

# Basics of County Government



TEXAS ASSOCIATION *of* COUNTIES

## **PREPARING TO TAKE OFFICE**

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# Why counties were created:

- Original purpose: Law & Order
- Designed to serve rural population
- Fear of government power
- Checks and balances



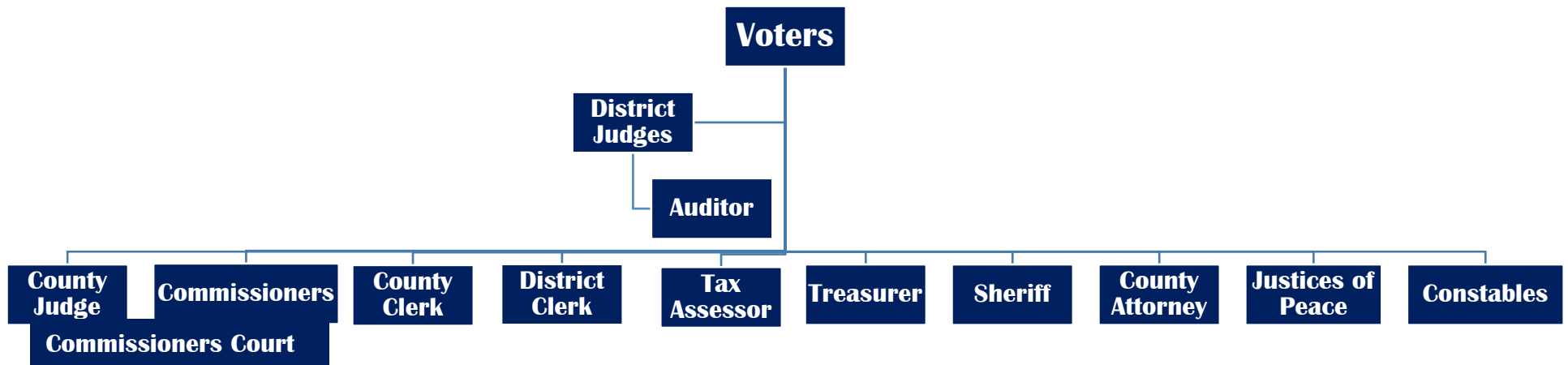
# Structure of county government:

- Counties are political subdivisions of the state.
- Counties are extensions of state government at the local level.
- In 1920, the Supreme Court held counties to be an “instrumentality of the state” as opposed to a municipality.

*(Bexar County vs. Linden)*



# Texas Counties Basic Organizational Chart



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# Commissioners Court

- Sets the tax rate & adopts the budget
- Makes or approves budgeted purchases
- Establishes county investment policy
- Incurs debt and determines how it will be repaid (often voter approval required)
- Approves any contracts for the county



# Commissioners Court

- Responsible for providing buildings and offices for the county, including the jail
- Designates office space
- Exercises general control over all roads, highways, ferries and bridges
- Fills vacancies in most county offices
- Appoints members to various boards



# County Commissioner

## The Precinct System

Commissioner runs Road & Bridge Dept. in his/her precinct.

## The Unit System

Commissioners Court hires engineer or administrator to run Road & Bridge Dept.



# County Judge

- Presiding officer of Commissioners Court
- Budget officer (in counties under 225,000 pop.)
- Judicial duties: typically, misdemeanor criminal and small civil cases, probate, juvenile cases, appeals from JP court
- Head of emergency management and homeland security
- Duties related to elections
- Fills vacancy in office of Commissioner





# County Auditor (Appointed Officer)

- Appointed by District Judge(s)
- Has financial oversight of all county offices
- Establishes accounting procedures and conducts internal audits
- Approves all county disbursements
- Budget officer in counties with over 225,000 pop. (Counties over 125,000 pop. may opt for an appointed budget officer)



# County Treasurer

- Receives and deposits all county revenues
- Disburses funds on order of Commissioners Court
- Manages depository contract
- Keeps record of receipts and expenditures



# County Treasurer

## Tasks in Some Counties

- County investment officer
- Payroll and/or human resources officer
- Employee benefits coordinator
- Risk manager and insurance coordinator
- Has some audit responsibilities in counties with no auditor



# County Tax Assessor-Collector

- Calculation of taxes (effective tax rate)
- Collection and reporting of property taxes
- Motor vehicle licensing and registration
- Voter registration (if county does not have an elections administrator)
- May collect taxes for other entities
- Misc. fees (alcoholic beverage permits & others)

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# County Clerk

## Records

- County budget and other Commissioners Court records, including its minutes
- Clerk of County Court and County Court-at-Law
- Real estate instruments
- Bonds, marriage licenses, wills, births, brands, etc.

## Elections

- Clerk typically has overall responsibility for elections (if county has no elections administrator)



# District Clerk

- Serves as custodian of records for district court
- Coordinates jury panel selection process
- Manages trust funds and court registry funds
- Key player in the timely transfer of inmates out of county jails

## Combined County & District Clerk

- Counties with less than 8,000 population may combine the offices

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# County Sheriff

- Responsible for law enforcement
- Manages and operates county jail
- May serve as Tax Assessor-Collector in counties with less than 10,000 population
- Serves warrants and civil papers



# Justice of the Peace

- Hears the following types of cases:
  - Traffic and other Class C misdemeanor cases punishable by fine only
  - Civil cases with up to \$10,000 in controversy
  - Landlord and tenant disputes
- Performs magistrate duties
- Conducts inquests





# County Constable

- Has statewide jurisdiction for criminal process
- Has countywide jurisdiction for civil process
- Serves as a licensed peace officer and performs law enforcement functions
- Serves as bailiff of Justice Court



# County Attorney

- Prosecutes misdemeanor cases
- Upon request by a county official, provides opinion about the official's duties of office
- Represents the state in removal actions
- Brings civil enforcement actions on behalf of state or county
- Not required to represent county if county is sued



# District Attorney

- Paid by state of Texas
- Represents the state in criminal cases
- Presents cases to the Grand Jury
- Prosecutes felony cases
- Duty to “see that justice is done”



# Criminal District Attorney

- Has the responsibilities of both county attorney and district attorney
- Is paid by state of Texas



# Other Important Positions

Human Resources Manager

Loss Control Coordinator

Purchasing Agent

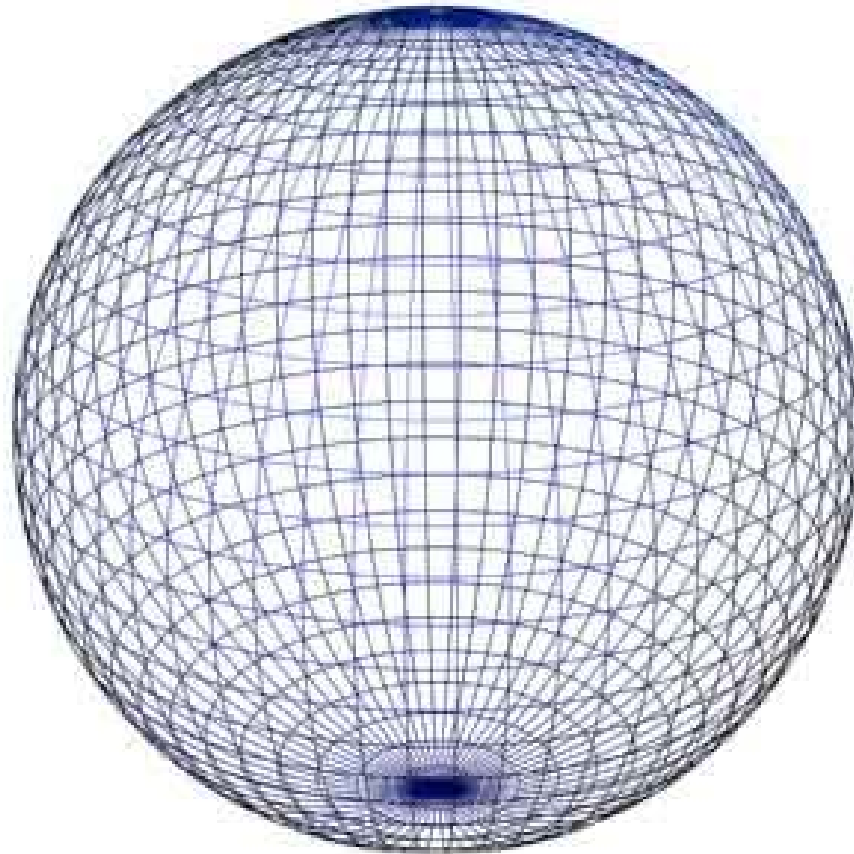
Emergency Management Coordinator

Information Technology (IT) Manager

Veterans Service Officer



# Each county official has a “Sphere of Authority”



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# Commissioners Court Controls the Budget



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# How it Works

- Each office's operations is governed by a variety of laws
- Each elected official has exclusive authority over the office's operations and employees
- The commissioners court typically controls the budget
- Some county duties can only be performed if elected officials choose to cooperate





# The Bottom Line

Commissioners Court cannot use its budgetary authority to prevent an officer from performing his/her required duties.

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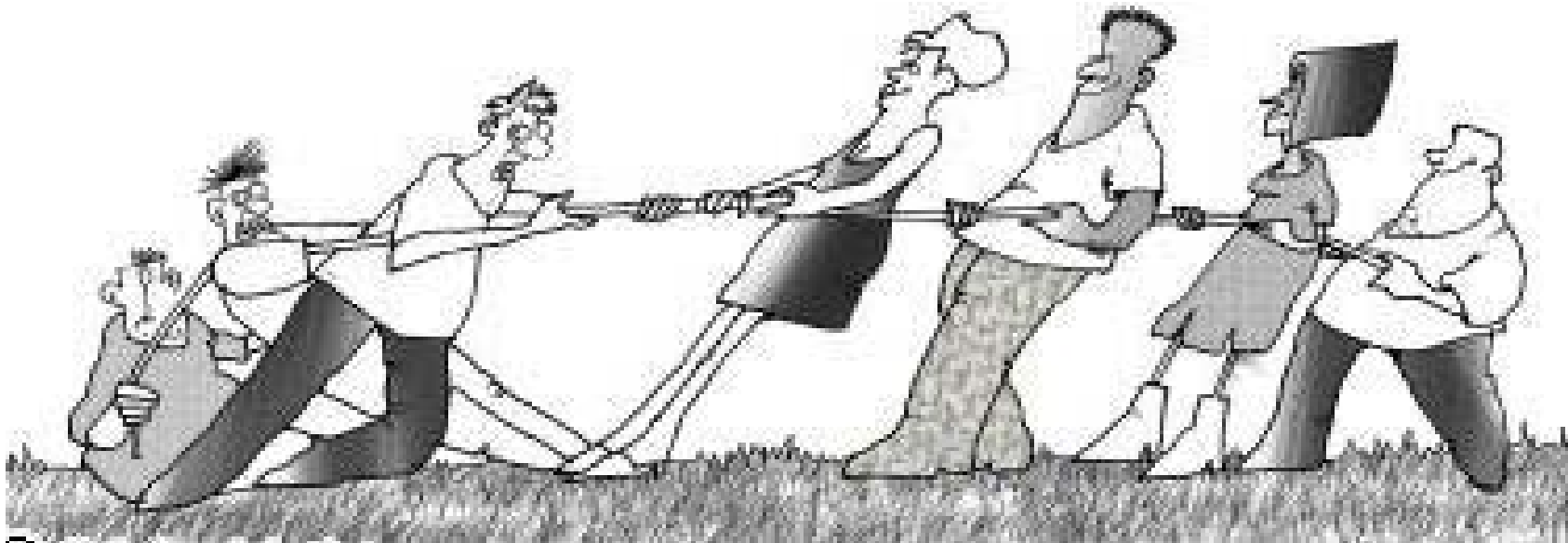
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# County Government Rule No. 1:

**IT'S EASIER IF WE ALL PULL TOGETHER**



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