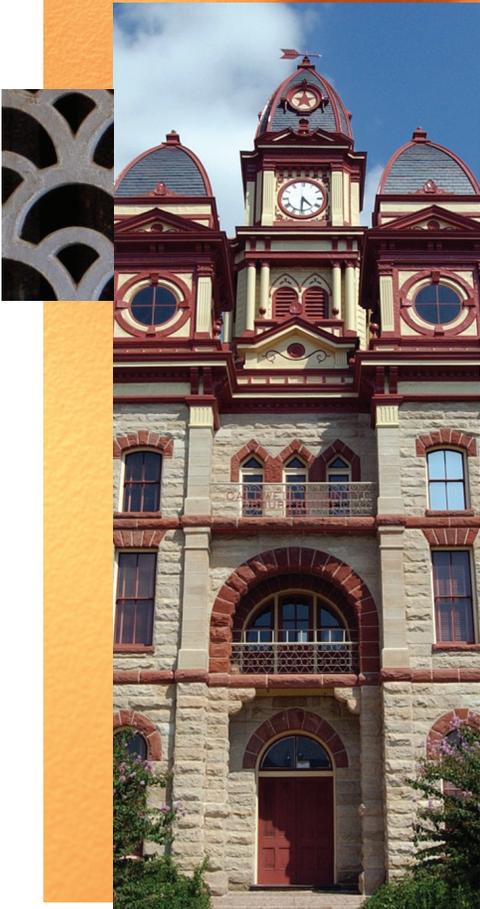


LEADERSHIP



Keys to the Courthouse:

A Curriculum Enrichment Program for Youth





Keys to the Courthouse:

A Curriculum Enrichment Program for Youth



This publication was developed in partnership with the County Judges and Commissioners Association of Texas, the Texas Association of Counties, and the V. G. Young Institute of County Government.



Dear Teacher/Educator:

Thank you for your interest in working with the young people of Texas to help them better understand the role of county government in our state. The Texas AgriLife Extension Service's V.G. Young Institute of County Government and 4-H and Youth Development Program, in partnership with the Texas Association of Counties and the County Judges and Commissioners Association, are pleased to provide this curriculum.

Because many individuals and associations have contributed significantly to the development of this curriculum, we do ask for your help and cooperation in letting us know about how the materials are used. First, please contact your county Extension office and inform them that you will be using this curriculum. You can locate your county Extension office in the phone book under County Government (it may be listed as "Extension Agents" or "Extension Office") or online at <http://agrilifeextension.tamu.edu>.

Then, once your educational sessions have concluded, complete the 4-H Group Enrollment form that you will find on the DVD that accompanies the curriculum. Fax the form to your county Extension office. *That's it!* The County Extension office will enter your information into a database so we can report to our partners the great work you are doing in helping to educate our young people!

Your reporting is extremely valuable in ensuring that Texas AgriLife Extension and the 4-H Program can continue providing these types of educational resources to our state.

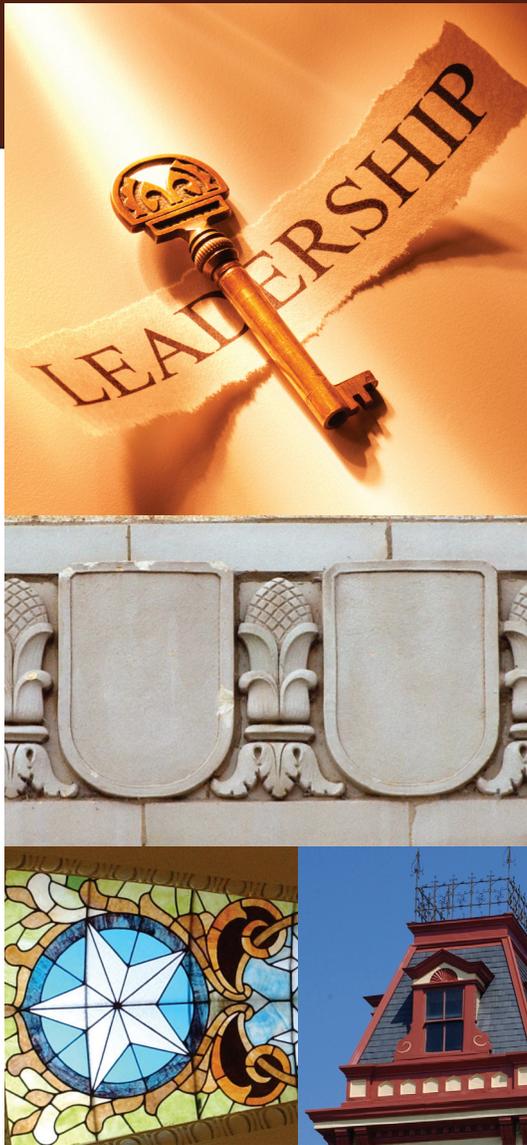
You will find other 4-H curricula at the Texas AgriLife Extension Bookstore (<http://agrilifebookstore.org>). The county Extension staff also can help you find additional resources on this and other topics.

Thank you again for your interest in spreading the message about county government, and thank you for choosing a curriculum produced by the Texas AgriLife Extension Service.

For more information about Texas AgriLife Extension and the 4-H Program, visit texas4-h.tamu.edu

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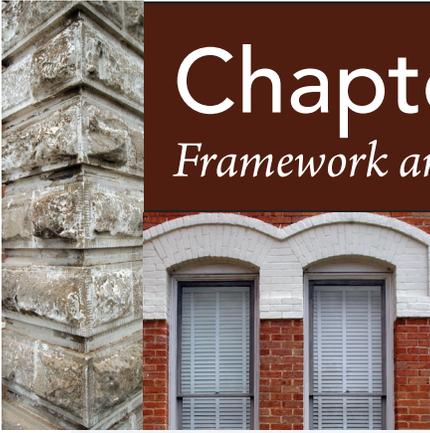
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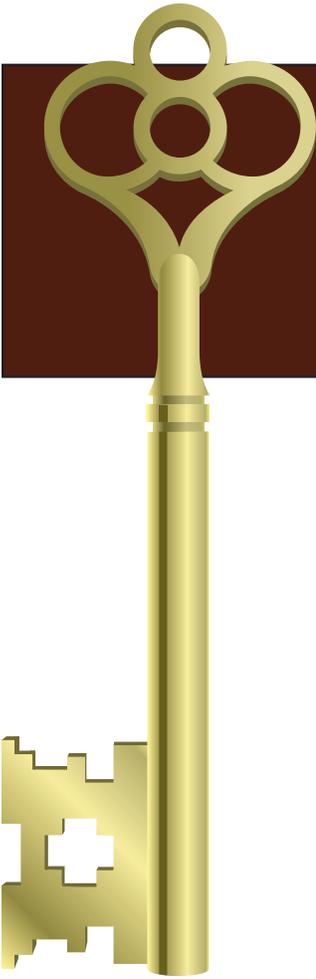
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Chapter 1

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.**

Chapter 2

Primary Services Offered by County Government



Scurry County Courthouse



Chapter Two: Primary Services Offered by County Government

Developmental Assets:	4. Caring neighborhood 9. Service to others
Life Skills:	Concern for Others, Contribution to Group Effort
TEKS:	Grade 7, 113.23 (23), use problem-solving and decision-making skills, working independently and with others, in a variety of settings Grade 12, 113.35 (15), understand the difference between personal and civic responsibilities
Objectives:	Students will: -understand the auxiliary services provided by county governments -understand how to access these services to enhance their lives and communities

Many county government services are specifically spelled out in state law. For example, counties were established to ensure that justice is administered uniformly and to maintain key public records. But the Texas legislature has granted counties limited authority to provide other discretionary services according to local needs. Over the years, the Texas legislature has expanded county regulatory authority so that counties can address local problems.

In order for counties to function, there must be *revenue* from taxes and from fines, fees and other sources. One of the services a county can provide is attracting new businesses to employ county residents. This, in turn, increases the number of taxpayers. To do this, counties can form *economic* development corporations. These organizations try to attract new industries and businesses, to increase the local tax base and labor force, to pursue new housing developments, and to promote tourism. By providing adequate roads and highways, libraries, parks and other services, counties attract new businesses and industry.

One of the major functions of county government is to build and maintain a network of roads and bridges in unincorporated areas of the county. In many counties, commissioners supervise the roads in their precincts. Some counties hire a supervisor or engineer to plan, construct and maintain county roads. To construct roads, the county may need to acquire land. Sometimes this requires using the power of *eminent domain*, which is the taking of private or public land for a public purpose. This tool is used as a last resort. A county must pay the landowner fair market price for the land taken.

Revenue—income

Economic— relating to business activities

Eminent domain— inherent power of the state to take private or public property for a public purpose

Counties are authorized to provide public parks and other recreational facilities (such as swimming pools and tennis courts) within the county and to promote recreational activities (such as organized athletics, individual participant sports and indoor and outdoor games of various kinds). The goals of a county parks and recreation department might be to provide a high-quality park system for the residents of the county; to develop and maintain regional parks and community centers; to preserve natural and historic resources; and to provide recreational programs and activities for youth, adults and senior citizens.

Counties may also establish library systems to serve the citizens. Counties may administer the public libraries within the county and assist with expansions and special collections. The county library system promotes reading programs for children and adults and may coordinate with other educational, cultural and social groups in the community.

Counties also are responsible for the regulation of wild animals. Texas law requires county governments to either regulate or prohibit the ownership of “dangerous wild animals”—including lions, tigers and bears—and all wild animals. Because most counties have neither the expertise nor the money to regulate the conditions in which wild animals are kept, some counties are choosing to simply ban them. Once animals are declared illegal, their owners are forced to move them, euthanize them, or find them homes at zoos or rescue centers. Counties that take on the responsibility of regulating the ownership of wild animals have the authority to hire a qualified animal control officer or authorize the sheriff as agent-in-charge of inspecting facilities.

Some of Texas’ fastest growing counties contain large unincorporated areas next to major cities. Ranching and farming traditionally have dominated the *unincorporated* areas. In some high-growth counties, county officials have enacted limited authority to regulate property development to encourage orderly growth. A county’s authority to deal with such issues is limited by the Texas Constitution and by state law.

Unincorporated— not organized into a corporation or municipality

A Texas county has some responsibility to prepare for and cope with public disasters—both man-made and natural. Each county is required to maintain an emergency management plan. The county’s plan may describe when and how people will be evacuated. It may also include rules for curfews and access to disaster areas, as well as plans for maintaining county services during a disaster. The county judge’s declaration of a disaster puts local emergency plans into effect.

Fire prevention services in a county can be done by the county itself, by a city contracting with the county, by a volunteer fire department, by a rural fire prevention district, or by certain water districts. A volunteer fire department is an association of individuals, sometimes incorporated, who are willing to fight and prevent fires without getting paid. A county can help local departments through state scholarships, grants and loans. Counties can issue burn bans during times of extreme drought and limit the sale or use of fireworks.

Texas counties have the responsibility of ensuring the health and welfare of persons within the county. Counties can establish hospitals to provide health care and collect taxes to pay for county hospitals. Counties can establish Emergency Medical Service districts and set up 9-1-1 Emergency Telephone Systems.

Some counties have medical clinics where people can receive preventive care such as checkups and immunizations, and care for minor illnesses. Like all other county services, the county health department is the local service provider for the state of Texas. Programs like WIC (Women, Infants and Children) may enroll families through the county health department and then provide payments or services from state funds.

One key service provided by counties is the veterans' services office. This office coordinates pensions, loans, transportation and other services for veterans and their families.

A county has to decide where to put trash—either to keep it in the county or pay to ship it to a landfill somewhere else. Some counties operate solid waste departments and provide waste disposal for citizens and businesses throughout the county. The service may also be offered to municipalities within the county. Rather than operating their own solid waste departments, some counties contract with private companies that provide this service. A county enforces laws against the illegal dumping of trash.

The county can operate waste collection stations to serve residents. Waste deposited at the collection stations, along with that collected by the various municipalities and commercial businesses, is disposed of at the landfill. In an effort to protect the environment and reduce cost, many counties have instituted recycling programs that now accept batteries, paper, glass, tires, and used oil and filters and take these items out of the waste stream.

Every day, someone in Texas needs help, from finding an after-school program to getting assistance for an aging parent. But people may not know how to get help. How do you know where to go to get all these county services? In Texas, you can dial 2-1-1 to get connected to all the important community services and volunteer organizations in your area.

The Texas Association of Counties Web site (www.TexasCounties4U.org) explains how to access county services and has a directory of local county Internet pages. You'll also find more information about counties at <http://vgyi.tamu.edu>.

Look in the front of the phone directory for emergency numbers in your area. Most phone books also list government offices. Often they will list both county offices and elected officials. Also look in the white pages under the name of your county.

Sometimes friends and neighbors can tell you where to go for help. You can also ask local law enforcement, your county Extension office, or your local library. These people want to help and that is their job. They will give you confidential information and guidance.

Finally, visit your courthouse. Many courthouses have directories to tell you what services are available and where to go to access those services. If you don't find a directory, ask!

County Services

Social Assistance

veteran pensions, medical treatment, elderly assistance, welfare programs, temporary emergency relief programs, food stamps, mental health/mental retardation centers, burial of paupers, mothers' aid, probate code-incompetents

Road and Bridge

sources of road revenue, public roads, neighborhood roads, drainage, utility lines, road administration, engineer, construction and maintenance, eminent domain for road purposes, traffic regulations, county road districts, road utility districts

Civil Defense

Texas Disaster Act, law enforcement and martial law, quarantines, fiscal implications, military zones, state militia

Health Care

indigent medical care, county health officer, medical examiner, county hospital, health districts, hospital districts, county mental health care, alcoholism programs, emergency medical services, health facilities developmental corporations

Housing

county housing authority, Housing Finance Corporation Act, Housing Rehabilitation Act, federal government cooperation, urban renewal, low income housing corporations, manufactured housing standards

Transportation

railroads, airports, transit authorities, Rural and Urban Transit Act, ferries

Fire Protection

fire protection and equipment, county fire marshal, county fire code, rural fire prevention districts, volunteer fire departments, fireworks

Education

management of school lands as trustee, county school administration, county superintendent of schools, school district boundaries, county junior colleges

Sanitation

county sanitary landfill, Solid Waste Disposal Act, recycling, littering and health nuisances, sewerage, septic tanks, water quality, wastewater program, mosquito control districts, junkyards, enforcements

Parks and Libraries

general authority, concessions, recreational fees, cemeteries, county fair grounds, county historical commission, sport and community venue districts, libraries, taxing and library districts

Agriculture

experimental farms and stations, Extension agents, agricultural development corporations, scales, weights and measures, soil and water conservation districts

Wildlife

local and special game laws, registration of dogs, regulation of wild animals, estrays, wildlife conservation, livestock tax

Veterans

county service officer, Veterans Land Board committee, burial of veterans, veterans organization tax exemptions

Regulated Entertainment

sale of alcohol, mass gatherings, bingo, horse racing, charitable raffles, shooting ranges

Utilities

water, placement of utility lines, county natural gas systems

Subdivision and Land Use Controls

plat approval, permits, extraterritorial jurisdiction, enforcement of subdivision requirements, mobile home regulations, county lake zoning

County Reclamation

constitutional flood control taxation, eminent domain, flood plain zoning, drainage corporations

Water Districts

district creation, management of districts, recreational facilities, general law districts, groundwater conservation districts, municipal utility districts

Business and Commerce

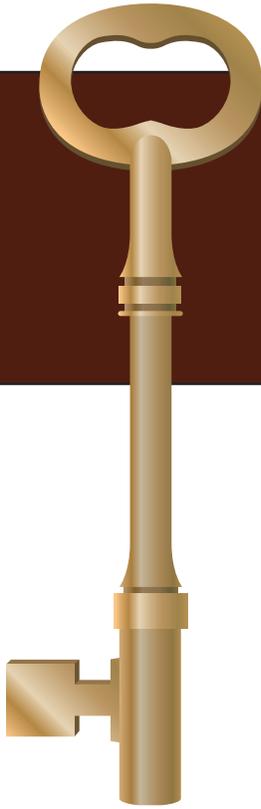
industrial development corporations, enterprise zones, county board of development, civic centers, antitrust violations, research and development authorities, municipal management

Chapter 3

Justice Process at the County Level



Brooks County Courthouse



Chapter Three:

Judice Process at the County Level

Developmental Assets:	10. Safety 30. Responsibility
Life Skills:	Critical Thinking, Personal Safety
TEKS:	Grade 7, 113.23 (16), understand the rights and responsibilities of Texas citizens Grade 7, 113.23 (14A), identify how the Texas Constitution reflects the principles of limited government, checks and balances, federalism, separation of powers, popular sovereignty, and individual rights Grade 12, 113.35 (14E), explain the importance of due process rights to the protection of individual rights and to the limits on the powers of government
Objectives:	Students will: -identify the limits of county law enforcement -understand their part in keeping their county safe

Counties play a major role in the administration of *justice* in Texas. Each county's justice system is based on the county's size. If counties need special help to investigate criminal matters they can call upon the Texas Rangers.

Justice—the legal system, or the act of applying or upholding the law

These are the components of county law enforcement.

Sheriff—The sheriff is the chief law enforcement officer of the county. The office of sheriff was created by the state constitution and its duties are prescribed by the legislature. These include:

- operating the county jails
- investigating crimes
- making arrests
- enforcing traffic regulations on county roads
- serving writs
- seizing property after judgment

Though the sheriff has countywide *jurisdiction*, most sheriff's departments concentrate their patrol and law enforcement activities outside city limits, usually leaving municipal police officers to patrol inside their own jurisdictions. The sheriff is elected every 4 years and is responsible for security in both the county and district courts.

Jurisdiction—area over which legal authority extends

Constable—There is a county constable within each justice precinct. Constables serve 4-year terms. The number of constables in each county depends on the population. Constables carry out the decisions of the justice of the peace courts. They serve witnesses with subpoenas, act as bailiffs, execute judgments, and serve papers. *Subpoena* is a Latin word meaning “under penalty.” If a person fails to appear as directed, he or she may be punished by a fine or jail time. Also, constables may perform patrol functions and conduct criminal investigations.

The sheriff and constables enforce laws in the county. When a resident of the county believes a law has been broken, he or she contacts the sheriff’s department. The sheriff or a deputy investigates the crime to determine who perpetrated the crime. They talk to witnesses and examine physical evidence at the crime scene. When a sheriff or deputy believes there is sufficient evidence to suspect a person of a crime, the sheriff or deputy arrests the person. Once arrested, the accused person enters the justice system. This is a branch of the state judicial court system and is mandated by the Texas Constitution.

If you think of the judicial system as having a pyramid shape, the **justice of the peace courts** would be the base. Justices of the peace have the authority to judge minor *civil* cases, to impose small fines (not more than \$200) for misdemeanors, and to hold preliminary hearings on more serious crimes. The justice of the peace court can function as a *small claims* court in disputes involving less than \$10,000. A justice of the peace can be a coroner, issue warrants, conduct investigations and preliminary hearings, and perform marriages. Periodic training is required to hold this office and the justice does not have to be an attorney.

The next level in the pyramid is the **county court**. The county judge presides over the county court. In rural areas, he or she is judge in *criminal* (*misdemeanor* cases only), *civil*, *probate* and mental competency cases. County court has jurisdiction in civil cases involving small amounts of money.

In more populated counties, the state legislature has created **county courts-at-law** to relieve the county constitutional courts. In these counties, civil and criminal jurisdictions are transferred to the county courts-at-law. The court-at-law judges must be licensed attorneys and are helped by the county clerk.

Moving up another level we find the **district courts**, which are the chief trial courts in Texas. District courts handle most major *litigation* and are the trial courts of general jurisdiction of Texas. The geographical area served by each district court is established by the legislature, but each county must be served by at least one district court. In sparsely populated areas of the state, several counties may be served by a single district court, while an urban county may be served by many district courts.

District courts have original jurisdiction in all *felony* criminal cases, divorce cases, cases involving *title* to land, election contest cases, civil matters in which the amount in controversy (the amount of money or damages involved) is \$200 or more, and any matters in which jurisdiction is not placed in another trial court. While most district courts try both criminal and civil cases, in the more populous counties the courts may specialize in civil, criminal, juvenile or family law matters.

District judges are state officials whose salaries are paid by the state. Domestic relations courts and juvenile courts are county offices and by law these judges are paid by the county the same salary as the district judges.

Subpoena—written legal order summoning a witness or requiring evidence to be submitted to a court

Civil—law involving individual people or groups in legal action other than criminal proceedings

Small claims—an informal, uncomplicated proceeding to resolve small disputes (less than \$10,000) that do not involve enough money to warrant the expense of formal litigation

Criminal—involving a crime

Misdemeanor—crime less serious than a felony and resulting in a less severe punishment

Probate—to certify legally that a will is valid

Litigation—act or process of bringing about or contesting a lawsuit

Felony—a serious crime

Title—a document giving the legal right to property

So what happens if someone is accused of a crime in a Texas county? We will now explore the steps leading to a trial. A person suspected of committing an *offense* is generally apprehended, advised of their *Miranda rights*, and then arrested by the sheriff or another law enforcement officer. Once arrested, the *alleged* offender (people are presumed innocent until proven guilty) is taken to a criminal justice facility.

The accused person is allowed to contact an *attorney* to make arrangements for bail. The arresting officer will then go to the county or criminal district attorney's office to file a formal complaint. After reviewing the complaint, the *prosecutor* will file the information in the county clerk's office if the *defendant* (the offender) is not being charged with a felony.

The case is then put on the criminal court docket. The defendant will then appear at the appointed time for *arraignment*. At this hearing the county judge will *admonish* (advise) the defendant of the charge and of the right to counsel and trial by jury (should the defendant plead "not guilty"). The defendant will also be advised of the consequences of a plea of guilty.

If the defendant is not able to hire counsel or legal representation the court will appoint an attorney to represent the defendant. The defendant may waive the right to trial by jury and to an attorney. In this case, the defendant would plead guilty and have the case tried immediately. The judge would then enter a judgment and declare the sentence or punishment the defendant will have to serve.

Should the defendant plead not guilty, bail (bond) is set and the case is subsequently set for trial.

In order to work, the court system needs citizens to take their turn serving as jurors. A *jury* is a group of people who listen to a court case. The jury may decide which person in a dispute is right concerning disputed facts. It also may decide whether a person committed the crime of which he or she is accused. A juror must be at least 18 years old, a U.S. citizen, a resident of the county, and able to understand English. He or she cannot have any handicap that would get in the way of jury duty and must never have been found guilty of a major crime.

Names of potential jurors are taken from lists of registered voters and driver's license holders. A person on these lists is likely to be called to jury duty about once every 3 years. Potential jurors are mailed letters that tell them to appear at the court. Anyone who gets a jury duty notice must report. Only a few reasons can excuse a person from jury duty. The jurors who serve are often paid a small daily fee.

The attorneys in each case are permitted a role in choosing the people who will sit on the jury. Each attorney tries to choose jurors who might favor the person for whom he or she is working. *Voir dire* is the system used by judges and attorneys to determine which potential jurors will actually serve so that there is an impartial jury representing a cross section of the community.

In Texas, a felony case can proceed only after an *indictment* by a grand jury, unless the accused waives this right. The grand jury is responsible for reviewing evidence in a criminal case to determine if the accused could be guilty of the charge and should stand trial. At least nine of the 12 grand jurors must believe the evidence shows the accused could be guilty and formally vote a true bill before an indictment can take place.

Offense—official crime or a crime against moral, social or other accepted standards

Miranda rights—rights read by an officer to a person in custody before the person is interrogated; if rights are not read before interrogation, the answers to the questions may be kept out of court

Alleged—believed to be true

Attorney—any person (usually someone with a law degree) authorized by another to represent him or her

Prosecutor— someone who initiates a legal prosecution

Defendant—a person or company accused of wrongdoing

Arraignment—formal accusation

Admonish—advise

Jury—a group of people chosen to give a verdict on a legal case presented before them in a court of law

Voir dire—(from the French term that means literally "to see to speak") the system judges and attorneys use to examine potential jurors to determine who will serve on a jury

Indictment—a formal accusation of a serious crime, presented to a grand jury

Other than the attorneys and the defendant, there are some other important persons in the county court. The judge acts as a referee during the trial and determines the applicable legal issues. It is the judge's job to make sure legal court rules are followed. The judge must decide what to do if an attorney *objects* to something said or done in the trial. The judge also keeps order during the trial.

The court reporter's job is to take down every word said by the attorneys, judge and witnesses during the trial. Court reporters have machines that help them take down every word quickly.

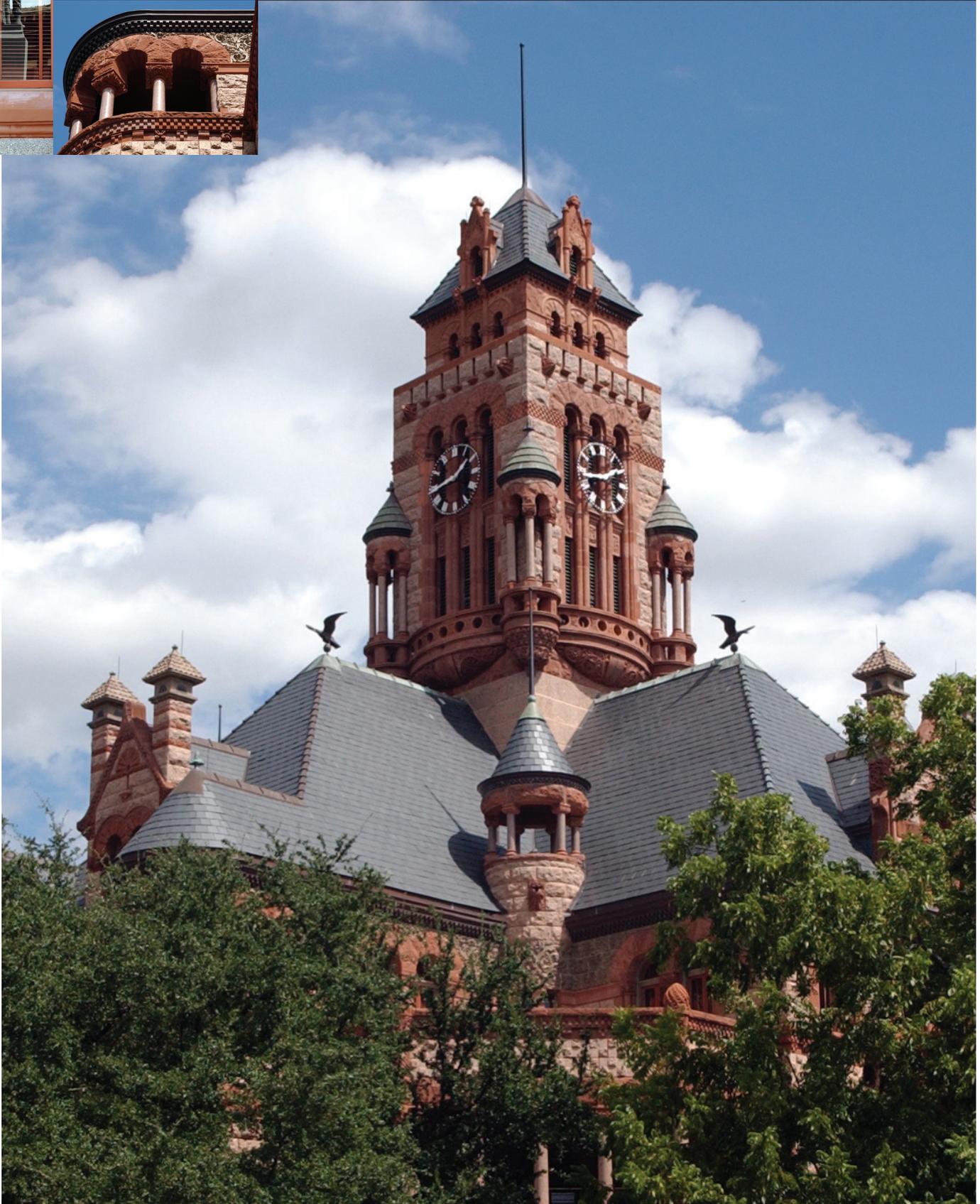
The district clerk receives and files papers related to criminal proceedings, issues all processes, and holds all filed documents for use by the courts.

Contempt of court is the failure to do what the court orders. It is a crime, punishable by a fine or jail time. The bailiff makes sure the courtroom is quiet and orderly during the trial. He or she also escorts the jury and the defendant in and out of the courtroom at the necessary time.

Object—to be opposed to something, or express opposition to it

Chapter 4

Elections and Voting



Ellis County Courthouse



Chapter Four: Elections and Voting

Developmental Assets:	8. Youth as resources 30. Responsibility
Life Skills:	Self-Responsibility, Responsible Citizenship
TEKS:	Grade 7, 113.23 (17), understand the importance of the expression of different points of view in a democratic society Grade 7, 113.23 (17A), identify different points of view of political parties and interest groups on important Texas issues Grade 12, 113.35 (12D) , identify opportunities for citizens to participate in political party activities at local, state, and national levels
Objectives:	Students will: -understand the importance of the election process -know how to register to vote in county elections -explore the process of becoming a candidate for county office

In a republic, final power rests with the people. One way citizens can express their power is by voting. From a list of people running for office, citizens elect officials to make and administer laws and perform essential duties of the government. Most citizens of the United States have two *political* rights: the right to vote and the right to be elected to office.

Political—relating to the balance of power in relationships, especially in a group or organization

- In Texas you must meet the following requirements in order to vote:
- You must be a citizen of the United States.
 - You must be a resident of Texas, of the county, of the municipality, and of any other political subdivision covered by an election.
 - You must be at least 18 years of age on the day of the election.
 - You must be registered to vote (as of 30 days before the election).
 - You must not have been determined, by final judgement, to be mentally incapacitated.
 - You must not have been convicted of a felony unless fully discharged or pardoned.

How do you register to vote? You may register to vote by completing a “Voter Registration Application” form. These are available from your county voter registrar, the Texas Secretary of State’s office, libraries, many post offices, and high schools. You may also register to vote when you apply for or renew a driver’s license. There

Registrar— someone who keeps official records

is no tax or fee to be paid and no test to pass. In Texas, the application is printed in both English and Spanish. Upon receiving a voter registration application, the county voter registrar will determine whether the applicant is qualified to vote. If the applicant is qualified, he or she will be mailed a voter registration certificate within 30 days from the date the county voter registrar receives the application. So if you want to vote in an upcoming election, you must register more than 30 days before the election.

If you move to a new address, even within the county, you need to update your registration. If you move to another county, you should re-register in the new county. Each voter is assigned to a precinct based on their place of residence. You will need to know your precinct number (which is on your voter registration card) in order to know where to vote.

Elections and Political Parties

Elections are held for several reasons: to elect officials to public office, to approve or disapprove new ordinances, to amend the state constitution, and to approve or disapprove the issuance of public debt. Primary elections are held to select party nominees and to get voters' opinions about propositions (non-binding referenda).

In the United States, our political system is called a "two-party" system. Political parties are not created by the constitution; they are formed and maintained by the citizens who support them. The two main political parties in Texas are the Republican and Democratic parties. These parties select their candidates through primary elections. Some *candidates* for office do not associate themselves with any party. They are referred to as independent candidates and are listed that way on the ballot.

Suppose you want to join a political party. How can you find out more about it? To find out what a political party says it stands for, first read things it has written. Locate party headquarters by looking on the Internet or in the white pages of your phone book under the name of the party. When you call, ask them to send you information on their *platform* and candidates. You can also ask if any group meetings are to be held in your area. You can learn more about the party's stand and purpose by attending such meetings.

In Texas, you become affiliated with one of the two major political parties by voting in that party's primary election, held in March of even-numbered years. When you present yourself to vote in a primary election, you may be asked to make sure that you are voting at the right place. Before you vote, an election clerk will stamp the party on your voter registration certificate. You cannot vote in another primary during this election. The easiest way to change parties is simply to vote in the other primary the next time a primary election is held. Essentially, you re-declare your party choice every 2 years. If you want, you can change it every time.

Types of Elections

There are four types of elections in which Texans can participate. Each election serves a special purpose and is held on a specified date.

The *primary* election is held on the second Tuesday in March during even-numbered years. The two major political parties (Democrat and Republican) choose their candidates during the primary election. Individual Democrats or Republicans run against other members from their own party. The winner will

Election—the process of voting to choose someone to serve in an elected office

Candidate—someone who is being considered for a political office or an official position

Platform—the publicly announced policies and promises of a party seeking election, understood as the basis of its actions should it come to power

Primary—an election to choose candidates who will represent each political party in the general election

represent his or her party against the representative from the opposing party in the general election. In a primary election you can vote for only one party's candidates. For a candidate to win his or her party's nomination during a primary election, he or she must get more than 50 percent, or a majority, of the votes.

If no candidate in a primary election receives a majority of the votes, the two candidates with the most votes compete in a *runoff* election. This election is held on the first Tuesday in April following the primary election. During a runoff election there are only two names on the ballot for each office being considered. A voter cannot switch parties between the primary and runoff elections. However, individuals who did not vote in the primary may vote in the runoff election. To win the runoff election a candidate must simply receive more votes than the other candidate.

A *general* election is held every even-numbered year on the first Tuesday after the first Monday of November. During this election, voters elect officeholders from those candidates who won their parties' primary election or were nominated by convention. The ballot will usually show a Democrat and Republican nominee for each office to be voted on by the public. Third party or independent candidates may also appear. Occasionally, only one name will appear on the ballot when one of the two major parties does not have a candidate.

A *write in* candidate is a person who has voters write his or her name on the ballot for a particular office. However, the write in candidate must file his or her intent to run 70 days before the election if the votes are to count. A write in candidate could win if enough people vote for him or her in the general election.

Voters elect officials to national, state and county offices during a general election. Since various offices have different terms, not all of these officials are up for election at the same time. For example, two of the four county commissioners (precincts 1 and 3) run for office during the same general election (except when vacancies need to be filled). The other two commissioners (precincts 2 and 4) run during the next general election (2 years later).

Candidates do not have to win a *majority* of the votes cast in the general election to win. A candidate must simply receive more votes than any of the other candidates (a *plurality*). There is no runoff after a general election.

County governments are responsible for conducting general elections. The county tax office accepts applications for voter registration, issues voter certificates, maintains voter registration lists, verifies petitions for local option elections, and submits required reports to the Secretary of State.

In addition to candidates for public office, voters can approve or disapprove constitutional amendments during a general election. *Amendments* are identified on the ballot as propositions because they have been proposed by a two-thirds vote of both the Texas Senate and the Texas House of Representatives. These propositions are printed after the candidates on the ballot. Each proposition is numbered and briefly describes the proposed change. It is the responsibility of the voter to become familiar with the propositions before the election. Each proposition on the ballot requires a FOR or AGAINST response.

Runoff—an election, race or other contest held after an earlier one that produced no clear winner

General—having a varied content or wide scope

Write in—a person who has other voters write his or her name on the ballot for a particular office

Majority—more than half of a total

Plurality—receiving more votes than any other candidate

Amendments—additions or alterations to a motion, bill or constitution

The fourth type of election is the special election. Special elections are sometimes called to:

- vote on constitutional amendments
- fill a *vacancy* in a state legislative office
- vote on a local option issue such as forming a water conservation district

Special elections can be held during any year but only on certain dates: the second Saturday in May or the first Tuesday after the first Monday in November. If an emergency warrants holding a special election before the appropriate uniform election date, it can be held earlier.

Filing for an Elected Office

A person interested in running for public office must:

- be a United States citizen
- be at least 18 years old on the first day of the *term* to be filled
- not have been determined mentally incompetent by judgment of a court
- not have been convicted of a felony from which the person has not been pardoned or otherwise released from the resulting punishment
- have lived continuously in the state for 12 months
- have resided in territory (i.e., district, county or precinct) for which the office is elected for 6 months immediately preceding the deadline for filing

If you want to run for a county office, you must file an application before the primary election. The Texas Election Code states that an application must be filed no later than 6:00 p.m. on January 2 of the primary election year. The application for a place on the primary election ballot must be filed with either the county party chairman or the secretary of the party.

The Election Process

A county election commission is chaired by the county judge in each county and consists of the county clerk, county tax assessor-collector, and county chairpersons of each political party. The board appoints an election judge for each election precinct. To be an election judge, a person must be a qualified voter and a resident of the part of the county in which the election is to be held. The election judge must also not be currently serving in a public office or be closely related to a candidate.

The commissioners court divides the county into election precincts. A precinct must be compact and contiguous.

The election judge is responsible for conducting the election at the polling place for a given election precinct. The judge is responsible for maintaining law and order at the polling place.

The Election Ballot

The vote in an election is by official *ballot*, which lists the offices and propositions that will be voted on in the election. The election code specifies how a candidate's name will be printed on the ballot. In Texas, the ballot may be on paper or computerized. The ballot must have "OFFICIAL BALLOT" printed in large letters right below the designation and date of the election. The ballot is printed in English and Spanish. The order of the candidates' names is determined by a drawing.

Vacancy—an office, position or tenancy that is unfilled or unoccupied

Term—the length of time something lasts, with a fixed beginning and end, often a period during which a person holds an appointment or office

Ballot—a sheet of paper or computer device used in voting, usually in an electoral system that allows the voter to make choices secretly

Chapter 5

Financing County Government



Anderson County Courthouse



Chapter Five: Financing County Government

Developmental Assets:	8. Youth responsibility 32. Planning and Decision Making
Life Skills:	Wise Use of Resources, Decision Making
TEKS:	Grade 7, 113.23 (5B), identify major sources of revenue for state and local governments Grade 7, 113.23 (21), apply critical-thinking skills to organize and use information acquired from a variety of sources, including electronic technology Grade 12, 113.35 (6B), identify the sources of revenue and expenditures of the U. S. government and analyze their impact on the U.S. economy
Objectives:	Students will: -identify the sources of income for county government - practice allocating funds for the different functions of county government

County *revenues* come primarily from taxes, fines and fees. The commissioners court decides which of the available taxes can be used and what tax rate is within statutory or constitutional restrictions. The types of taxes a county can levy are determined by the Texas Legislature. Fines and fees are collected by counties and then a portion goes to the state of Texas.

Revenue—income or money received or collected

Property Tax

Property tax is the main source of revenue for county governments. Property tax is an *ad valorem* tax, which means that property is taxed according to its value. The property tax is levied on all real property, such as land, buildings, home improvements and some personal property used or held for business purposes. In Texas, a county keeps 100 percent of the property tax it collects. Counties may contract to collect taxes for schools, cities or other jurisdictions also.

Ad valorem—in proportion to value

The value of real property is determined by the *central appraisal district*. (There is an appraisal district in each county.) The appraisal district is required to appraise property at 100 percent of its market value. The market value is determined by comparing a property with the values of similar properties in the same vicinity. The central appraisal district determines the value of all property in the district. The central appraisal district and the commissioners court operate independently. Property owners who believe their properties have been given too high an assessed value can protest to the appraisal district.

Central appraisal district—the entity responsible for appraising property in the district for the purpose of levying an ad valorem tax

The appraised value of a property is used by each taxing unit (county, city, school) to calculate the amount of tax owed. The county commissioners court sets the rate at which property in the county will be taxed. The tax rate is the percentage per \$100 of appraised value that will be assessed as property tax.

Some property is exempt from property tax or is taxed at a lower rate because of the way it is used.

The commissioners court has to collect enough money to serve the county's needs, but must balance its need for funds with the property owners' desire for lower taxes.

Other Sources of Income

A county has other sources of income besides property taxes, including fines, fees and vehicle registrations.

Fines and fees are deposited into the general operating funds of the county. Fines and fees can come from:

- criminal defendants who pay fines and court costs
- fines, civil fees and small claims fees levied by justices of the peace
- fees for the services of constables
- registering birth certificates and marriage licenses with the county clerk
- fines and fees levied by the county court
- passport fees, civil fees and felony fees paid to the district clerk
- bond forfeitures and arrest fees

Owners of motor vehicles and trailers must register their vehicles and pay a fee in the county tax assessor-collector's office. The county gets to keep the first \$50,000 of these fees plus an amount determined by multiplying the number of miles of county roads by a certain amount set by the state. The county tax assessor also keeps a certain percentage of fees before turning the remainder over to the state of Texas.

Some county revenue occasionally comes from a percentage of sales tax and the sales of alcoholic beverages, rent from property, oil and gas revenues, contracted jail services, intergovernmental transfers through particular departments, and state and federal grants.

Budgeting

Counties must decide how to *appropriate* their revenue. The county commissioners court has to determine how much money to give each county department to pay for its operations during the year. A *budget* is a financial plan of action for a fiscal year. The commissioners court establishes the county budget. Depending on the size of the county, the budget officer may be the county judge, county auditor or someone appointed to do the job.

Although counties can set their budgets in any way they choose, the following is a general method of setting a budget.

1. At the first commissioners court meeting in March, an item should be placed on the agenda to adopt the *budget policy* for the upcoming budget process. Policy items could include the budget calendar, *indebtedness*, general level of spending, salaries and benefits, and program priorities. The court may want to develop a financial forecast. The financial forecast may be prepared by the budget officer and

Appropriate—to set apart for or assign to a particular purpose or use

Budget—a financial plan of action for a fiscal year

Budget policy—assumptions and priorities used in planning a budget

Indebtedness—the condition of owing money

will give the commissioners court an idea of the total resources available and the general needs of the county.

2. The budget officer develops an estimate of revenue for the next year based on revenue from the past year. Departmental budget request forms are distributed to each county office. The budget officer collects requests from officials and departments. Using the revenue estimate and departmental requests, the budget officer compiles the initial budget proposal. The court can amend the budget by majority vote.

3. The budget officer presents the initial budget to the commissioners court. It is the responsibility of the commissioners court to conduct a hearing so that the department heads can justify their budget requests. The commissioners consider and amend the budget by majority vote. The tax assessor publishes notice of the effective tax rate. Generally, the *effective tax rate* is the rate necessary to generate the same amount of tax revenue as in the previous year's budget. If a tax increase is proposed, the public must be notified and a public hearing must be held.

Effective tax rate—the rate necessary to generate the same amount of tax revenue as in the previous year's budget

4. The budget officer writes up and reproduces the budget as adopted. The budget officer files the budget with the county clerk and posts public notice that the budget is available for inspection. The county will receive tax rolls and distribute tax statements. Statements must be mailed by October 1.

5. The county tax rate will be set by the commissioners court after the budget is approved.

Using the Money

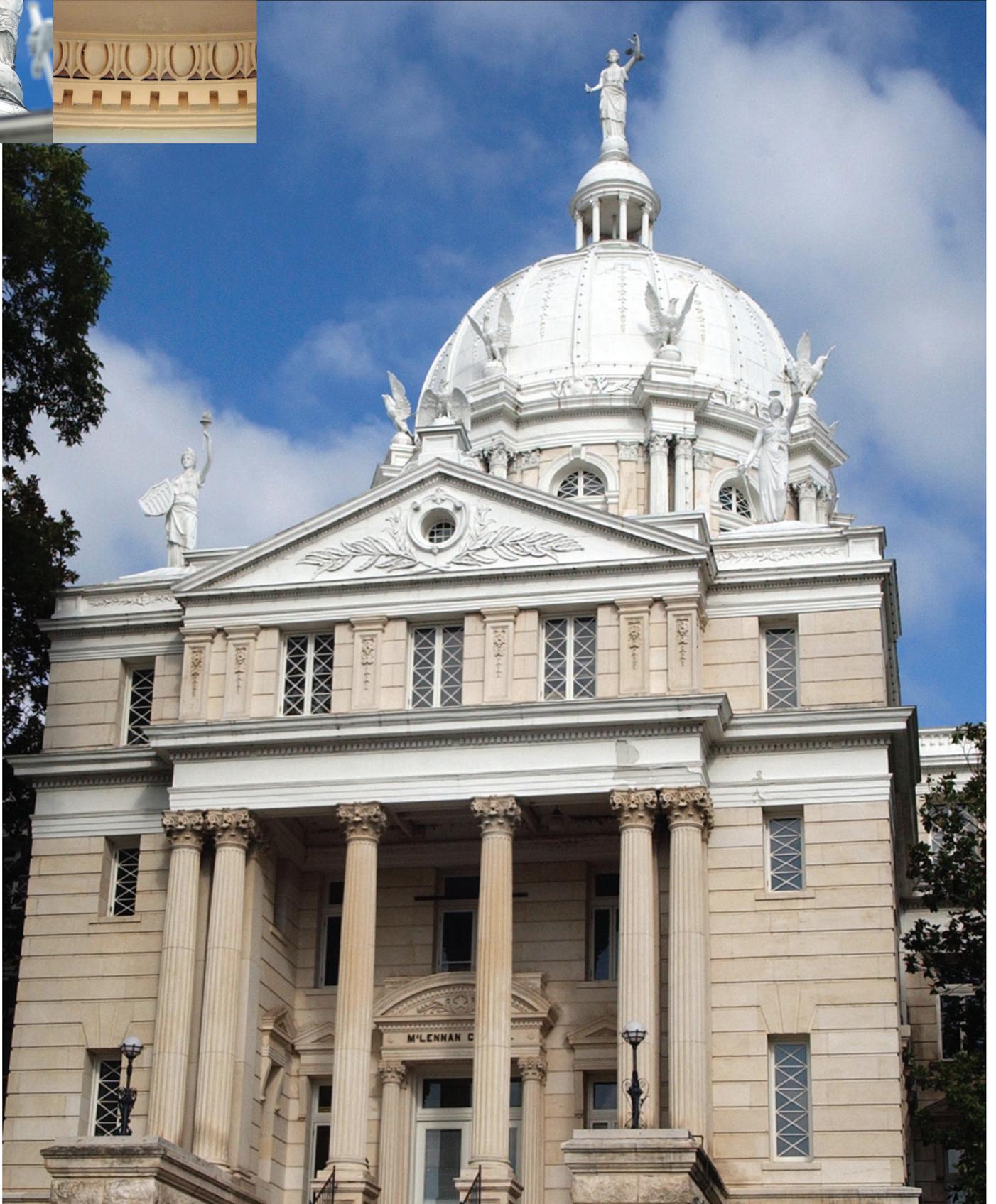
Once the budget is passed, each department must make its budgeted amount or *appropriation* last for the fiscal year. How does your family keep from spending too much money? Most families try to find the best deal for their dollar. Counties have a process for bidding and disbursement that helps them do the same thing.

Appropriation—sum of money in a budget for a specific purpose

Supplies, merchandise, most services, and road and bridge materials costing more than a certain amount per year must be purchased on a competitive bid basis. If the bid is for a service (building a new office, for example), the commissioners court has to decide which bidder can do the most complete job for the least amount of money. In an emergency, purchases costing less than a specified amount (such as \$1,000) may be made upon requisition and don't have to be advertised for competitive bids. All payments made for services or purchases that are bid must be approved by the commissioners court. In most counties, the county treasurer is responsible for the *disbursement* of all county funds and for paying money from the county treasury according to the directions of the commissioners court.

Disbursement—a payment of money, especially from a fund

Activities



McLennan County Courthouse