

County Treasurer

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The county treasurer occupies an important role in the fiscal operations of almost every county in Texas. As the county's banker, the treasurer is the chief custodian of all county finances.

Article 16, Section 44 of the Texas Constitution states, "the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer... who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law."

County treasurers must secure a bond before executing their official duties of office and within twenty days after the certification of election is received. The amount of this bond is determined by the commissioners court and is payable to the county judge. In addition to these requirements, county treasurers are required to obtain twenty hours of continuing education annually. Ten of these hours must be held on a campus of an institution of higher learning.

All funds belonging to the county received by any county official must be turned over to the county treasurer daily, although counties under 50,000 in population may relax this requirement up to thirty days. Certain funds, such as child support payments or money in the registry of a court, are handled according to specific court orders. All other fines, forfeitures and related fees are to be paid over to the county treasurer. Any monies owed to the county not collected by the other county officials may also be paid to the county treasurer.

The county treasurer is required to keep all county funds in the county depository. Most counties maintain funds in a local bank and the county treasurer acts as the chief liaison between the county and all depository banks. In this capacity, the treasurer maintains records of all deposits and withdrawals, and reconciles all bank statements, thus assuring their accuracy and the safety of all county funds.

Some duties fall to the county treasurer regarding the registration and custody of the proceeds of certain bonds issued by the county. They serve as the financial manager and coordinator of all revenue bonds and funds, including initial issuance, establishment of accounts, acceptance of original funds and payment of accounts. An account of the principal and interest paid on courthouse, jail, road, and related improvement bonds must also be maintained by the treasurer. The treasurer also serves as custodian of the sheriff's bail bond collateral.

Many county treasurers are also the county's investment officer. The county treasurer may, at the instruction of the commissioners court, withdraw county funds and invest in and purchase federal securities. These funds are invested in accordance with the direction of the commissioners court's required Investment Policy and Investment Strategy for the county, provisions of the depository contract, and the provisions of law. Should revenue be realized by prudent management of investment funds, it is the county treasurer's responsibility to keep and account for those funds.

It is the responsibility of the county treasurer to disbursing all money belonging to the county. After expenditures have been approved by the commissioners court, the treasurer processes payments. The county treasurer and county clerk or county auditor then join together to sign warrants drawn on the county treasury or checks drawn on county funds. However, jury checks are prepared by the county and district clerks on order of the court's judge and are countersigned by the county treasurer; in some counties, this may also be a duty of the county treasurer. The county treasurer is the proper official authorized to make delivery of all county checks to the payee.

In most counties, the treasurer is charged with payroll responsibility. They may also serve as facilitator for social security, county retirement, group health insurance, credit union, deferred compensation and savings bonds deductions for county employees.

Regular reports on county finances are submitted by the treasurer to the members of commissioners court to inspect and verify. By statute, the court must approve the treasurers report and the county judge and all commissioners must file an affidavit with the county clerk as well as publish in the newspaper a statement reflecting the court's compliance with the statute. The county treasurer performs no direct role in determining the fiscal policy of a county; this is set by the commissioners court. However, the county treasurer may aid the court in determining its fiscal decisions.

The office of county treasurer can have many miscellaneous duties. If a county does not have an auditor, the county treasurer is vested with the responsibility of examining the accounts, dockets, and records of the sheriff, justices of the peace, constables, tax assessor-collector, and clerks offices. The county treasurer may be permitted or required at times to act as the treasurer for other districts or local governmental entities. Some

examples include navigation districts, drainage districts, levee improvement districts, or hospital districts.

A county treasurer also has limited authority to institute a lawsuit on behalf of the county to recover or collect county money. This authority to sue in the name of the county is an unusual and significant discretionary power vested in the treasurer's office. The county treasurer may direct prosecution to recover any debt that may be due the county.

As the fiscal officer for Texas counties, the county treasurer plays a key role in successful management of county government.

For more information on the office of County Treasurer or other county government topics and issues, please contact the V.G. Young Institute of County Government.

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