

2017
SHORT ANSWERS TO
COMMON QUESTIONS

TEXAS ASSOCIATION OF COUNTIES

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WEBSITE POSTING REQUIREMENTS FOR COUNTIES

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The  symbol indicates sections that have been updated since the previous publication.

Introduction

The following is a list of the county website posting requirements of which the Texas Association of Counties (TAC) is presently aware. Also included are citations to the statutes that contain these requirements and a summary of each requirement. These statutes do not create a duty on a county to establish a website. Rather, they impose electronic posting requirements on a county that maintains a website.

BUDGET

1. Proposed County Budget
Local Government Code §111.006(b) (counties with population under 225,000); Local Government Code §111.037 (counties with population over 225,000)

The county clerk shall take action to ensure that the proposed budget is posted on the county's Internet website.

2. Final Approved Budget
Local Government Code §111.009(b) (population 225,000 or less);
Local Government Code §111.040 (population over 225,000);

Local Government Code §111.069 (alternate method of budget preparation in counties of population more than 125,000)

The commissioners court shall ensure that a copy of the adopted budget, along with the statutorily required cover sheet, is posted on the county's Internet website at least until the first anniversary of the date the budget is adopted.

ELECTION NOTICE REQUIREMENTS

1. Notice of Debt Obligation Election

Election Code §4.003(f)(3)

A debt obligation election order shall be posted on the county's Internet website during the 21 days before the election along with the election notice and contents of the proposition.

2. Notice of Voter Identification Requirements

Election Code §31.012(a)

The voter registrar shall provide notice of the voter identification requirements on the county's Internet website in each language in which voter registration materials are required to be available.

3. Notice of Polling Place Location Changes

Election Code §43.061(c)(2)

The county clerk shall post notice of a change in polling place location on any Internet website maintained by the county clerk to provide election information.

4. Notice of Early Voting Dates and Times

Election Code §85.007

The county must post the dates and times for early voting periods on the county's website if the county maintains a website.



5. Notice of Accepting Voters with Certain Disabilities
Election Code §63.0013¹

The following notice regarding the priority given at the polling place to persons with mobility problems must be posted on each internet website relating to elections maintained by the county:

“Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person’s ability to move around. A person assisting an individual with a mobility problem may also, at the individual’s request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic inability to walk 200 feet without stopping to rest, or use of a brace, cane crutch, or other assistive device.”



6. Notice of Early Voting in a Residential Care Facility; Determination of Time of Voting.
Election Code, Chapter 107, §107.007(c)²

Notice of the time or times for conducting the election shall be posted on the county’s website as soon as practicable after determination of the time of voting and not later than the fifth day before the first day on which voting will be conducted at the facility.

ETHICS AND CAMPAIGN FINANCE

1. Candidate, Officeholder, and Specific-Purpose Committee Reports
Election Code §254.0401

The county clerk of a county with a population of 800,000 or more shall make reports filed by a candidate, officeholder, or specific-purpose committee in connection with a county office or the office of county commissioner available to the public on the county Internet website not later than the 5th business day after filing.

¹ Added by [HB 658](#), 85th Leg. 2017. Effective September 1, 2017.

² Added by [HB 658](#), 85th Leg. 2017. Effective September 1, 2017.

2. Conflicts Disclosure Documents
Local Government Code §176.009(a)

A county shall provide access on its Internet website to the statements and questionnaires filed pursuant to Local Government Code Chapter 176.

3. County Ethics Commission in Certain Counties
(Applies only to El Paso County)

Local Government Code §161.052, §161.103, §161.155

The creation of a county ethics commission requires approval by a majority of the qualified voters of the county voting at an election called for that purpose. In addition to the notice required by Chapter 4, Election Code, the commissioners court must publish in a newspaper of general circulation in the county, and on the home page of the county's Internet website, a substantial copy of the order calling the election. The notice on the county's Internet website shall remain on the home page each day beginning not later than the 16th day before the election and ending on the date of the election.

The county ethics commission shall post plain language information on the county's Internet website detailing the commission's duties and authority.

The county ethics commission shall post its complaint form on the county's Internet website.

4. Report of Political Contributions and Expenditures
Local Government Code §176.009(b)

A county with a population of 800,000 or more shall post on its Internet website the reports of political contributions and expenditures filed under Election Code Chapter 254 by members of the commissioners court.

GENERAL ADMINISTRATION

1. Utility Bills of Government Entities
Government Code §2265.001

A county must record in an electronic repository the amount of electricity, water, or natural gas consumed and the aggregate costs for those utility services and report the recorded information on a publicly accessible Internet

website with an interface designed for ease of navigation if available, or at another publicly accessible location.

2. County Treasurer's Report
Local Government Code §114.026(d)

The affidavits of the members of the commissioners court certifying compliance with Local Government Code §114.026(c) must be filed with the county clerk, published and posted on the county's Internet website.

3. Sale or Lease of Advertising Space
Local Government Code §263.251

If the commissioners court adopts a procedure by which the county leases advertising space in or on a county-owned building; on a county-owned vehicle; or on an official county's Internet website, the notice must be posted on the county's Internet website continuously for the 14 days immediately before the date the award of the sale or lease is made. The notice must also be published at least one time in a newspaper of general circulation in the county not earlier than the 30th day or later than the 14th day before the date the award of the sale or lease is made.

4. Municipal and County Water and Energy Improvement Regions
Local Government Code §399.009

The county shall post the report required by this section for a proposed county water and energy improvement region on its Internet website.

JUDICIAL

1. Juvenile Court Information
Family Code §58.352.

In a county with a population of 600,000 or more, not later than the 10th day of each quarter, the juvenile court judge must post on the county's Internet website certain information about children committed to a correctional facility operated by the Texas Juvenile Justice Department.

2. Court Orders of Nondisclosure
Government Code §411.081(f-1)

Each county or district clerk's office that maintains an Internet website shall include on that website a link to the electronic application and printable application form for a petition for an order of nondisclosure available on the Office of Court Administration's Internet website.

3. Report on Court Appointments
Government Code § 36.004 (b)(2)

The county or district clerk shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month and post the report to any Internet website of the court not later than the 15th day of each month.



4. Notice of Self-Help Procedures
Government Code § 51.808³

The clerk of each court in this state shall post on the court's internet website a link to the self-help resources internet website designated by the Office of Court Administration of the Texas Judicial System. The Office of Court Administration's self-help website will include lawyer referral services, the name, location and any website of any local legal aid office, any self-help center serving the county in which the court is located and the State Law Library's internet website.

LAW ENFORCEMENT

1. Impoundment of Estrays
Agriculture Code §142.009

If the sheriff cannot determine the owner of an estray, the sheriff shall post a notice of the impoundment on the public notice board at the courthouse and advertise the impoundment in a newspaper of general circulation in the county or on the county's Internet website for at least 15 days after the date of the impoundment.

³ Added by [SB 1911](#), 85th Leg. 2017. Effective September 1, 2017.

2. Use of Unmanned Aircraft by Law Enforcement Agencies
Local Government Code §423.008

Not earlier than January 1 and not later than January 15 of each odd-numbered year, each county law enforcement agency located in a county with a population greater than 150,000 shall post to its Internet website a copy of their report to the governor and other state officials detailing the agency's use of unmanned aircraft.

3. Reports Required For Officer-Involved Injuries or Deaths
Code of Criminal Procedure Articles 2.139, 2.1395,

County law enforcement agencies must submit report forms to the attorney general's office for officer-involved injuries or deaths and for officers injured or killed by persons using firearms who are not law enforcement officers, and post copies of the report forms on any website that the law enforcement agencies maintain not later than the 30th day after the date of the incidents.

OPEN GOVERNMENT

1. Notice of Open Meeting
Government Code §551.056

Notice of a commissioners court meeting must be concurrently posted on the website, in addition to normal physical posting. A county with a population of 65,000 or more must also post the meeting agenda.⁴

2. Posting of Video and Audio Recordings
Government Code §551.128

Commissioners courts of counties with a population of 125,000 or more shall make a video and audio recording of reasonable quality for each regularly scheduled open meeting that is not a work session or special called meeting and make an archive copy of the recording available on the Internet. The recording of the meeting may be posted either on the county's own site or on

⁴ Because the terms "notice" and "agenda" are used interchangeably in the Open Meetings Act and in common parlance, it is not clear what additional information should be included under this provision.

a publically accessible video-sharing or social networking site. The meeting must be posted no later than seven days after the recording was made and must be maintained on the internet for not less than 2 years after posting.

PROPERTY

1. Revision of Subdivision Plats
Local Government Code §232.009

The county must post notice of proposed subdivision plat revisions that do not impact public interest or public property on the county's Internet website continuously for at least 30 days preceding the date of the meeting until the day after the meeting.

2. Property Owner's Bill of Rights
Property Code §21.0112

Before negotiating with a property owner prior to exercising eminent domain, a county must provide the property owner with the Property Owner's Bill of Rights as contained in Government Code §402.031, and must post it on the county's Internet website, if feasible.

3. Notice of Foreclosure Sale
Property Code §51.002(f-1)

The county must post notice of foreclosure sales on a page on its Internet website and make the notice available for viewing without charge or registration.

PUBLIC FINANCE

1. Capital Appreciation Bonds
Government Code §1201.0245(4)

Before issuing capital appreciation bonds that are secured by ad valorem taxes, the commissioners court must post the total amount of the proposed bonds; the length of maturity; the projects to be financed; the intended use of the bond proceeds; the total amount of the county's outstanding bonded indebtedness at the time of the bond election; the total amount of the county's

outstanding bond indebtedness; cost of the bond issuance; and disclosure of any personal or financial relationships between members of commissioners court and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance.

The commissioners court must regularly update the total amount of the county's bonded indebtedness.

2. Annual Report of Certain Financial Information

Local Government Code § 140.008

The county must provide information annually to the Comptroller detailing the county's outstanding debt obligations secured by ad valorem taxes and post the annual report on the county's website. The county must include the contact information for the main office of the county on the county's website. (The "main office" of the county is usually considered to be the county judge's office.) See §140.008 (c) and (d) for alternatives to posting certain debt obligation information in a manner prescribed by the comptroller and alternatives to posting for counties with a population of less than 35,000.

3. Alternative Finance and Procurement for Public and Private Facilities and Infrastructure

Government Code §§2267.052(b)(10)(C), 2267.066(a)(1)

The commissioners court may enter into agreements with private entities to develop qualifying public works projects or to improve real estate owned by the county. The county's guidelines for compliance with Chapter 2267 must include a requirement for posting notice of a proposal requesting approval of a qualifying project on the county Internet website and on TexasOnline or the state's official website. The county must post notice of proposed projects on its Internet website no later than the 10th day after the date the proposals are accepted.

TAX RATE INCREASE NOTICES

1. Notice of Proposed Property Tax Rate

Local Government Code §140.010

The county must post the Proposed Property Tax Rate Notice on its Internet website beginning not later than the later of September 1 or the 30th day after

the first date that the county has received each applicable certified appraisal roll and continuing until the county adopts its tax rate.

2. Tax Rate Increase Notice

Tax Code §26.05(b)

If the commissioners court proposes to adopt a tax rate higher than the effective tax rate, it must post on the county's Internet website notice that the county intends to raise more taxes than last year, and state approximately how much the taxes on a \$100,000.00 home will increase.

3. Hearing on Tax Increase

Tax Code §26.06(c)

The county must post notice for the hearings necessary to increase a tax rate on the county's Internet website and publish the notice in a newspaper. The notice must be posted on the website from the date the notice is first published in the newspaper until the second public hearing is concluded.

4. Supplemental Notice of Hearing on Tax Rate Increase

Tax Code §26.065

The county must post the notice prescribed by this section on its Internet website before the public hearings on a proposed tax rate increase.

5. Posting of Tax Rates on County Internet Website

Tax Code §26.16

The tax assessor-collector shall annually post on the county's Internet website tax-related information including the adopted tax rate, the maintenance and operations rate, the debt rate, the effective tax rate, the effective maintenance and operations rate and the rollback tax rate for the most recent five tax years beginning with the 2012 tax year for each taxing unit that is located in the county.