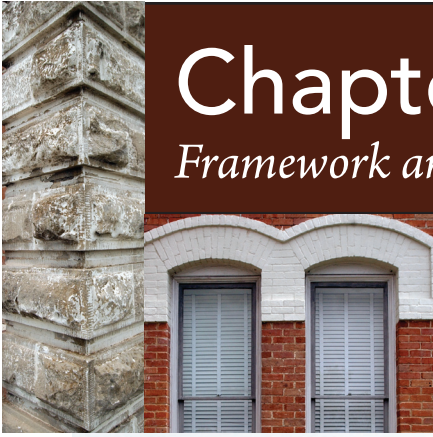
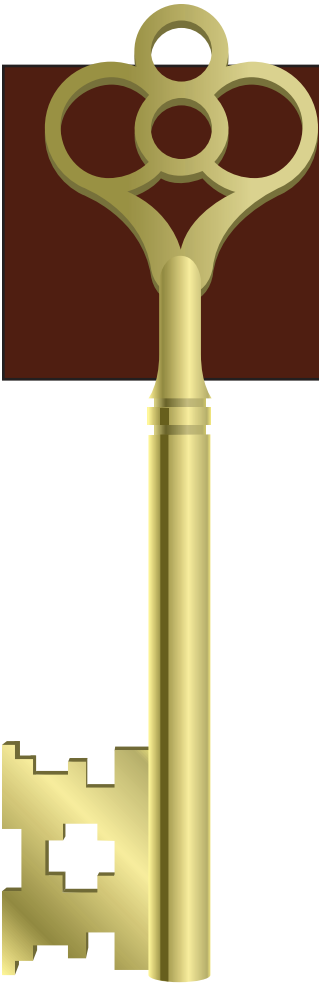


Chapter 1

Framework and Function of County Government



Grimes County Courthouse



Chapter One: Framework and Function of County Government

Developmental Assets:	7. Community values youth 9. Service to others
Life Skills:	Responsible Citizenship, Planning/Organizing
TEKS:	Grade 7, 113.23 (15 A) describe the structure and functions of municipal, county, and state governments Grade 7, 113.23 (18), understand the importance of effective leadership in a democratic society Grade 7, 113.23 (9 I), analyze the structure and functions of local government
Objectives:	Students will: -identify four functions of county government -understand that county government enforces state and national laws and mandates

Texas county government is an administrative arm of state government. County government focuses on the judicial system, health and welfare service delivery, law enforcement, health care, and road construction and maintenance. In contrast to some other parts of the country, Texas counties do not have responsibility for schools, water and sewer systems, electric utilities and commercial airports. County governments in Texas are allowed to enact limited local *regulations* in specific areas as authorized by the Legislature.

County government is known as the government “closest to the people” because it delivers many critical services that sustain an appropriate quality of life for its citizens. Among its many duties are providing public safety and emergency services, maintaining county roads, administering *indigent* health care services, presiding over criminal and civil courts, maintaining county libraries, conducting elections, and preserving natural resources.

The origin of the Texas county is found in *municipality*, which was the local government under Spanish and Mexican rule. Municipalities were large areas that included one or more urban settlements and the surrounding rural land. Before the Texas revolution, there was no county government. After Texas became a republic in 1836, the 23 municipalities became counties. Each county had a board with a chief justice of the county court, elected justices of the peace, and a commissioner of roads and revenues. When Texas became a state in 1845, there were 36 counties. County governments were the state’s way of maintaining order and keeping records of land titles, marriages, births, deaths, etc. Because travel was limited, state officials rarely left Austin.

Regulation—an official rule, law or order stating what may or may not be done or how something must be done

Indigent—person lacking the necessities of life (e.g., food, clothing and shelter)

Municipality—local unit of government

Therefore, county governments were the most meaningful form of government because they were *grassroots*—closest to the people. County positions became elected. Each county had four elected commissioners, a sheriff, a coroner and a clerk.

Grassroots—government that is closest to the people it represents

Today, Texas operates under the Texas State Constitution of 1876. The county board is now called the county commissioners court. The county judge presides over the county commissioners court, which is made up of the judge and four commissioners. This is not a traditional court that tries criminal and civil cases. This court takes care of the administrative and financial functions in each county. In addition to the elected county judge and county commissioners, each county typically has an elected county attorney, sheriff, tax assessor-collector, county clerk, district clerk, treasurer, justices of the peace, and constables. In addition, there may be statutory officers, such as the auditor and judges of the county courts-at-law.

As Texas grew, more counties were formed. A county had to have a certain number of residents before it could be organized. A county had to be small enough that every citizen could travel to the county seat, vote, and return home within a day. A 30-square-mile area would permit that degree of *accessibility*. Citizens had to decide where the county seat would be. Usually the seat of government was set within 5 miles of the center of the county. The number of counties increased until Kenedy County became the 254th county in Texas in 1921.

Accessibility—can be easily reached

How would you describe your county? Do you know much about your county other than the city where you live? A county can be described in several ways.

- *Geography* is the descriptive science dealing with the surface of the earth, its division of land, and the climate, plants, animals, natural resources, inhabitants and industries of the various land divisions.
- *Cultural heritage* is the ethnic and educational background of the people who live in a county. Often that is influenced by the type of people who settled there many years ago, bringing the traditions of their native countries.
- *Economic development* is the growth of the county and the attraction of businesses and industries to the county.

Geography—descriptive science dealing with the surface of the earth, division of land, and climate

Cultural heritage— ethnic and educational background of people

Economic development— businesses and industries in the county

The two purposes of early courthouses and county governments were to keep and store records and maintain law and order on behalf of the state government. The state needed local officials who could keep up with vital statistics (births and deaths) and land title records and administer local law enforcement and courts. The county seats (seats of government) became the primary towns in Texas counties.

Because most early Texans were isolated by distance, county government was often the only governing body people dealt with. Even traveling district judges held court only four times a year in any county.

Although county government has changed over the years, the main functions of county government remain:

- maintaining law and order
- recording and maintaining public records
- maintaining the general welfare of the county
- administering county finance
- administering civil court
- providing infrastructure
- assessing and collecting taxes

The powers and duties of a county government are limited to those specifically provided by the constitution and laws of the state of Texas. While the state makes the laws, the

counties have to enforce them. Counties do not have the *authority* to create their own laws unless specified by the state. The organizational structure of county government is defined in the Texas Constitution and is divided into elected and appointed offices. County government is made up of people who are elected to accomplish what the state mandates the counties to perform.

Elected County Offices

The following are elected county offices. Unless noted, all county officials are elected to 4-year terms. If an elected official is unable to complete his or her term of office, someone may be appointed to fill the office.

Commissioner—Four *commissioners* are elected from individual precincts in each county. They serve 4-year staggered terms, with two county commissioners being elected every 2 years during the general election. The commissioners and the county judge make up the *county commissioners court*, which has specific budgetary and administrative duties in overseeing general county operations. Constitutional and *statutory* duties of the commissioners court include dividing the county into precincts, building and maintaining roads, providing for necessary county buildings, managing public lands held by the county, setting tax rates, and managing the county's fiscal and financial responsibilities. Individual commissioners supervise the maintenance of county roads within their precincts unless the county has elected to operate under a unit road system.

County judge—The *county judge* presides over the commissioners court and is a voting member of the court. A county judge does not have to be a lawyer. The county judge has administrative responsibilities, such as overseeing parts of the election process.

County clerk—The *county clerk* is the recorder and keeper of records of the county court. The county clerk also keeps records of real and personal property and vital statistics about county residents (births, deaths and marriages). Unless a county has an appointed elections administrator, the county clerk is also responsible for county or state-wide elections and for early voting in primary elections. The county clerk works with the county commissioners court and the county courts.

District clerk—Each county elects a *district clerk*, whose duties are to serve in an administrative capacity for the district court. The district clerk is the custodian of all court documents that are part of any district case and is responsible for the security of the records.

Sheriff—The *sheriff* is the chief law enforcement officer of the county. The sheriff carries out the work of both the county and district courts. The sheriff's department conducts criminal investigations, arrests offenders, serves warrants and civil papers, and supervises the county jail and prisoners.

County attorney—A *county attorney* is elected in most Texas counties. The duties of a county attorney can include representing the state in civil and criminal cases and serving as legal advisor for the county government. In a few counties a criminal district attorney also handles the duties of a county attorney.

Tax assessor-collector—The *tax assessor-collector* calculates and collects *ad valorem* taxes for the county. The tax assessor-collector's job also includes registering voters; issuing liquor, beer and wine licenses; collecting sales tax on automobiles; and issuing and collecting fees for automobile registrations and transfers of title. In counties

Authority—right or power to enforce rules or give orders

Commissioner—elected official who represents one-fourth of the persons in a county

County commissioners court—the county judge and four commissioners who have budgetary and administrative duties in overseeing general county operations

Statutory—regulated by a law or statute

County judge—presiding officer of the commissioners court

County clerk—recorder and keeper of records of the county court

District clerk—Serves in an administrative capacity for the district court and is the custodian of all court documents that pertain to a district case

Sheriff—chief law enforcement officer of the county

County attorney—Attorney who represents the state in civil and criminal cases and serves as legal advisor to the county

Tax assessor-collector—Official who calculates the amount of property tax that will be charged to property owners and collects the tax

Ad valorem—In proportion to value

with populations of less than 10,000, the sheriff may serve as the county tax assessor-collector.

County treasurer—The *county treasurer* deposits all revenue collected by the county, signs and registers all county checks, disburses funds ordered by the county commissioners court, keeps accounts of all receipts and expenditures of county funds, and examines all county financial records.

Justice of the peace—*Justices of the peace* preside over courts that have original *jurisdiction* in misdemeanor criminal cases punishable by fine only (such as traffic offenses). They preside over certain civil matters and small claims courts.

Constable—*Constables* are officers of the justice of the peace courts. They deliver subpoenas to witnesses, act as bailiff, execute judgments, and carry out other duties for justice of the peace courts.

Appointed County Positions

These offices are not elected. People are appointed to them because of their abilities and experiences.

County auditor—Counties with populations of 10,000 or more are required by statute to have an *auditor*. The auditor is appointed for a 2-year term by the district judge with jurisdiction in the county. The auditor's duties include auditing the accounts of all county departments, helping to prepare the county budget, and checking the accuracy of all monetary claims against the county and all monies paid to the county.

County engineer—In some counties, the commissioners court appoints an engineer to oversee the construction and maintenance of all county roads, highways and bridges.

County Extension agent—State law authorizes the Texas AgriLife Extension Service (part of the The Texas A&M System) to conduct educational programs in each county. These programs offer research-based information on agriculture, family and consumer sciences, youth development, and community development. County Extension agents are professional educators with broad training in these subjects. Extension also manages the 4-H and youth development program in each county.

Some counties have other appointed officials such as a county purchasing agent, road administrator, animal control officer, and elections administrator.*

Elected Judicial District Officials

A district is made up of one or more counties. District officials are elected by qualified voters in the district.

District judge—The district judge presides over the district court, which covers one or more counties and hears felony criminal cases, divorces, adoptions and civil cases.

District attorney—The district attorney is the chief prosecuting officer for the district court. The main duty of the district attorney is to represent the state in criminal cases. The district attorney works with law enforcement officers to investigate and prepare cases that will be heard before the criminal courts. It is the district attorney's responsibility to determine whether an alleged criminal offense should be prosecuted. The district attorney prosecutes felony cases, motion to revoke cases, and bond forfeitures.

County treasurer—Collects revenue for the county and pays the county's bills

Justice of the peace—Elected to preside over local misdemeanor cases and minor civil disputes; may act as coroner

Jurisdiction—authority to enforce laws, or the area over which legal authority extends

Constable—officer of a justice of the peace court

Auditor—person who inspects and verifies the correctness of financial records and statements

***Teachers: If your county has any of these appointed positions, you can include information about their duties.**