

Smart First Steps for New Public Officials

OVERVIEW

Those first few months in office can set the tone for your next four years. Start your county service on the right foot with these smart first steps.

1. Sign and file your oath of office.

Legally, you haven't taken office until you have taken the oath and filed the bond. And if you haven't legally taken office, you can't be paid for unbonded days worked, and your actions may be unauthorized. But don't file your bond before Jan. 1 of your new term — it doesn't count until you're legally entitled to take office.

2. Attend training.

This is an excellent way to get grounded in the workings of your office. There is training designed for every office. Also, continuing education is required for most county officials.

3. Get a copy of your department's budget.

Study it and find out how it works. Your budget indicates what resources you have to get the job done — it's your blueprint for action. In particular, read any financial reports and budget work papers of your predecessor to see where you stand financially.

4. Learn how county offices work together.

County government in Texas was built on a system of checks and balances. No one person is in charge. It's important to learn what each county office does and how it all works together. On one hand, each independent elected official is responsible for determining how his or her office is run. But in many instances, counties have a set of policies established by the commissioners court for areas such as personnel policies.

5. Meet with your staff.

Let them know who you are; learn about their jobs and tell them what you expect from them in performance. Many officials have learned the hard way that it's a mistake to attempt to replace workers without even meeting with them. In addition to setting clear expectations for employees, you can also learn a great deal on the workings of your office. Often, your employees will have clear insight on what works and what doesn't.

6. Ask questions.

Rely upon staff but don't assume that the way things have always been done in your county is the only or the correct way to do them. Laws change. Speak with your county or district attorney or call the free TAC Helpline at (888) ASK-TAC4 with any issues you may have.

7. Do your homework.

Has the idea been tried or suggested before? Is it legal? Will it infringe on the rights or responsibilities of another official or county department? Have you talked to them before announcing your initiative? Before jumping out on a limb with a new project or proposal, make sure you've researched it well.

8. Network.

Build a network of people you can trust that you can go to for advice or guidance. It's good to establish relationships with other office holders in your county and beneficial to establish relationships with fellow office holders from different counties. One good way to do this is to join your organization composed of officials elected to the same office you hold. Another good way is to join a listserv where you can share information. Find out how to sign up at list.county.org.

9. Avoid getting into a public dispute with another official.

Sometimes, it pays to keep your opinions to yourself. A confrontational attitude may have helped get you elected, but it can alienate the people you will be working with over the next four years. Now that you're an official, remember that you are not just representing yourself but your office.

Have questions?

The Texas Association of Counties is here to help.

Call TAC's main number at (800) 456-5974 or the free TAC Helpline at (888) ASK-TAC4.

Practical Advice for New Public Officials

OVERVIEW

If this is your first experience as a public official, it's a good idea to familiarize yourself with the basic regulations that apply to county government, which are often very different than the rules that typically apply to the private sector. Many times, even the best intentions can get you into trouble. Because of this, we encourage you to attend training sessions. In the meantime, here's some practical advice to consider as a public official. For more specific guidance, please consult with your county or district attorney, or call the free TAC Helpline at (888) ASK-TACA.

1. Don't fire everyone. First, you may be ridding the county and yourself of years of valuable experience. Second, it's important to find out what you can and can't legally do before issuing those pink slips. Talk with your county's HR director and the county attorney. Your TAC Human Resources Consultant is also available to discuss general HR policy issues.

2. Even if you think they are the most qualified, you cannot hire your niece, nephew, brother, sister or spouse. You may know he or she can do the job and you may trust them with your life. But if that person is a close relative or in-law, it's called nepotism and is classified as a misdemeanor. The official must be removed from office.

3. Don't make a deal with your best friend for new office equipment, even if you think it is the best deal in town. It can be considered a crime. With a few exceptions, only the commissioners court has the authority to enter into contracts for the county. And, if this contract is more than \$50,000, it must be purchased through a competitive bidding process. A contract that does not follow proper bid procedures is void.

4. Don't vote to sign a contract for the county if you or a close family member stands to financially profit from it.

This is called "conflict of interest" and is a crime. If you are a commissioner and have a stake in a corporation (called a pecuniary interest) with which the county conducts business, abstain from voting on county business related to that corporation. You'll also need to declare your interest by filing an affidavit with the county clerk.

5. Don't get rid of property without consulting statutory procedures. Those old computers may be gathering dust in the corner of your office, but just like in purchasing, there are rules for getting rid of equipment that the county no longer needs. Unless those rules are followed, you could be committing a crime.

6. It's a bad idea — not to mention illegal — to use county equipment for non-county purposes. This provision actually goes back to the Texas Constitution and prohibits using public resources for personal benefit. So even if you're just trying to do your neighbor or a local church or charity a favor by paving their driveway by using that county equipment just for a couple of hours, don't do it.

7. Never accept a "benefit" from anyone subject to your jurisdiction. It may be a violation of the Penal Code. For the most part, accepting "gifts" from constituents runs counter to ethics laws and could get you thrown out of office. At the very least, it could look bad and damage your reputation. Think twice before accepting gifts and when in doubt, check the legalities with your county or district attorney or with the TAC Legal Department.

8. If you're a member of the Commissioners Court, be careful not to meet in a quorum with other members of the court to discuss public business without properly posting notice. This may start as harmlessly as a visit at the local coffee shop where you run into a

majority of members on the commissioners court and the talk casually turns from the weather to how to pay for some road construction. That would be considered a violation of the Open Meetings Act.

9. Never mix personal and public funds. It could be as simple as wanting to temporarily deposit funds into a personal account because the other bank is across town and it's Friday at closing time. Still, never mix the two. Doing so can be considered a crime. Several statutes require that county funds always go into county accounts in the county designated depository bank. So, do not open a county account in a non-depository bank where you have your personal checking account for convenience. Along the same vein, do not open your own "county" account unless it's cleared through the county treasurer or auditor.

10. Be careful not to overstep your bounds before your term begins. You may be eager to get to work on pressing issues as soon as you're elected, but wait until Jan. 1 when you take office. Then, in working with other officials in your county, you can start tackling the challenges at hand to serve your community.

11. Understand your liability coverage and legal resources. Take time to learn about the liability coverage you and your county have in case of a lawsuit. If you are sued, seek legal advice first from your county or district attorney.

Have questions?

The Texas Association of Counties is here to help.

Call TAC's main number at (800) 456-5974 or the free TAC Helpline at (888) ASK-TACA.

(800) 456-5974
county.org

