

May 23, 2022 LeeCARES Net Training: County Governments in Texas

Presented by Jason Korb, KI5ABB

Texas has a total of 254 counties, by far the largest number of counties of any state. Under Spanish and, later, Mexican rule, Texas was divided into municipios, which, despite sharing a name origin with municipalities, were more like the counties of today – large districts containing one or more settlements and the surrounding rural land.

When Texas became a Republic in 1836, the 23 municipios became counties, with a structure that changed only slightly before, during, and after the Civil War. By 1870, Texas had 129 counties, and the Constitution of 1876, still in place today, went into significant detail about their formation and operation.

The structure of county government in Texas is defined in the Constitution, so it's not surprising that the form closely follows the plural-executive model of state government.

Each Texas county is run in part by a five-member commissioners' court consisting of a county judge, elected at-large, and four county commissioners elected from each of four precincts. Many county functions are run by independently elected officials, who answer directly to the voters, rather than to commissioners' court. While county commissioners have authority over each official's budget, they have little to say about the day-to-day administration of county offices. In most counties, these independently elected officials include the county sheriff, the county attorney, the district attorney, the county clerk, the district clerk, the county treasurer, and the county tax assessor-collector as well as a number of judges that varies widely with the population of the county.

County Judge

While a county judge, particularly in rural counties, does have a judicial function, a county judge in Texas is primarily the chair of the county commissioners' court. He also plays an important role as head of the county's emergency management functions.

County Commissioner

County commissioners in Texas are incredibly powerful, especially in large counties. Not only do they vote on countywide issues as part of commissioners' court, but they have also almost unilateral control over the planning and constructions of roads, bridges, and parks within their precinct, which is one-fourth of the county (by population).

County Sheriff

The sheriff is the county's chief law enforcement officer. He also manages the county jail and provides security for the county courts.

County Attorney

The County Attorney is the county's lawyer, providing legal advice and representing the county and its officials in all civil cases. This can present an interesting dilemma, since county officials are all independently elected. Sometimes a county official and the lawyer official representing him may be political opponents. The county attorney also pursues civil enforcement actions on behalf of the county.

District Attorney

The district attorney is the state's prosecutor, representing the government in criminal cases in that county's state district courts.

County Clerk

The county clerk is the county's custodian of records and documents, in charge of public records such as bonds, birth and death certificates, marriage licenses. The county clerk is also the chief election officer in most counties, administering elections and counting the votes.

District Clerk

The district clerk is the recordkeeper for all records pertaining to the state district courts in that county. He coordinates the jury selection process and manages court registry funds.

County Treasurer

The county treasurer is the county's banker - receiving and depositing all county revenues, preparing the county payroll and recording all county expenditures and receipts.

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County Tax Assessor-Collector

Part of the county tax assessor-collector title is somewhat misleading - all tax "assessment" is now done by appraisal districts. The "collector" part still applies, however. In addition to collecting all county property taxes, the county tax assessor-collector usually collects property taxes for other taxing jurisdictions within the county, such as school districts and cities. He also issues license plates, registration stickers, and handles voter registration.

County officials are elected in partisan elections, and commissioner precincts are redrawn every ten years following the census to roughly equalize the population of each.

Unlike cities, which can receive sales tax revenue, counties are funded almost entirely with property taxes. Counties in Texas are **general-law** units of government, with limited regulatory powers.

Texas counties are prone to inefficient operations and are vulnerable to corruption, for several reasons. First, most of them do not have a merit system but operate on a spoils system, so that many county employees obtain their positions through loyalty to a particular political party and commissioner rather than whether they have the skills and experience appropriate to their positions. Second, most counties have not centralized purchasing into a single procurement department which would be able to seek quantity discounts and scrutinize bids and contract awards for unusual patterns. Third, in 90 percent of Texas counties, *each commissioner* is individually responsible for planning and executing their own road construction and maintenance program for their own precinct, which can result in poor coordination and duplicate construction machinery.

County officials are your neighbors - they pay the same taxes you pay and drive the same roads you do.

Neighbors Serving Neighbors

It's a good system that leaves your neighbors in charge of the decisions that determine how much you pay in taxes to support your roads, your court system, your local criminal law enforcement, and your public records, including the records establishing property ownership and those documenting you and your family's most important milestones - including births, marriages, and deaths.

Public Transparency

County officials live in a fishbowl. County financial records are available for public inspection and county commissioners court meetings are open to the public. County officials expect to respond to your opinions, ideas, and questions about local government, whether it's during office hours or when you run into them at church, the grocery store, or the local football game. People talk a lot about transparency; county officials live it.

County government is not only government by the people and government for the people, but also government among the people.

Accountable to Voters

In Texas, county government delivers services through a variety of elected officials rather than through one central authority. The Texas Constitution provides a checks and balances system in which none of the county's elected officials is controlled by any other elected official; they answer only to the voters.

Reference Site: <https://www.county.org/About-Texas-Counties/About-Texas-County-Officials>

Reference Site: <https://oertx.highered.texas.gov/courseware/lesson/1096/overview>

Laws: <https://www.county.org/TAC/media/TACMedia/Legal/Legal%20Publications%20Documents/2021/2021-Guide-to-Laws-for-County-Officials.pdf>

Brochure:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjD_O2kmPT3AhUBm2oFHcx8CD0QFnoECB4QAQ&url=https%3A%2F%2Fco.jefferson.tx.us%2Fprct1%2FTAC_brochure.pdf&usg=AOvVaw0V2uj54jIIGDE3q4zp7_JU