use prescribed procedure in recording and handling estray accounts;	Sec. 112.053
Keep record of county indebtedness based on reports submitted at each month's end;	Sec. 114.061
File commissioners court's affidavits attesting to compliance to inspect accounts of county treasurer;	Sec. 114.026
All reports to be filed and sworn to within five days of month's end;	Sec. 114.001
Quarterly payment of clerk for keeping the finance ledger and making the required quarterly report;	Sec. 153.002

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
4. FINANCIAL RECORDS, continued	
	Local Government Code
Must use forms prescribed by auditor for collection of county revenues, funds, fees, and other money, and keep accounts according to prescribed forms;	Secs. 112.001, 114.002
Furnish auditor with itemized report specifying warrants issued, numbers, amounts, persons, and purpose on forms supplied by auditor;	Sec. 113.046
Relieved from keeping finance ledgers by auditor, keeping account for each officer;	Sec. 112.009
Wherever auditor's duties imposed by statutes overlap the clerk's, clerk is relieved of duties;	Sec. 112.009
File receipts for collector's credits;	Sec. 112.032
Enter names of indigent and delinquent taxpayers in minutes of commissioners court meeting;	Sec. 112.033
File list submitted by county treasurer reporting all claims against the county;	Sec. 113.063
Fee schedule;	Secs. 118.011 et seq; 118.051 et seq.
Disclosure requirements of relationships to vendors and contractors of county;	Chapter 176
Clerk's signature required to cancel claim after direction by commissioners court;	Sec. 113.066
Collect fees attached to cases due to county law library funds and transmit to treasurer;	Sec. 323.023
	Government Code
Countersign bonds issued by county before delivery;	Sec. 1301.002
May not charge fees in certain cases;	Sec. 51.606
May take fees in certain cases;	Sec. 603.005
Must keep fee book and observe other regulations of fees as specified;	Sec. 603.006
Prepare written statement on jury fees and fines at each term, and transmit all jury fees and fines to county treasurer;	Sec. 51.402
	Health and Safety Code
Keep record of bonds issued in public hospital district;	Chapter 283

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
4. FINANCIAL RECORDS, continued	Parks and Wildlife Code
Transmit fines collected for violation of wildlife regulations to Texas Park and Wildlife Department;	Sec. 12.107
	Tax Code
Receive judgments for unpaid taxes (sales, excise and use tax) to be filed as lien against person's real property;	Sec. 151.608
	Natural Resources Code
Entitled to fees for recording county surveyor documents;	Sec. 23.060
	Water Code
Accept deposit filed with petition to create levee improvement district;	Sec. 57.013
Accept deposit with petition to form navigation district;	Sec. 61.026
	Civil Practice and Remedies Code
Collect interpreter fees as court costs when necessary.	Sec. 21.051
5. ADMINISTRATIVE DUTIES	
The county clerk has certain general administrative duties.	
	Local Government Code
Shall be clerk of commissioners court;	Sec. 81.003
Keep and certify minutes for commissioners court meeting; to be approved and signed by county judge;	Sec. 81.003
Issue occupation license when present, with receipt from tax assessor-collector, as proof of occupation tax payment;	Sec. 112.035

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
5. ADMINISTRATIVE DUTIES, continued	
	Local Government Code
Record appointment of county auditor in minutes of commissioners court;	Sec. 84.003
Verify a petition, when received from the commissioners court, for an election granting the county the authority to adopt zoning and building construction ordinances around certain lakes;	Sec. 231.076
	Vernon's Revised Civil Statutes
Stevedores must file for license with clerk and have bond approved;	Arts. 5192, 5194
	Occupations Code
Serve as a member of the county bail bond board in counties over 110,000;	Sec. 1704.053
	Transportation Code
Post notice of hearing on petition of taxpayers requesting drainage work;	Secs. 254.002, 254.003
	Government Code
Participate in selection of jurors;	Sec. 62.001
	Agriculture Code
Issue certificates and receive bond from public warehouse operator;	Secs. 14A.002, 14A.003, 14A.004
Receive registration of persons engaging in business of slaughtering;	Sec. 148.002
Maintain and post affidavits and records concerning the impoundment and sale of animals;	Sec. 142.009 et seq.
	Tax Code
Participate in the selection of directors for appraisal district board; determine number of votes to which taxing unit is entitled, count votes;	Sec. 6.03
File resolution for changes in the appraisal board membership or selection;	Sec. 6.031

COUNTY CLERK

DUTY/RESPONSIBILITY	AUTHORITY
5. ADMINISTRATIVE DUTIES, continued	
	Water Code
Prepare notice of hearing on single-county water control and improvement district;	Secs. 51.017, 51.018
Post notice of hearing on certain of levee improvement districts;	Sec. 57.015
Post notice of hearing on petition to form navigation district;	Sec. 61.028
File bond of directors of levee improvement district.	Sec. 57.054
	Civil Practice and Remedies Code
Acknowledgement of written instruments;	Sec. 121.001 et seq.
Authority to take depositions.	Sec. 20.001
6. MISCELLANEOUS	
The county clerk serves as clerk for county criminal, civil, and probate courts. Primary statutory provisions for this support come from the Texas Penal Code, the Code of Criminal Procedure, and the Rules of Civil Procedure not covered in this enumeration. A few miscellaneous statutes affecting the clerk's judicial functions are listed below.	
	Government Code
When case transferred, make out transcript of proceedings and transmit to district clerk with bill of costs accrued and transmit to district clerk certified copy of unsatisfied copy of unsatisfied judgments;	Sec. 51.403
	Health and Safety Code
Issue writ of commitment when directed by county judge;	Sec. 574.046
Prepare transcript on indefinite commitment for hospital.	Sec. 574.047

COUNTY TREASURER

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COUNTY TREASURER

The county treasurer is elected by the voters of each county for a term of four years and must maintain an office at the county seat (Tex. Const. Art. XVI, Sec. 44; Local Government Code Chapter 83). Legislatively prescribed duties fall into three basic categories: receipt of funds, disbursement of funds, and accounting for funds in custody. The following compilation lists specific statutory responsibilities under these three general categories. A fourth category includes legislation qualifying the treasurer to serve and other miscellaneous statutes.

COUNTY TREASURER

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Before assuming duties must make bond payable to county judge in amount set by commissioners court;	Sec. 83.002
Must make another bond or bonds if required by commissioner's court;	Sec. 83.002
Must complete continuing education courses;	Sec. 83.003
Investment training for county treasurers;	Sec. 2256.008
May appoint person to act in treasurer's place with commissioners court approval;	Sec. 80.005
Failure to provide required bonds results in removal from office;	Secs. 83.002, 83.004
Vacancy filled by commissioners court by majority vote;	Sec. 87.041
Appointed treasurer must take oath and make bond within 20 days of notification;	Sec. 83.004
Keep office at county seat;	Sec. 291.002
Can have offices under certain circumstances;	Sec. 292.001 et seq.
Removal from office by district judge for incompetence;	Secs. 83.003, 87.012, 87.013
	Health and Safety Code
With voter approval may register dogs, issue tags, and collect tax;	Chapter 822
	Texas Constitution
Hold office for four years.	Sec. Art. XVI, Sec. 44
2. RESPONSIBILITY FOR MONIES COLLECTED	
	Local Government Code
Responsibility for receiving all money due the county from whatever source;	Sec. 113.003
Responsibility for all money coming into the treasury;	Sec. 113.001 et seq.
Chief custodian of county funds;	Sec. 113.001
Issue receipt to tax collector for monies deposited into treasury from property tax;	Sec. 112.032
Recovery of legal fees and other costs incurred by county in prosecution to collect debt;	Sec. 113.902

COUNTY TREASURER

DUTY/RESPONSIBILITY	AUTHORITY
2. RESPONSIBILITY FOR MONIES COLLECTED, continued	
	Local Government Code
Issue receipt to tax collector for monies deposited into treasury from occupation tax;	Sec. 112.035
Issue receipt for money collected by sheriff in judgments, fines, forfeitures, and penalties and deposited into treasury;	Sec. 112.051
Issue receipt to justice of the peace for deposit of collected fines into treasury;	Sec. 112.052
Issue receipt for money received in sale of estray and keep records of transaction;	Sec. 112.053
Issue or require receipt for all transactions;	Sec. 113.062
Procedure for receipt of money for deposit in treasury;	Sec. 113.023
Collect fees for returned checks, stop payment orders, copies of certain records;	Secs. 118.141 - 118.144
May accept gift or donation of salary of county or precinct official;	Sec. 152.002
Serve as custodian of funds collected from tax levy to retire bonds funding seawall construction;	Sec. 421.010
	Transportation Code
Issue receipt of fee payment for license to operate ferry;	Sec. 342.103
	Government Code
Receive jury fees and fines collected by county clerk;	Sec. 51.402
Receive bond from county judge;	Sec. 26.001
Direct donations of prospective juror donations of reimbursement to specified agencies and programs.	Sec. 61.003
	Health and Safety Code
Receive money from sale of bonds for public hospital district;	Sec. 282.078

COUNTY TREASURER

DUTY/RESPONSIBILITY	AUTHORITY
2. RESPONSIBILITY FOR MONIES COLLECTED, continued	
	Agriculture Code
Serve as treasurer of Wind Erosion Conservation District when created by county;	Sec. 202.021
Deposit and disburse funds from the sale of impounded animals;	Sec. 142.013 Natural Resources Code
Accept filing fee for application for permit to excavate sand, marl, gravel, or shale;	Sec. 61.214
	Water Code
Serve as treasurer of navigation district.	Sec. 61.078
3. DISBURSEMENT OF FUNDS	
The county treasurer is responsible for disbursement of all funds in the county treasury.	
	Local Government Code
All warrants issued against treasurer must be signed and attested by clerk of judge of issuing court;	Sec. 113.042
All warrants on county treasurer except warrants for jury service must be counter-signed by auditor;	Secs. 113.043, 113.065, 113.901
Responsible for expending money from the treasury in accordance with the directions of the commissioners court and honoring warrants issued by authorized county officials;	Sec. 113.041
Shall not pay any money out of treasury except in pursuance of certificates of warrant of authorized county officials;	Sec. 113.041
Follow specified procedure for handling warrants;	Sec. 113.042
Maintain claim register of all claims against county--no payment until registered.	sec. 113.061

COUNTY TREASURER

DUTY/RESPONSIBILITY	AUTHORITY
4. RECORDKEEPING AND REPORTING	
The county treasurer is responsible for accounting for all funds in the county treasury and submits periodic reports to the commissioners court for approval.	
	Local Government Code
Make available to auditor on request records and cash in custody of treasurer for inspection;	Sec. 115.003
File monthly report in clerk's office showing amount of claims and classification;	Sec. 114.061
Issue receipt for report of claims required to be submitted to treasurer;	Sec. 113.063
Keep detailed accurate accounts showing all transactions of the office, warrant punched at time of payment, vouchers accompanying report to commissioners court for comparison;	Secs. 113.002, 113.044, 113.045
Treasurer's reports to be approved by commissioners court each regular term and affidavit filed with the clerk and record in minutes;	Sec. 114.026
Keep true account of receipts and expenditures of money and of debts due to and from county;	Secs. 113.002, 113.902
Provide detailed report of all monies received and disbursed to commissioners court each regular term;	Sec. 114.026
Examine accounts, dockets, and records of clerks, sheriff, justices of peace, constables, and tax collectors and make report to commissioners court;	Sec. 115.901
Keep accounts of all monies accruing to office;	Sec. 114.041
Report to commissioners court at each regular term on all money collected and expended;	Sec. 114.044
Classify funds into three classes;	Sec. 113.004
Transfer money from one fund to another at direction of commissioners court;	Sec. 113.004
Maintain separate fund for county library;	Sec. 323.007
Maintain separate County Law Library Fund;	Sec. 323.023
Deliver all money, securities, and other property of county to successor;	Sec. 83.004
Not responsible for loss of funds due to negligence of depository.	Sec. 113.005

COUNTY TREASURER

DUTY/RESPONSIBILITY	AUTHORITY
4. RECORDKEEPING AND REPORTING, continued	
	Local Government Code
Receive and reconcile canceled checks and warrants from county depository;	Sec. 113.008
Place court fees and interest from trust funds in general fund, if not done by auditor;	Secs. 117.054, 117.055
Transfer funds to designated depository;	Sec. 116.113
May collect reasonable research fee relating to collection of overdue county warrants and checks;	Sec. 116.120
Account of county treasurer charged with amount of each fund for which she issues receipts, and for money paid out by him;	Sec. 112.054
Classify claims and maintain register of all claims against county; follow specified procedure for registration of claims;	Sec. 113.061
	Government Code
Register bonds issued by county before delivery and keep account of the amount of principal and interest paid on each;	Sec. 1301.002
	Property Code
Enforcement of escheat law;	Chapter 76
	Water Code
Keep bond record for levee improvement district.	Sec. 57.212

DISTRICT CLERK

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DISTRICT CLERK

The office of district clerk is created by the Texas Constitution, Article V, and Section 9. The district clerk is an elected official whose term of office is four years. Duties of the district clerk in each county revolve around the district court. Specific statutory responsibilities are arranged in the following four categories: administrative recordkeeping, finance, and miscellaneous.

DISTRICT CLERK

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Government Code
In counties with fewer than 8,000 population, office of district clerk is combined with county clerk unless voters authorize separate offices (counties between 6,000 and 6,125 excepted);	Sec. 51.501
May administer oath and affirmations, and take depositions;	Sec. 51.303; Chapter 602
District clerks, generally;	Chapter 151
Vacancy to be filled by appointment of district judge;	Sec. 51.301
May be temporarily replaced when party to pending or proposed suit;	Sec. 51.308
Must make bond, file, and record with county clerk, approved by commissioners court; obtain an errors and omission insurance policy;	Sec. 51.302
Must complete continuing education courses.	Sec. 51.605
2. RECORDKEEPING	
The district clerk has specified recordkeeping duties.	
	Vernon's Revised Civil Statutes
Claims against corporation in receivership to be filed with clerk;	Art. 1396-7.07
File certified copy of decree of dissolution of a corporation with secretary of state;	Art. 1396-7.10
File certified copy of decree of revocation of certificate with secretary of state;	Art. 1396-8.16
	Government Code
Record all acts and proceedings of district court and report all money received for jury fees or fines;	Sec. 51.303
Provide plan to microfilm or otherwise reproduce all records;	Sec. 51.304
May provide for the storage of court records by technological means;	Sec. 51.304

DISTRICT CLERK

DUTY/RESPONSIBILITY	AUTHORITY
2. RECORDKEEPING, continued	
	Government Code
Keep civil proceeding minutes separate from criminal—may combine minutes of civil proceedings with other civil recordings and criminal minutes with criminal business in a separate record;	Sec. 51.306
Maintain index to judgments;	Sec. 51.303
Record in minutes disqualification and appointment or election of special judges;	Secs. 24.004
	Civil Practice and Remedies Code
Acknowledgement of written instruments;	Sec. 121.001 et seq.
Authority to take depositions.	Sec. 20.001
3. FINANCIAL RESPONSIBILITY	
The district clerk has certain responsibilities related to finances.	
	Local Government Code
Report any money collected to commissioners court and file report in county clerk's office; report must follow statutory format;	Sec. 114.044
Warrants issued on county treasury must be signed and attested by clerk or judge;	Sec. 113.042(f)
Use forms prescribed by auditor for reports on collection and disbursement of funds (counties over 190,000);	Sec. 114.043
Report to auditor in counties over 190,000 on all trust funds, secure auditor's signature on all checks written on trust funds;	Sec. 117.058
Collect fees attached to civil cases due to county law library funds and transmit to treasurer;	Sec. 323.023
Keep account of all money accruing to office;	Sec. 114.041
Disposition of and accounting for fees received by district clerk;	Sec. 114.044
Issue warrants when authorized by commissioners court to pay interpreters;	Sec. 152.903

DISTRICT CLERK

DUTY/RESPONSIBILITY	AUTHORITY
3. FINANCIAL RESPONSIBILITY, continued	
	Local Government Code
Receive annual report from county officers compensated on fee basis;	Sec. 114.046
	Government Code
Collect fees as specified;	Secs. 51.317 – 51.319
Collect court reporter's fees;	Sec. 51.601
May collect jury fee in civil cases;	Sec. 51.604
Arrange pay of jurors from jury fund;	Sec. 61.001
Report all money received for jury fees and fines.	Sec. 51.303
4. ADMINISTRATIVE DUTIES	
The district clerk has certain general administrative duties.	
	Local Government Code
Maintain office at county seat;	Sec. 291.002
May have office at auxiliary courthouse but must also maintain office at county seat;	Sec. 292.004
Certify and transmit to commissioner's court actions of district judge(s) in appointing auditor in various counties;	Sec. 84.003
Bond and oath of county clerk to be deposited in office of district clerk;	Sec. 82.001
	Occupations Code
Serve as member of the county bail bond board in counties over 110,000;	Sec. 1704.053
	Government Code
Joint clerk uses district clerk seal to authenticate acts as district clerk;	Sec. 51.502
May appoint deputies;	Sec. 51.309
Participate in selecting names from jury wheel, reconstituting jury wheels, certifying jury lists, and arranging for juries;	Secs. 62.001 – 62.010
May process applications for U.S. passports;	Sec. 51.3031

DISTRICT CLERK

DUTY/RESPONSIBILITY	AUTHORITY
4. ADMINISTRATIVE DUTIES, continued	
	Election Code
Duties in election contests; in case of contested elections, case to be filed in district court and clerk shall docket case as having precedence;	Title 14, Sec. 221.001 et seq.; Sec. 231.001 et seq.
	Property Code
Prepare abstract of judgment rendered when requested.	Secs. 52.002 - 52.003

SHERIFF

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SHERIFF

Sheriff is a constitutionally created office with duties to be prescribed by the legislature (Tex. Const. Art. V, Sec. 23). The sheriff is the chief law enforcement officer for the county and is responsible for operating the county jails, investigating crimes, making judgments, and maintaining communications with other law enforcement organizations. The sheriff has countywide jurisdiction, but in practice, most sheriff departments concentrate their activities outside city limits where municipal officers cannot operate. Counties may have a substantial staff and budget. The sheriff is elected every four years and is responsible for security in both the county and district courts. The sheriff also sets bail bond policy for the county except where there is a Bail Bond Board, which establishes the rules and regulations for making bail by bondsmen.

Constitutionally, sheriffs in counties of less than 10,000 population serve as tax assessor-collector (Art. VIII, Sec. 16) unless the voters elect to keep the jobs separate. In several Texas counties the sheriff is also the tax assessor-collector and carries those additional responsibilities.

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Location of office to be at county seat;	Sec. 291.002
Removal from office by the district judge for incompetence or official misconduct;	Secs. 87.012 - 87.014
Oath and bond;	Sec. 85.001
Failure to give new bond (condition and penalty described);	Sec. 85.002
Vacancies filled by commissioners court;	Sec. 87.041
Removal from office for failure to give bond;	Sec. 87.014
Shall complete unfinished business of predecessor;	Sec. 85.023
May be required to attend 40 hours of instruction;	Sec. 85.0025
	Occupations Code
Serve as a member of county bail bond board in counties over 110,000;	Sec. 1704.053
	Transportation Code
Must display badge before enforcing traffic laws;	Sec. 720.001
	Government Code
Eligible for payments of assistance by state to survivors of law enforcement officers and others killed in performance of duties;	Chapter 615
Official bonds for officers; sureties (procedure described);	Chapter 604
Exempt from military duty in state;	Sec. 431.081
	Texas Constitution
Transition from two-year to four-year terms of office;	Art. XVI, Sec. 65; Art. V Sec. 23

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE, continued	Civil Practice and Remedies Code
Liabile for damages to persons injured by neglect or refusal of duties.	Sec. 7.001
2. LAW ENFORCEMENT AND JUDICIAL POLICY	
The sheriff is the chief peace officer of the county and additionally has certain judicial responsibilities.	
	Local Government Code
May assist other law enforcement officers under interlocal agreements;	Sec. 362.002
Oversee county jail;	Sec. 351.041
May operate jail commissary with private vendor;	Sec. 351.0415
May employ guards, with approval;	Sec. 85.005
Has charge and control of courthouse;	Sec. 291.003
	Transportation Code
Receive reports of traffic accidents in county;	Sec. 550.026
May investigate certain categories of traffic accidents in county and file charges;	Sec. 550.041
May detain operator of a motorcycle, motor driven cycle, or moped to determine if model certified;	Sec. 521.227
Serve notice of appointment to jury of view;	Sec. 251.054
	Government Code
Record behavior of a prisoner imprisoned in a county jail after a conviction of an offense punishable by imprisonment in the Texas prison system;	Chapter 498
Transport prisoners from county jails to state institutions (if willing to perform such services as cheaply as Texas Prison Board can have it done);	Sec. 500.006
Collect arms or property of state military forces as may be liable to loss or in the hands of unauthorized persons, on warrant from governor;	Sec. 431.125
Commission on Jail Standards, generally;	Chapter 511
Not permitted to practice law in court with original or appellate jurisdiction;	Sec. 82.064

DUTY/RESPONSIBILITY	AUTHORITY
2. LAW ENFORCEMENT AND JUDICIAL POLICY, continued	
	Government Code
Participates in selecting names for jury wheel and safeguards jury selection process;	Secs. 62.001 - 62.004
May adjourn court when county judge fails to appear and there is no special election of a special judge;	Sec. 26.003
	Parks and Wildlife Code
Assist federal government with law enforcement in parks and recreational areas owned by Army;	Sec. 11.019 note
	Code of Criminal Procedure
Send in missing children reports to clearinghouse at Texas Department of Public Safety;	Chapter 63
Commute time for good behavior for prisoners in county jail;	Art. 42.032
Attempt to find work for county inmates;	Art. 42.031
When transferring a defendant to the Texas Department of Criminal Justice, provide director with written report about nature and seriousness of offense;	Art. 42.09, Sec. 8
Investigate death of any person in jail or other custody and file written report of cause of death with attorney general no later than 20 days after death occurs;	Art. 49.18
May allow volunteer pretrial detainees or state inmates to labor on public works;	Art. 43.101
May request prosecuting attorney to seek judicial approval of interception of certain communications;	Art. 18.21
	Penal Code
Seek felony prosecution for assaults or threats against deputies and jailers;	Sec. 22.02
May seek prosecution for interference (other than speech) with the exercise of official duties;	Sec. 38.15
May seek prosecution for taking firearms from a peace officer;	Sec. 38.14
	Health and Safety Code
Screening for tuberculosis in county jail.	Chapter 89

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
3. PERSONNEL DUTIES	
The sheriff has duties regarding other county personnel.	
	Local Government Code
May appoint deputies;	Sec. 85.003
May appoint additional deputies;	Sec. 85.004
May appoint guards, with approval;	Sec. 85.005
Appoint county police in counties over 210,000;	Sec. 85.006
Responsible for acts of deputies and may require bond;	Sec. 85.003
May be authorized to appoint reserve deputy sheriffs;	Sec. 85.004
Shall not incur liability for personal injury of reserve deputy sheriff;	Sec. 85.004
Establishment of civil service system in counties of 500,000 or more;	Sec. 158.031 et seq.
Apply to commissioners court for deputies, assistants, or clerks (appointment, compensation, salaries described);	Secs. 151.001 - 151.004
Authority of county to prohibit use of private vehicles for law enforcement duties;	Sec. 170.001
	Transportation Code
Employ county traffic officers (procedure and salary described);	Sec. 701.001 et seq.
	Government Code
Assign deputy to assist jury panel;	Sec. 62.019
Benefits and financial assistance for survivors of peace officers killed in line of duty.	Chapter 615
4. STATE AGENCIES	
The sheriff has duties and responsibilities related to state agencies.	
	Local Government Code
Execute legislative process or subpoena;	Sec. 85.022
Subject to rules developed by Commission on Law Enforcement Officer Standards and Education;	Chapter 415

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
4. STATE AGENCIES, continued	
	Transportation Code
Enforce certain vehicle weight limitations;	Sec. 621.401 et seq.
	Government Code
Made associate member of Texas Department of Public Safety;	Sec. 411.009
Cooperate with director of Department of Public Safety in crime prevention and public safety;	Sec. 411.009
Call in writing for aid from commanding officer of the state military forces (procedure described);	Sec. 431.112
Receive copy of military law and regulations of Texas;	Sec. 431.029
Execute orders and serve process of State Commission on Judicial Conduct;	Sec. 33.028
	Agriculture Code
May assist in the enforcement of the Nursery Stock Act (diseased plants);	Sec. 71.049
Receive reports and impound, sell, or return animals in relation to Estray Act;	Secs. 142.001 – 142.014
May assist state entomologist to serve all papers, orders, summons, and writs.	Sec. 131.104
5. FEES, COMPENSATION, AND FINANCIAL TRANSACTIONS	
The county sheriff has duties related to the collection of fees, keeping accounts of the financial transactions of his office, and responsibilities in regard to the provisions and expenses of his office.	
	Local Government Code
Charge for account of judgments, fines, forfeitures, and penalties payable to and rendered in any court of the county;	Sec. 112.051
Must report collections (types and process described) to commissioners court; format for reporting collections;	Sec. 114.044
Keep accounts of fees, justice funds, fees of office, commissions (procedure described);	Sec. 114.041

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
5. FEES, COMPENSATION, AND FINANCIAL TRANSACTIONS, continued	
	Local Government Code
May not receive payment of fees and commission for services performed;	Sec. 154.004
Make monthly expense account report (type of transaction described);	Sec. 154.024
Compensation of sheriff for serving process issued by supreme court or court of appeals;	Sec. 118.132
Longevity pay for deputy sheriffs in counties of not less than 150,000;	Sec. 152.074
Allowed provision of insurance by commissioners court;	Secs. 157.041, 157.042
Maximum and minimum salaries for sheriffs fixed by commissioners court;	Secs. 152.011, 152.071
Sheriff's accounts subject to examination by county treasurer;	Sec. 115.901
Accounting forms used by sheriff to be prescribed by county auditor;	Secs. 112.001, 112.002
Maintenance of petty cash fund;	Sec. 130.904
Budget for office of sheriff to be prepared by budget officer of county;	Secs. 111.003, 111.033, 111.063
	Government Code
Must provide account of fees of office to receive payment;	Sec. 603.004
Post fees of office for public inspection;	Sec. 603.008
Subject to authority of county courts to shear and determine all motions against officers of court for failure to pay over monies collected or defalcation of duty;	Sec. 26.048
	Code of Criminal Procedure
Overtime compensation paid for traveling or testifying in criminal trials paid by defendant.	Art. 102.011
Receive payments for reimbursement of confinement expenses of defendants convicted of misdemeanors.	Art. 42.038

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
6. PAYMENT OF DEBTS AND SEIZURE OF PROPERTY	
The sheriff has duties regarding the seizure of property for payment of debts and notice thereof.	
	Transportation Code
Seize license plates of persons who paid for registration fee by check without funds, if they refuse to redeem the check;	Sec. 502.181
	Tax Code
May give deed for land sold for delinquent taxes;	Sec. 34.01
	Property Code
Responsibilities and duties relating to property exempt from forced sale, and excess over homestead set apart;	Secs. 41.021 - 41.024
May convey real estate under judgment of sale;	Sec. 5.004
Shall notify landowner against whom execution is held of need to separate excess land from exempted homestead;	Sec. 41.021
Accept notice of separation from defendant in execution;	Sec. 41.022
May sell excess beyond exempted homestead;	Sec. 41.024
	Texas Rules of Civil Procedure
May sell seized perishable goods upon order of court;	Rule 600, 615, 710, 711
Make written return of such sale and pay proceeds to county clerk or justice of the peace;	Rules 604, 618
Make report concerning disposition of property;	Rule 607
Execute and return distress warrant.	Rules 610, 612, 613

DUTY/RESPONSIBILITY	AUTHORITY
7. GENERAL WELFARE	
The sheriff has miscellaneous duties related to the general welfare of the public.	
	Local Government Code
Serve on the salary grievance committee;	Sec. 152.014
May in counties of 1 million population enforce explosives regulations;	Chapter 235
	Transportation Code
Post notice of meeting regarding drainage system adjacent to public road;	Sec. 254.003
May confiscate illegally placed outdoor signs;	Sec. 393.003
	Government Code
Member of county board of emergency;	Sec. 431.072
	Health and Safety
May apply to justice court for a warrant to seize animals being treated cruelly;	Chapter 821
	Agriculture Code
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	Election Code
Serve on election board.	Secs. 51.001 - 51.009
8. SERVICE OF PROCESS AND NOTICES	
The county sheriff serves a variety of judicial process and notices, provides for their return, collects fees for such services, and is responsible for property held or seized under such actions.	
	Transportation Code
Post notice of meeting regarding drainage system adjacent to county roads;	Sec. 254.003

SHERIFF

DUTY/RESPONSIBILITY	AUTHORITY
8. SERVICE OF PROCESS AND NOTICES, continued	
	Local Government Code
Execute all process directed at him by legal authority (penalty for non-compliance);	Sec. 85.021
Execute process issued by commissioners court;	Sec. 81.022
Serve notice of termination of surety of public officials;	Chapter 88
	Government Code
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Notify persons for jury service verbally or at direction of judge;	Secs. 62.013, 62.0131
Summon juror when insufficient number;	Sec. 62.015
	Agriculture Code
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	Water Code
Notice of hearing for water improvement district (procedure described);	Sec. 55.026
	Texas Rules of Civil Procedure
Writs and process directed at sheriff or constable (form described);	Rules 15, 16, 17
Serve issued citations by means of publication;	Rules 116, 117
All civil process may be served by a sheriff of the county in which party to be served is found;	Rule 103
Execute subpoenas;	Rule 176.5
Carry out execution of judgment;	Rule 637
Execute and return writ of garnishment;	Rule 663
Serve temporary restraining orders;	Rules 688, 689
Execute writ of sequestration;	Rule 696 et seq.
Summon persons to complete jury;	Rule 552

DUTY/RESPONSIBILITY	AUTHORITY
8. SERVICE OF PROCESS AND NOTICES, continued	
	Probate Code
Serve notices and citations in probate matters, and return;	Sec. 33
May serve notice on attorney instead of party in probate proceedings.	Sec. 34

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JUSTICE OF THE PEACE

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JUSTICE OF THE PEACE

The justice of the peace is elected for a term of four years from each justice precinct in the county (a precinct may have more than one justice of the peace). The justice of the peace is the presiding officer of the justice court and the small claims court. The justice of the peace has jurisdiction over minor misdemeanor offenses (Class C), and in civil matters where the amount in controversy does not exceed \$5,000. A variety of civil process, as well as arrest and search warrants, can be issued by the justice of the peace. The justice of the peace also sits as judge of the small claims courts, in actions for the recovery of money, which does not exceed \$5,000.

The justice of the peace may also preside over hearings pertaining to suspension of driver licenses and conduct other hearings and inquests. The justice of the peace may conduct marriage ceremonies and serves as ex officio notary public for the precinct. The justice of the peace has administrative and financial duties concerning the keeping of records and fee and expense reports.

In November 1983, voters approved a constitutional amendment authorizing fewer justices of the peace in certain counties. The number of precincts in each county will be determined by the population according to the most recent federal census. The amendment of Article V, Section 18 of the Texas Constitution took effect January 1, 1984.

In addition, a manual on justice court procedures is published by the Justice Court Training Center at Southwest Texas State University, San Marcos, Texas.

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
1. JUDICIAL RESPONSIBILITIES	
<p>The most important duties of the justice of the peace (JP) are judicial: holding justice court, acting as judge of small claims court, issuing a variety of process and writs in situations where justice court has jurisdiction, holding court for minor misdemeanor offenses, and assisting in evidence proceedings.</p>	
	Vernon's Revised Civil Statutes
<p>Examine witnesses upon application of the attorney general, district or county attorney, in relation to violation of labor act;</p>	Art. 5202
	Local Government Code
<p>May enforce regulation of use of aerial fireworks during drought conditions;</p>	Sec. 352.051
	Government Code
<p>Limits of jurisdiction of JP courts: amounts of which original jurisdiction not given to county or district courts not over \$5,000, exclusive of interest; forcible entry and detainer, foreclosure of mortgages, enforcement of liens on personal property, where amount is within their jurisdiction;</p>	Sec. 27.031
<p>Justice court, generally;</p>	Chapter 27
<p>Small claims court, generally;</p>	Chapter 28
<p>Hold term of justice court once a month for civil business; and hold regular term as prescribed by commissioners court, and may hold justice court from day to day for unfinished business or adjourn to a particular day; have place for holding court;</p>	Sec. 27.051
<p>Justice court clerk may maintain dockets, and index of court judgments;</p>	Sec. 27.056
<p>Arrange and keep all dockets, books, and papers of predecessor and all papers filed in any case for inspection of parties at interest; delivery upon demand;</p>	Sec. 27.004

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
1. JUDICIAL RESPONSIBILITIES, continued	
	Government Code
May not have jurisdiction in divorce, slander or defamation, trial to title of land, or enforcement of liens on land, and suits to recover penalties, forfeitures, and escheats on behalf of the state;	Sec. 27.031
May not issue writs of injunction;	Sec. 27.034
Enforce residential subdivision deed restriction;	Sec. 27.034
Small claims court has concurrent jurisdiction with justice court in actions for recovery of money (amount limitations);	Sec. 28.003
May preside over small claims court with jurisdiction up to \$5,000;	Sec. 28.003
Issue process upon filing of affidavit and payment of fee in small claims court;	Sec. 28.013
Enter judgment upon default of defendant;	Sec. 28.031
Hold informal hearing when both parties present;	Sec. 28.033
Render judgment;	Sec. 28.051
Order sheriff or constable to summon sufficient number of jurors;	Secs. 62.411, 62.412
Pay of jurors in justice court;	Sec. 61.001
May not preside in cases in which he has an interest or where related to either of the parties;	Sec. 21.005
Issue writs of sequestration, garnishment, attachment within limits of jurisdiction;	Sec. 27.032
Proceed with unfinished business;	Sec. 27.033
May ask questions to witnesses or parties or on his own motion summon witnesses in small claims court;	Sec. 28.034
	Property Code
Has jurisdiction in cases arising out of forcible entry and detainer;	Sec. 24.004
Receive application for and issue distress warrant;	Secs. 54.006, 54.025
	Texas Family Code
May conduct marriage ceremonies;	Sec. 2.202

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
1. JUDICIAL RESPONSIBILITIES, continued	
	Texas Code of Criminal Procedure
Jurisdiction of justice court defined to include offenses punishable by fine or other sanction not requiring confinement or imprisonment;	Art. 4.11
Keep criminal docket of trials;	Art. 45.017
May maintain criminal docket by use of electronic data processing equipment;	Art. 45.017
May issue warrant for arrest for criminal offense committed in his presence (which he has jurisdiction to try);	Art. 45.103
Shall issue warrant of arrest upon proper form of complaint;	Art. 45.014
Issue writ to summon jury for criminal matters in which a jury trial is desired;	Art. 45.027
May adjourn in the event of criminal mistrial;	Art. 45.035
May order party demanding trial and not appearing to pay costs;	Art. 45.026
Order autopsy as requested by district attorney, criminal district attorney, or county attorney;	Art. 49.10
May defer proceedings against minor student who attends teen court;	Art. 45.052
	Civil Practice & Remedies Code
May order party demanding civil jury trial and failing to appear to pay cost of impaneling jury;	Sec. 30.008
	Texas Rules of Civil Procedure
May cause notice of publication for summoning party for interrogatories; may take answers to interrogatories upon appearance of witness and certify contents [function as notary]; may receive return of depositions.	Rule 200.1 et seq

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
2. MISCELLANEOUS JUDICIAL DUTIES	
The justice of the peace has various miscellaneous duties related to the judicial function.	
	Occupations Code
Has jurisdiction over misdemeanor violations of Cosmetology Act;	Sec. 1602.554
	Transportation Code
Has jurisdiction to hold hearing to determine if driver's license should be revoked or suspended; reports findings to the Department of Public Safety;	Sec. 521.291 et seq.
May receive fine from ferry owners for failure to post rates and excessive rates, on complaint of any person;	Sec. 342.303 et seq.
May conduct hearing to determine whether probable cause existed for the towing and storage of a motor vehicle without the owner's consent;	Chapter 685
May conduct hearing concerning financial responsibility under the Safety Responsibility Law;	Chapter 601
	Government Code
May administer and certify oaths and affidavits;	Chapter 602
	Health and Safety Code
May receive referral for inquest into cause of death;	Sec. 193.005
Permit removal of organs of deceased persons upon qualified request of organ procurement organization;	Sec. 693.002
Under certain conditions, may permit the taking of body parts and body tissue for transplant or other therapy;	Chapter 693
	Property Code
Make and return abstract of judgment lien rendered in his court;	Secs. 52.002 – 52.003
Make complete transcript of judgment in cases of execution or order of sale issuing out of justice court, certify correctness, and submit to county clerk for recording;	Sec. 12.015

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
2. MISCELLANEOUS JUDICIAL DUTIES, continued	
	Education Code
May receive complaint from attendance officers for violation of compulsory school attendance law;	Sec. 25.091 et seq.
	Texas Rules of Civil Procedure
Shall not charge jury in a cause tried in his court before jury;	Rule 554
All rules governing district and county courts also govern justice courts, except where specified;	Rule 523
May order sale of seized perishable goods, when necessary.	Rules 600,615,710,711
3. DESCRIPTION OF OFFICE AND REGULATION OF JUSTICE COURTS	
The justice of the peace is subject to various statutes concerning the conditions and requirements of the office, liabilities for failure to perform duties, and regulation of justice courts.	
	Local Government Code
Subject to immediate removal from office for conviction or official misconduct;	Sec. 87.031
May be removed from office by district judge for incompetence, official misconduct, intoxication after trial;	Sec. 87.011 et seq.
Commissioners court lay-off respective counties into precincts for the election of JPs and designate for time and place of holding justice court;	Secs. 81.021, 71.022
Vacancy filled by commissioners court;	Sec. 87.041
Must be notified if sureties relieved from bond;	Sec. 88.003
Requirement of new bond or additional security;	Sec. 88.007

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
3. DESCRIPTION OF OFFICE AND REGULATION OF JUSTICE COURTS, continued	
	Government Code
Business may be conducted by first assistant or chief deputy when physical vacancy occurs in public office until vacancy is filled;	Sec. 601.002
Place in courthouse for JP court to be provided by commissioners court in any city over 75,000;	Sec. 27.051
Responsible for office records, dockets, books, or papers;	Sec. 27.004
Bond required; all monies coming into office to be turned over to person entitled;	Sec. 27.001
Forms, dockets, and other small claims supplies furnished to JP by commissioners court;	Sec. 28.005
The JP is commissioned as justice of the peace of his precinct and ex officio notary public;	Sec. 27.002
The nearest JP may perform duties temporarily for vacancy, absence, or unwillingness of a JP;	Sec. 27.052
May not sit in a case if either of the parties is related by affinity or consanguinity within the third degree;	Sec. 21.005
May exchange benches within a county;	Sec. 27.054
Temporary JP may be appointed by county judge if regular justice is disqualified or temporarily unable to perform duties;	Sec. 27.055
Must continue education if not a licensed attorney;	Sec. 27.005
Sureties for bond required of each county officer;	Chapter 604
	Texas Constitution
Vacancies in judicial offices;	Art. V, Sec. 28
Transition from two-year to four-year term of office;	Art. XVI, Sec. 65
Holding more than one office, exceptions;	Art. XVI, Sec. 40
Compensation on a salary basis.	Art. XVI, Sec. 61

JUSTICE OF THE PEACE

DUTY/RESPONSIBILITY	AUTHORITY
4. FINANCIAL DUTIES AND TRANSACTIONS	
The justice of the peace has duties related to the collection of fees, keeping account of the financial transactions of the office, and responsibilities in regard to the provisions, expenses, and compensation of the office.	
	Local Government Code
Keep account of fees earned and have it examined by county auditor;	Sec. 114.041
Make sworn statement of expenses at end of month;	Sec. 153.003
Make payment to Officers Salary Fund (General Fund) by end of month;	Secs. 113.021, 154.001 et seq.
Report collections of fines, judgments, and jury fees to commissioners court;	Sec. 114.044
Accounts, dockets, and records of JP to be examined by county treasurer and reported to commissioner's court;	Sec. 115.901
Duties for which fees must be collected listed;	Sec. 118.121 – 118.123
May receive certain fees in addition to salary;	Sec. 154.005
Telephones, offices and furniture, and supplies will be furnished by commissioners court; if caseload is significant, courtrooms may be furnished;	Sec. 291.004
Additional office buildings housing justice courts to be located in justice precinct by commissioners court;	Sec. 292.001
JP salaries fixed by commissioners court;	Sec. 152.011 et seq.
Fees collected for marriage ceremonies not counted as fees of office;	Sec. 154.005
Not entitled to fee for examination or filing of papers or records, motions for security of costs, or handling bonds;	Sec. 118.124
	Government Code
Keep fee book subject to all inspection;	Sec. 603.006
Keep fees posted in office;	Sec. 603.008
	Parks and Wildlife Code
Transmit fines collected for violations of wildlife regulations to Texas Parks and Wildlife Department.	Sec. 12.107

CONSTABLE

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CONSTABLE

The constable is elected to a constitutionally created office (Tex. Const. Art. V, Sec. 18) for four years within each justice precinct. The constable is an authorized peace officer and is the chief process server of the justice court. The constable has statewide jurisdiction to execute any criminal process, and countywide jurisdiction to execute any civil process. The constable may also execute process issued by some state agencies.

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.

In November 1983, voters approved a constitutional amendment authorizing fewer constable precincts in certain counties. The number of justice of the peace and constable precincts in each county is to be determined by the population according to the most recent federal census. The amendment of Article V, Section 18 of the Texas Constitution took effect January 1, 1984.

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Effect of boundary change term of office;	Secs. 81.021, 86.001
Bond with sureties required to take office;	Sec. 86.002
May be removed from office for failure to give new bond when required;	Sec. 86.003
Must maintain permanent peace officer license status while in office;	Sec. 86.0021
Office no longer deemed vacant for failure or refusal to give bond and take oath;	Sec. 86.002
Vacancy filled by commissioners court;	Sec. 87.041
Removal from office by district judge for incompetence or official misconduct;	Secs. 87.012 - 87.014
Complete unfinished business of predecessor;	Sec. 86.025
Commissioners court divide county into precincts for election of constable;	Secs. 81.021, 71.022
	Government Code
Temporary justice of the peace may be appointed if office holder temporarily unable to perform duties;	Sec. 27.055
	Texas Constitution
Transition from two-year to four-year term;	Art. XVI, Sec. 65
Elected in justice precinct for four years;	Art. V, Sec. 18
	Civil Practice and Remedies Code
Liable for damages resulting from neglect of duties.	Sec. 7.001
2. SERVICE OF PROCESS	
The constable is the chief process server of the justice of the peace court, serves a variety of judicial processes and notices, and is responsible for property seized under such actions.	

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
2. SERVICE OF PROCESS, continued	
	Local Government Code
Shall execute and return all processes, warrants, and precepts directed by lawful officers; attend upon all justice courts in his precinct;	Sec. 86.021
May serve eviction notices out of uniform as a private process server.	Sec.154.005(d)
May execute any civil or criminal process, throughout county and otherwise;	Sec. 86.021
Subject to fine for contempt (fine for benefit of party injured) for failure or refusal to execute or return process;	Sec. 86.024
Responsible on his bond for failure to pay money collected;	Sec. 86.023
Execute process issued by commissioners court;	Sec. 81.022
Serve notice of termination of surety of public officials;	Sec. 88.003
	Government Code
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Summon jurors for justice court;	Sec. 62.411
	Agriculture Code
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	Civil Practices and Remedies Code
Subject to suit within five years for not returning execution;	Sec. 16.007
	Texas Rules of Civil Procedure
All civil process may be served by a constable of the county in which party to be served is found;	Rule 103
Writs and process directed at constable or sheriff (form);	Rules 15, 16, 17
Serve issued citation by means of publication;	Rules 116, 117

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
2. SERVICE OF PROCESS, continued	
	Texas Rules of Civil Procedure
Serve and return temporary injunction;	Rules 688, 689
Execute subpoenas;	Rule 176 et seq.
Summon persons to complete jury;	Rule 552
May sell perishable, seized personal property upon order of justice of the peace;	Rule 600
Make written return of such sale and pay proceeds to county clerk or justice of the peace;	Rule 604
Make report concerning disposition of property;	Rule 607
Execute and return distress warrant;	Rule 610 et seq.
Sell perishable property seized under distress warrant or writ of sequestration;	Rules 615, 710
Make written return of such;	Rule 618
Carry out execution of judgment;	Rule 637
Execute and return writ of garnishment;	Rule 663
Execute writ of sequestration;	Rule 699
	Probate Code
Serve and return notices and citations in probate matters;	Sec. 33
May serve notice on attorney instead of party in probate proceedings.	Sec. 34
3. LAW ENFORCEMENT DUTIES	
The constable has several law enforcement duties as peace officer.	
	Local Government Code
May summon posse to render aid for execution of process or arrest of offenders;	Sec. 86.022
May assist other law enforcement officers under interlocal agreements;	Secs. 362.001, 362.002, 362.003
	Transportation Code
May confiscate illegally placed outdoor signs;	Sec. 393.003

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
3. LAW ENFORCEMENT DUTIES, continued	
	Transportation Code
May enforce state traffic regulations;	Chapter 541 et seq.
May detain the operator of a motorcycle, motor driven cycle, or moped to determine if the model is certified;	Sec. 521.227
Must display badge before enforcing traffic laws;	Sec. 720.001
Designation by commissioners court of constable or deputy as a weight enforcement officer for county roads;	Sec. 621.4015
	Health and Safety Code
May obtain warrant to impound cruelly-treated animals;	Chapter 821
	Parks and Wildlife Code
Assist federal government with law enforcement in parks and recreational areas owned by Army;	Sec. 11.019 note
	Texas Code of Criminal Procedure
May arrest without warrant for felonies or offenses against public peace committed in his view;	Art. 14.01
May arrest without a warrant by order of magistrate for offenses committed in magistrate's view;	Art. 14.02
May request prosecuting attorney to seek judicial approval of interception of certain communications;	Art. 18.21
	Penal Code
May seek prosecution for interference (other than speech) with the exercise of official duties;	Sec. 38.15
May seek prosecution for taking a firearm from a peace officer.	Sec. 38.14
4. PERSONNEL DUTIES	
The constable has duties regarding other county personnel.	

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
4. PERSONNEL DUTIES, continued	
	Local Government Code
Apply to commissioners court for deputies, assistants, or clerks (appointment, salaries described);	Sec. 151.001 et seq.
May appoint deputy constables (with application to commissioners court);	Sec. 86.011
Responsible for official acts of deputies and may require bond and security;	Sec. 86.011
Shall not incur liability for personal injury of reserve deputy constable;	Sec. 86.012
May be authorized by commissioners court to appoint reserve deputy constables (number may be limited by court);	Sec. 86.012
Complete unfinished business of predecessor;	Sec. 86.025
	Government Code
May adjourn court (at default of sheriff) if county judge fails to appear;	Art. 26.003
Benefits and financial assistance for survivors of peace officers killed in line of duty.	Chapter 615
5. STATE AGENCIES	
The constable has duties and responsibilities related to state agencies.	
	Occupations Code
Subject to standards developed by the Commission on Law Enforcement Officers Standards and Education;	Sec. 1701.003
	Government Code
Made associate member of Texas Department of Public Safety;	Sec. 411.009
Cooperate with director of public safety in crime prevention and public safety;	Sec. 411.009
Comply with order for cooperation from director of public safety;	Sec. 411.009
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
5. STATE AGENCIES, continued	
	Government Code
Serve process and execute orders of State Commission on Judicial Conduct;	Sec. 33.028
	Agriculture Code
May assist in the enforcement of the Nursery Stock Act (diseased plants);	Sec. 71.049
May assist state entomologist to serve all papers, orders, summons, and writs;	Sec. 131.104
	Natural Resources Code
Execute all processes issued by the Texas Railroad Commission.	Sec. 81.092
6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS	
The constable has duties related to keeping accounts of the financial transactions of his office, collecting fees, and compensation.	
	Local Government Code
Accounting forms used by constable to be prescribed by county auditor;	Secs. 112.001, 112.002
Constable's accounts subject to examination by county treasurer;	Sec. 115.901
Make settlement of accounts and fees collected into salary fund (general fund);	Sec. 154.001 et seq.
Keep a correct statement of all fees, deposits, and trust funds;	Sec. 114.041
Entitled to charge expenses for conduct of office;	Secs. 154.024, 154.044
Itemize fees charged for person chargeable;	Ch. 118, Sec. 114.044 et seq.
	Vernon's Revised Civil Statutes
May receive reduced transportation rate for official business;	Art. 4015d

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS, continued	
	Government Code
Post complete list of fees in office;	Sec. 603.008
Liable to aggrieved party for excessive fees charged;	Sec. 603.010
	Texas Constitution
Constables to be compensated on salary basis;	Art. XVI, Sec. 61
	Texas Code of Criminal Procedure
Keep fee book.	Art. 103.009

COUNTY ATTORNEY

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COUNTY ATTORNEY

The county attorney is elected from each county in which there is not resident criminal district attorney. A county attorney serves a term of four years. The duties of the county and district attorney may frequently coincide. In some counties, the county attorney is the chief prosecuting officer for the county courts. The county attorney usually handles only criminal misdemeanor cases, as well as civil suits affecting the county and other matters such as child support cases, revocation of probation, bond forfeitures, and commitment proceedings. The district attorney prosecutes felony cases in district court and represents state agencies, when requested to do so by the Attorney General's Office, in initiating court proceedings. However, this division of duties may vary; the district attorney may prosecute misdemeanor cases, and a county attorney may appear in district court.

The county attorney is the chief legal advisor to the county. The county attorney's office generally handles county requests for legal opinions from the Attorney General's Office. The county attorney may also represent the county in suits affecting payment of taxes and eminent domain.

COUNTY ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Subject to removal for failure to give bond;	Sec. 87.014
Maintain office at county seat; keep all original records;	Sec. 291.002
Vacancy filled by commissioners court;	Sec. 87.041
May be removed from office by district judge for cause;	Secs. 87.012, 87.013
	Government Code
Physical vacancy to be filled by first assistant until election or appointment of new officer;	Sec. 601.002
Legislation concerning creation of county attorneys, their salaries, expenses and bond;	Chapters 41 and 45
Execute bond with sureties (depositing and recording);	Sec. 45.001
Compensation and duties of assistants;	Sec. 41.106
Appointment of investigators;	Sec. 41.109
Employment and qualifications of assistants and other personnel for prosecuting (county) attorney;	Secs. 41.102, 41.103
Shall not receive rewards, gifts, fees from any person to prosecute;	Sec. 41.004
Admissions made by county attorney in any suit or action to which the state is a party shall not prejudice rights of state;	Sec. 41.003
May participate in retirement system for county employees;	Chapters 841-845
General provisions;	Chapter 41
County attorneys, generally;	Chapter 45
	Texas Code of Criminal Procedure
Duties of county attorney;	Art. 2.02
Present information to court regarding neglect or failure of duty of any officer;	Art. 2.03
Draw up complaints about offenses committed in county to be sworn to by complaint;	Art. 2.04
May administer oaths (for complaints made);	Art. 2.06
Attorney pro tem may be appointed by judge of court for county attorney disqualified or absent from county;	Art. 2.07

COUNTY ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE, continued	
	Texas Code of Criminal Procedure
May not counsel adversely to the state in any case;	Art. 2.08
May seek forfeiture of assets proved to be criminal contraband.	Chapter 59
2. ADMINISTRATIVE AND ADVISORY DUTIES	
The county attorney has certain administrative and advisory duties not directly related to his public prosecuting and judicial functions.	
	Local Government Code
Keep statement of all fees, deposits, and trust funds to be examined by county auditor (or commissioners court);	Sec. 114.041
May represent county officials and employees in suits affecting official duties;	Sec. 157.901; Sec. 157.9015
May bid for and sell state property;	Sec. 270.002
May assist a county or regional housing authority;	Sec. 392.040
Assist county park board, if one created;	Sec. 320.048
Representation of state in actions to remove county officials from office; heard in district court;	Chapter 87
	Occupations Code
May seek to enjoin unlawful raffles;	Chapter 2002
	Civil Practice and Remedies Code
Right to bring action to enjoin violations of revenue laws;	Sec. 65.016
Prosecution of common and public nuisances;	Chapter 125
	Education Code
Repayment assistance by state coordinating board for law school loans of prosecutors in rural counties;	Sec. 61.9601 et seq.

COUNTY ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
2. ADMINISTRATIVE AND ADVISORY DUTIES, continued	
	Transportation Code
Represent county in suits against drivers for damages to county roads (when road closed to traffic);	Sec. 251.160
Recover fine from juror of view for not performing service;	Sec. 251.054
May exempt vehicles from identification requirement;	Sec. 721.005
File suit for collection of drainage assessments against any land or landowner;	Sec. 254.017
	Government Code
Assist Attorney General in nepotism suits involving removal of officers;	Sec. 573.082
Request legal opinions from Attorney General (concerning county business);	Sec. 402.043
Keep proper books of official acts and reports open to inspection by the governor's office or commissioners court;	Sec. 41.008
Pay all money collected for state or county into treasury of state or county and file report of all money received in office yearly with comptroller or county treasurer;	Sec. 41.005
Upon request, give legal opinion in writing to any county officer concerning official duties;	Sec. 41.007
Institute proceedings to prosecute any county officer for neglect or abuse of duties over public funds;	Sec. 41.009
Report information to Attorney General concerning criminal matters and interest of state in county;	Sec. 41.006
	Tax Code
May, if requested, represent the county to enforce collection of delinquent taxes;	Sec. 6.30(a)
May seek forfeiture under controlled substances tax law;	Chapter 159
	Property Code
Authority to enforce subdivision deed restrictions, in counties with a population of 200,000 or more;	Chapter 203

DUTY/RESPONSIBILITY	AUTHORITY
2. ADMINISTRATIVE AND ADVISORY DUTIES, continued	
	Penal Code
Authority to carry concealed handgun;	Sec. 46.15
Prosecution of criminal offenses of public bribery, corrupt influence, obstructing governmental operations, abuse of official capacity, official oppression, and misuse of official information;	Chapters 36, 38, 39
	Business and Commerce Code
Lend assistance to consumer protection division of Attorney General's Office and receive assistance from them.	Sec. 17.48

DISTRICT ATTORNEY

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 Assistance to Attorney General

DISTRICT ATTORNEY

The district attorney is elected from a judicial district for four years. The district attorney is primarily an attorney for the state and attends the state district court, although not exclusively. The district attorney may represent various state agencies when the Attorney General does not do so. In addition, the district attorney may assist the Attorney General's Office in enforcing the rule and regulations of state agencies and the conduct of state officials (for example, the Public Integrity Unit in Travis County).

In some counties, the duties of the district attorney are centered primarily on prosecution of felony criminal offenses; in others, the district attorney may be responsible for civil suits concerning the state, as well as misdemeanor offenses. The district attorney also has an advisory function in regard to county and state officials. The various statutes regulating the prosecuting and judicial duties of the district attorney, as well as the court-related functions regarding state agencies, are outside the scope of this guide.

DISTRICT ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Subject to removal for failure to give bond;	Sec. 87.014
May be removed from office by district judge;	Secs. 87.012, 87.013
Venue of proceedings against district attorney;	Sec. 87.015
Special counsel may be employed in counties of more than 1.25 million;	Sec. 89.001
	Government Code
Physical vacancy to be filled by first assistant until election or appointment of new officer;	Sec. 601.002
Exempt from military duty;	Sec. 431.081
Creation of the offices of district attorney and criminal district attorney in judicial districts and legislation regarding salaries, expenses, and bond;	Chapters 43 and 44
Compensation for staff;	Sec. 41.106
May remove assistants;	Sec. 41.105
Receive no salary for time of failure to attend court;	Sec. 43.003
Qualifications of district attorney and employment of assistants;	Secs. 41.001 - 41.109
Shall not receive rewards, gifts, fees from any person for prosecution;	Sec. 41.004
Admissions made by district attorney in any suit or action to which the state is a party shall not prejudice rights of the state;	Sec. 41.003
Participate in retirement system for state employees;	Sec. 812.002
General provisions;	Chapter 41
District attorneys, generally;	Chapter 43
Criminal district attorneys, generally;	Chapter 44
Professional prosecutors;	Chapter 46
	Code of Criminal Procedure
Duties of district attorney;	Art. 2.01
May not be counsel adversely to the state in any case.	Art. 2.08

DISTRICT ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
2. ADMINISTRATIVE DUTIES	
The district attorney has certain administrative duties not directly related to his public prosecuting and judicial functions.	
	Local Government Code
Shall make report to commissioners court on fees collected;	Sec. 114.044
Accounting system to be used by district attorney prescribed by county auditor;	Sec. 112.002
May represent county officials and employees;	Sec. 157.901
May bid for and sell state property;	Sec. 270.002
May make purchase in conformance with county purchasing laws;	Sec. 140.003
Purchasing and financial accounting requirements as a “specialized local entity”;	Sec. 140.003
	Occupations Code
May seek to enjoin unlawful raffles;	Sec. 2002.058
	Transportation Code
Recover fine from juror of view for not performing service;	Sec. 251.054
	Education Code
Repayment assistance by state coordinating board for law school loans of prosecutors in rural counties;	Sec. 61.9601 et seq.
	Government Code
Shall assist Attorney General in nepotism quo warranto proceedings whenever ordered to do so;	Sec. 573.082
Receive advice from Attorney General upon request;	Sec. 402.043
Notification of Attorney General after election;	Sec. 41.002
Keep proper books of official acts and reports open to inspection by the governor's office or commissioners court;	Sec. 41.008
Pay money collected into state or county treasury and file reports in office of comptroller yearly for all monies received by his office;	Sec. 41.005
Give legal opinions in writing to county or precinct officers regarding their official duties;	Sec. 41.007

DISTRICT ATTORNEY

DUTY/RESPONSIBILITY	AUTHORITY
2. ADMINISTRATIVE DUTIES, continued	
	Government Code
Report to the Attorney General, when required, information about criminal matters and interests of state in his district;	Sec. 41.006
Institute proceedings against any officer of county abusing or neglecting duties over public funds;	Sec. 41.009
	Penal Code
Authority to carry concealed handgun;	Sec. 46.15
Prosecution of criminal offenses of public bribery, corrupt influence, obstructing governmental operations, abuse of official capacity, official oppression, and misuse of official information;	Chapters 36, 38, 39
	Texas Code of Criminal Procedure
Present information to court regarding neglect or failure of duty of any officer;	Art. 2.03
Draw up complaints about offenses committed in district to be sworn to by complainant;	Art. 2.04
May administer oaths (for complaints made);	Art. 2.06
May seek forfeiture of criminal contraband assets;	Chapter 59
Attorney pro tem may be appointed by judge of court for district attorney disqualified or absent from district;	Art. 2.07
	Tax Code
May, if requested, represent the county to enforce collection of delinquent taxes;	Sec. 6.30(a)
May seek forfeiture under controlled substances tax law;	Chapter 159
	Business and Commerce Code
Lend assistance to consumer protection division of Attorney General's Office and receive assistance from them;	Sec. 17.48

DUTY/RESPONSIBILITY	AUTHORITY
2. ADMINISTRATIVE DUTIES, continued	
	Civil Practice and Remedies Code
Right to bring action to enjoin violations of revenue laws.	Sec. 18.033

COUNTY AUDITOR

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COUNTY AUDITOR

The county auditor is appointed by the district judge or judges in counties with a population over 10,200 (Local Government Code, Sec. 84.002). The following duties and responsibilities of the county auditor are arranged according to several categories. The first category includes a few miscellaneous statutes related to the general description of the office. The second category covers those statutes related to the auditor's budgetary functions.

The auditor serves as a check on the financial operations of other county offices, has certain financial accounting and recordkeeping responsibilities, as well as certain duties related to the operation of improvement districts.

COUNTY AUDITOR

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Auditors for counties over 10,200;	Sec. 84.002
Auditors for other counties;	Sec. 84.008
Qualification of auditor includes , good moral character and intelligence, competent business ability, and two years experience as accountant;	Sec. 84.006
Must take oath and make bond within 20 days of appointment;	Sec. 84.007
May appoint assistants and organize office with consent of district judge;	Sec. 84.021
Gets mileage for use of personal car in connection with county business;	Sec. 152.035
Salary set by district judges; not to exceed salary of highest paid elected county official;	Secs. 152.031, 152.032
May have salary set by district judges following public hearing;	Sec. 152.905
Term of office is two years; term begins on January 1 of each odd numbered year (bracket legislation).	Secs. 84.004, 84.005
2. FINANCIAL OPERATION OF COUNTY OFFICES	
The county auditor serves as a check on the financial operations of other county offices.	
	Local Government Code
Serve as a check on treasurer in recordkeeping of deposit of funds and examining reports to commissioners courts on finances; count or examine money or accounts on deposit with treasurer on occasion without notice;	Sec. 115.003
Relieve county clerk of duties;	Sec. 112.009
Request and receive reports or other financial information from other county officials;	Sec. 114.003
Appointment of assistants;	Sec. 84.021
Public hearing conducted by district judge before setting salary of auditor and assistants;	Sec. 152.905
Determination of compensation and expenses;	Sec. 152.031 et seq.

COUNTY AUDITOR

DUTY/RESPONSIBILITY	AUTHORITY
2. FINANCIAL OPERATION OF COUNTY OFFICES, continued	
	Local Government Code
Have general oversight of all books and records of the county related to collection of money and responsible for strict enforcement of laws governing county finances;	Sec. 112.006
Have access to all financial accounts of other officers and the commissioners court to determine correctness of same;	Sec. 115.001
May not approve warrant to a person owing the state or county money;	Sec. 154.045
Examine all reports on collection of money made to the commissioners court;	Sec. 115.002
May examine accounts, dockets, and records of JP's constables, and sheriffs, and tax collector;	Sec. 115.901
Keep records from copies of warrants issued for deposit in county treasury;	Sec. 113.023
Examine and approve all claims, bills, and accounts against the county before submission to commissioners court;	Sec. 113.064
Adhere to statutory requisites for approval of claims;	Sec. 113.065
Keep account of all monies accruing to offices and examine such accounts of other county officials;	Sec. 114.041
May audit all accounts of county and district official including forfeitures;	Sec. 115.0035
Conduct of independent audits;	Secs. 115.031 et seq; 115.041 et seq.
Maintain current audit of all money and funds of Board of Park Commissioners;	Sec. 320.043
Shall, with approval of the commissioners court, establish a procedure for administering an electronic funds transfer system for the payment of salaries, compensation, and reimbursement to officers and employees;	Sec. 156.001
	Human Resources Code
Audit collections and disbursements of money made by certain juvenile probation officers;	Chapter 152

COUNTY AUDITOR

DUTY/RESPONSIBILITY	AUTHORITY
2. FINANCIAL OPERATION OF COUNTY OFFICES, continued	
	Tax Code
Refund erroneous overpayment of taxes.	Sec. 31.11
3. RECORDKEEPING	
The county auditor has certain recordkeeping responsibilities.	
	Local Government Code
Keep a register of all warrants issued by judges or clerks on county treasurer;	Sec. 113.046
Keep account for officers collecting funds and in so doing relieve county clerk of keeping finance ledger;	Sec. 112.005
Maintain general set of books showing all transactions of county relating to accounts, contracts, indebtedness, receipts, and disbursements, and report to each regular meeting of commissioners court;	Sec. 112.007
Receive report of receipts and disbursements of private business operations on public property;	Sec. 291.006
Make monthly and annual report to commissioners court and to district judge;	Sec. 114.025
Prescribe system of accounting; determine time and manner for reports;	Secs. 112.002, 114.002
Keep records from copies of warrants issued for deposits in county treasury;	Sec. 113.023
Act as purchasing agent in certain counties;	Sec. 262.012 et seq.
Keep account of all monies accruing to office and examine such accounts of other county officials;	Sec. 114.041
Responsible for equipment and personnel records in counties over 500,000 (includes employees of flood control district);	Sec. 151.903
Make payroll deductions for authorized purpose on request;	Sec. 155.001
Place interest from trust funds in general fund;	Sec. 117.054
Maintain payroll records for county officers who elect not to be paid for their services;	Secs. 152.051, 152.052

COUNTY AUDITOR

DUTY/RESPONSIBILITY	AUTHORITY
3. RECORDKEEPING, continued	
	Local Government Code
May accept affidavit from county officials elected on a platform not to be paid.	Sec. 152.052
4. SUPERVISION OF IMPROVEMENT DISTRICTS	
The county auditor has certain responsibilities over the finances of various improvement districts.	
	Local Government Code
Relieve county clerk of duties;	Sec. 112.009
Responsible for equipment and personnel records in counties over 500,000 including flood control districts.	Sec. 151.903
5. MISCELLANEOUS BUDGET--RELATED DUTIES	
In certain counties the auditor has budget-related responsibilities.	
	Local Government Code
Prepare estimate of revenues and expenses for commissioners court for budget purposes;	Sec. 111.033
Serve as budget officer in counties over 225,000 and certify to commissioners court receipt of all public or private grant or aid money;	Sec. 111.032 et seq.
May assist county judge in preparation of budget (counties of 225,000 or less).	Sec. 111.003

COUNTY SURVEYOR

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1. Description of Office **162**

2. Examination and Recording of Surveys and Records..... **162**

COUNTY SURVEYOR

The county surveyor is elected in a general election for a term of four years to maintain the survey records of the county. The county surveyor usually receives no salary, but may be compensated on a fee basis (Tex. Const. Art. XVI, Sec. 61) and may receive office space. If the person is a duly registered and licensed state land surveyor, he may have responsibilities outside the county. Many counties in Texas do not have an elected county surveyor but may appoint a licensed surveyor to fill those duties.

COUNTY SURVEYOR

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Vacancy filled by commissioners court;	Sec. 87.041
May be removed for failure to give bond;	Sec. 87.014
May be removed from office by district judge, for cause;	Sec. 87.012
Fees of county surveyor for services listed;	Sec. 118.161
	Occupations Code
Election eligibility;	Sec. 1071.254
If acting as state land surveyor, must be duly registered, licensed, or exempted in order to practice state land surveying;	Sec. 1071.251
A licensed surveyor may have jurisdiction outside county, although elected county surveyor;	Sec. 1071.357
Field notes of licensed surveyor in any county are admissible as are field notes of county surveyor;	Sec. 1071.359
A licensed surveyor may perform the duties of county surveyor if elected;	Sec. 1071.357
A licensed land surveyor may perform the duties of county surveyor;	Sec. 1071.354
	Natural Resources Code
Must be registered professional land surveyor;	Sec. 23.011
Reside in county;	Sec. 23.012
Execute bond, amount fixed by commissioners court;	Sec. 23.013
Locate office at courthouse or other building in county seat;	Sec. 23.016
	Texas Constitution
Hold office for four years.	Art. XVI, Secs. 44, 65
2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS	
The county surveyor has duties related to the examination and recording of field notes, surveys, and plats in his county, and receiving applications for the right to prospect in certain areas.	

COUNTY SURVEYOR

DUTY/RESPONSIBILITY	AUTHORITY
2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS, continued	
	Local Government Code
Appointment of surveyor to run a sufficiently definite county line;	Sec. 72.001 et seq.
	Occupations Code
May provide regulations for examination of survey records by any licensed surveyor;	Sec. 1071.361
	Transportation Code
May provide assistance in preliminary survey for county roads;	Sec. 251.054
	Natural Resources Code
Shall perform duties required by law;	Sec. 23.051
Receive and examine all field notes of surveys in county for which patents are obtained; certify and record them;	Sec. 23.052
Record all surveys and plats in county, private or official;	Sec. 23.053
Field records of surveyor's office may be examined by any interested person; fee charged;	Sec. 23.054
May be ordered by commissioners court to bind records;	Sec. 23.055
In absence of elected county surveyor, county clerk has charge of records;	Sec. 23.057
Shall deliver all records, books, and other materials of office to successor;	Sec. 23.058
May appoint deputy surveyor as necessary; administer official oath and take bond;	Sec. 23.014(a)-(b)
Deputy may perform all acts of county surveyor;	Sec. 23.014(c)
May employ persons 16 or older as chain carriers or markers, and administer oath;	Sec. 23.015
File, with date and hour recorded, applications to purchase or lease a vacant public school land;	Sec. 51.173 et seq.
May be appointed to survey a vacancy by land commissioner;	Sec. 51.178

COUNTY SURVEYOR

DUTY/RESPONSIBILITY	AUTHORITY
2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS, continued	
	Natural Resources Code
Entitled to fees for recording documents with county clerk and for issuance of certified copies;	Sec. 23.060
Form of survey of vacancy prescribed;	Sec. 51.181
Liable for damages to injured parties for failure to make or have survey made;	Sec. 23.059
	Civil Practice and Remedies Code
Presumption of accurate boundary line descriptions in state disputes.	Sec. 18.033

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